

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL WORK SESSION
HELD WEDNESDAY, APRIL 4, 2023, AT 4:00 P.M. IN THE COTTONWOOD HEIGHTS
CITY COUNCIL WORK ROOM LOCATED AT 2277 EAST BENGAL BOULEVARD,
COTTONWOOD HEIGHTS, UTAH**

Members Present: Mayor Mike Weichers, Council Member Scott Bracken, Council Member Shawn E. Newell, Council Member Ellen Birrell (via Zoom)

Staff Present: City Manager Tim Tingey, City Attorney Shane Topham, Records, Culture, and Human Resources Director Paula Melgar, Culture Manager Ann Eatchel, Public Works Director Matt Shipp, Senior Staff Engineer Adam Ginsberg, Police Chief Robby Russo, Administrative and Financial Services Director Scott Jorges, IT Manager Matt Ervin, UFA Assistant Chief Riley Pilgrim (via Zoom)

Excused: Council Member Douglas Petersen, Community and Economic Development Director Michael Johnson

1. WELCOME – Mayor Weichers.

Mayor Mike Weichers called the meeting to order at 4:00 p.m. and welcomed those present.

2. REVIEW OF BUSINESS MEETING AGENDA – Mayor Mike Weichers.

The Business Meeting agenda items were reviewed and discussed.

There would be an acknowledgment of Proclamation 2020-04 – Designating Each April as Child Abuse Prevention Month. Mayor Weichers reported that in 2020, the City Council passed a Proclamation that designated April as Child Abuse Prevention Month. That did not need to be renewed as it renewed each year, but it was recognized each April during a City Council Meeting.

Following the acknowledgment there will be a Citizen Comment period. One Action Item was on the City Council Business Meeting Agenda, which was consideration of Ordinance 395 – Amending Title 17, Cottonwood Heights Code of Ordinances, Concerning Storm Water Management. The item would be discussed during the Staff Report portion of the Work Session. The agenda also included the Consent Calendar, which had some Meeting Minutes to approve.

3. Y2 ANALYTICS SURVEY – Kyrene Gibbs, Partner and Vice President of Research.

Mayor Weichers introduced Kyrene Gibbs from Y2 Analytics. He reported that another survey had been commissioned and residents responded to that survey. There was a lot of participation, and the results would now be reviewed by the Council. City Manager, Tim Tingey reported that the full results of the survey were distributed to the Council Members for review the previous week. The summary report was also included in the meeting materials packet. He hoped that the results of the survey would assist with the General Plan process for Cottonwood Heights.

Ms. Gibbs shared some of the high-level findings from the 2023 Housing Priorities Survey. She noted that housing, development, and growth are difficult issues throughout the State. Residents gave above-average ratings for trails and open spaces as well as for commercial business options in Cottonwood Heights. There is a lot to enjoy in Cottonwood Heights but approximately one-third of residents reported that walkability, public transit, and affordable housing options need improvement. When residents were asked about the type of housing that is desired in Cottonwood Heights, there was support for traditional single-family housing. That was followed by condensed lot single-family housing and townhomes. Condominium and apartment buildings were ranked as the least popular housing development options.

When residents were asked specifically about a potential new multi-family housing development, respondents were most interested in seeing something like that close to the commercial areas and away from the canyons. There was a desire to preserve the mountain viewshed throughout the community as well as the existing single-family neighborhoods. Ms. Gibbs noted that residents are concerned about the impact on property values as a result of increased density. As for development and growth in general, residents gravitated toward developments with mixed housing and recreational uses rather than business uses. She clarified that recreational uses included parks, trails, and shared green space. Those were more appealing to residents than a traditional mixed-use development that also included commercial use.

Council Member Birrell noted that residents want to see multi-family housing development that is close to commercial areas and away from the canyons. She thought that was an interesting finding for the Council to consider since there is an urban core planned that would be close to the canyons the conversion of the Gravel Pit to dense and urban development.

Council Member Bracken asked for additional clarification about recreational uses. Ms. Gibbs clarified that there was no explicit definition of the term included in the survey. That being said, more public access to recreational amenities was something residents wanted to see incorporated into developments. In addition, residents want to see those developments dispersed throughout the City. For instance, single-family housing with shared recreational amenities.

The two areas where there was the most consensus in the survey had to do with interest in the development of small, walkable neighborhood commercial centers and spreading new development throughout the City. Ms. Gibbs explained that there was an interest in increasing pedestrian friendliness in Cottonwood Heights through potential small urban centers.

Ms. Gibbs reviewed the survey methodology. She reported that 782 Cottonwood Heights residents took the survey. The data was weighted with regard to age, gender, race, and home ownership to reflect the overall City population. Residents were contacted via postcard, email, and text message to participate in the survey. There was a minor server outage the weekend that postcards started to be delivered. However, the outage was resolved and residents who reached out to the City directly and to the Y2 Analytics Help Line received responses. The margin of error for the survey was +4.2 percentage points. The survey took place between February 7 and March 8, 2023.

The 2022 survey results relating to housing and development were shared. Ms. Gibbs noted that the responses at that time helped inform the direction of the 2023 survey. Overall, the things that

residents felt were the most important issues facing the City in 2022 were traffic, growth, housing density, and water conservation. Approximately 58% of residents felt that the City was growing and developing positively but there were concerns about the availability and affordability of housing. There was a lot of interest in small commercial centers, mixed-use developments, and more single-family housing. Preserving the skyline and neighborhood views, making communities more walkable, and providing affordable housing were identified as priorities.

There was discussion regarding residents' desire for affordable housing. Mayor Weichers thought the number who want to see affordable housing prioritized would be a lot higher. Ms. Gibbs noted that one-third of residents in Cottonwood Heights have already paid off their homes. As a result, a lot of residents are not paying rent or making a mortgage payment. The younger age demographic was significantly more likely to be dissatisfied with housing affordability.

The 2023 survey results were reviewed in more detail. There was high satisfaction with trails and open spaces as well as the commercial business options throughout the City. There was moderate satisfaction with the activities and entertainment options in the City. Ms. Gibbs noted that there was a shift to average or below-average ratings in the categories of walkability and pedestrian friendliness of the City, public transportation options, and affordable housing options. 80% of residents gave an average or needs improvement rating for affordable housing. She reported that the numbers were relatively consistent across the different districts. However, there were a few differences. For example, residents in District 4 were the least likely to offer above-average ratings for the walkability or pedestrian friendliness of the City. There was a sense that residents in that area in particular wanted to see an increase in the walkability of their neighborhoods. As for public transportation options, District 1 residents were the most satisfied overall. That was likely because most of the transit access was located in District 1.

Residents were asked about their housing payments each month. This included both renters and homeowners. There was a fairly normal distribution but the most frequently cited monthly housing cost was between \$1,500 and \$2,500 per month. Ms. Gibbs reported that 31% of owners are not paying for housing costs each month as their mortgage was already paid off.

Residents were asked how available they thought various types of housing were in the City. 74% of residents thought that apartments were very or somewhat available in Cottonwood Heights. 59% of residents thought that single-family homes with large yards were very or somewhat available. Ms. Gibbs explained that there was an overwhelming perception that all of the development and growth is high-density and that apartments are being built everywhere. That perception drove a lot of concerns shown in the survey although that perception was not accurate. Ms. Gibbs discussed the "missing middle" style of housing. This included townhomes with individual yards and detached single-family homes that share a common lot with open space. Those were the options residents were most likely to say were not very or not at all available in the City. Some of the mid-density options could be provided more. Residents in District 1 were most likely to say that apartments were very or somewhat available.

The residents' priorities and preferences were reviewed. Ms. Gibbs reported that just under half of the respondents were interested in seeing more single-family housing. 20% were interested in seeing condensed lot single-family housing, 17% wanted to see more townhomes, and

approximately 10% were interested in condominiums and apartments. The results were similar across the different districts. Residents were asked about the ideal locations for potential multi-family housing. A heat map was created to identify where residents felt that type of development should take place within Cottonwood Heights. Some of the common responses were near transit corridors, existing shopping and commercial centers, and freeway and business accesses. There was a desire to keep additional congestion away from the canyons. It was noted that the Gravel Pit was referenced and some residents were open to seeing more density there.

Ms. Gibbs reported that various tradeoffs were presented to residents. When residents were asked if they wanted to see more emphasis on multi-family and other affordable housing options with convenient access to transit routes or see the City maintain the current emphasis on commercial and retail space along significant transit corridors, there was more or less a split down the middle. There was a statistically significant leaning toward maintaining the existing land use emphasis, but it was not a strong leaning. When residents were asked if they would prefer to see more high-density housing developments with opportunities for younger generations and future residents to live in the City or maintain the current housing stock and limit future opportunities, there was a leaning toward maintaining the current housing stock.

When residents were asked if they prefer to see a broader mix of housing types with more opportunities for residents of different socioeconomic backgrounds or maintain the current housing stock and limit those opportunities, there was almost an even split, with a slight leaning toward maintaining the current housing stock. Ms. Gibbs noted that there are some areas in the survey results where there was a consensus. For instance, residents supported planning for the development of small neighborhood commercial centers in future zoning to promote walkability. In addition, there was a fair amount of support for more townhomes, condominiums, and multi-unit lots spread throughout the City with restricted building heights to preserve the existing views. Council Member Bracken referenced the support for smaller commercial centers. He was interested to see which areas of the City would be able to accommodate that type of development and if pointed out, how supportive the local communities would be.

Ms. Gibbs shared information related to the conjoint exercise. She explained that a conjoint experiment was designed to present residents with two options for complete housing developments. The intention was to find out which option respondents preferred. The most popular potential development would be built inside an existing neighborhood with lower density. The mixed-use and land-use elements drove the preferences. For instance, if the option contains only housing, a mixture of businesses and housing, a mixture of housing and recreation, or a mixture of housing, businesses, and recreation. The most popular overall was a mixture of housing and recreational amenities. Ms. Gibbs noted that the full results were available to review.

4. BIG COTTONWOOD CANYON MOBILITY ACTION PLAN DISCUSSION – Central Wasatch Commission Executive Director, Blake Perez (presented via Zoom).

Mayor Weichers reported that there would be a presentation related to the Big Cottonwood Canyon Mobility Action Plan (“BCC MAP”). He explained that Cottonwood Heights is a member of the Central Wasatch Commission (“CWC”). A study was commissioned to better understand how to

address traffic and transportation issues in Big Cottonwood Canyon. CWC Executive Director of Administration, Blake Perez, was present to share information about the BCC MAP.

Mr. Perez shared a presentation from AECOM, which was presented to the CWC Transportation Committee on March 22, 2023. It provided information about the BCC MAP Draft Report. He explained that the Draft Report could be found on the CWC website. The presentation would share high-level information with the full report available for Council Member review.

Mr. Perez informed those present that the BCC MAP would present a menu of options that could be further pursued. It was not intended to deliver one solution but a menu of options to consider. He reviewed the timeline and explained that the BCC MAP began in October 2022. Through the end of the fall and into the winter, there was a Mobility Network Analysis. Mobility Hub Assessments also took place as well as data collection, plan reviews, and a definition of the visions and goals. From there, more defined mobility hub recommendations were done and a public survey was released. At the end of March 2023, the Draft BCC MAP was completed. In the next six weeks, that draft would be revised, updated, and finalized. The final BCC MAP would be presented to the Transportation Committee and then the CWC Board in May 2023.

The BCC MAP was created to address the existing issues in Big Cottonwood Canyon:

- Lack of convenient, frequent, and reliable transit connecting to and serving Big Cottonwood Canyon;
- Peak-period traffic congestion and the lack of exclusive bus lanes restricts mobility and hampers the frequency and reliability of bus service;
- Limited parking to access the ski buses near the base of the canyon; buses are already full by the time they reach the mouth of the canyon;
- Safety.

As for the recommendations in the BCC MAP, there was a range of options that could be implemented independently or alongside other recommendations. Mr. Perez reiterated that there was not one single overarching solution presented in the BCC MAP. There was a focus on winter peak periods but year-round considerations were also included in the document. The full list of recommendations, descriptions, and implementation considerations were included in the Draft BCC MAP document, which was available on the CWC website. He reported that there were six different types of recommended solutions. The categories were transit service, travel demand management, parking management, mobility hubs and bus stops, roadway improvements, and administrative and policy. Under each of the categories, several recommended solutions could be pursued. However, the categories were the overarching themes.

Mr. Perez reviewed the transit service category. He noted that there were several options listed as well as the key problems that those options would address. In addition, there was a potential timeline included for implementation. One option listed was to increase Route 972 Service. That was listed as a near-term transit improvement. The next option was to Implement Select Trips on Route 953, which was another near-term transit improvement. Lastly, there was an option to have

a Supplementary Reservation-Based Shuttle Service (Winter). That was also near-term. As for the near-to-mid-term timeline, the option listed was for BCC Seasonal Express Bus to Resorts.

The mid-term timeline options were discussed. Mr. Perez reported that one option was an Exclusive Transit Lane (Solitude through Brighton Loop) and another was for Year-Round BCC Bus Service. As for the long-term timeline options, there were two listed, which included Cottonwood – Midvale Core Route (15-Minute Service) and 6200 South Core Route (15-Minute Service). The key problems addressed with the long-term options included increased transit, decreased peak period vehicles, and transit options that were closer to the homes of visitors.

Mr. Perez reviewed the mobility hub and bus stop categories. He explained that mobility hubs and bus stops played a key role in providing transit to visitors. The near-term options were reviewed, which included the Mouth of the Canyon Park and Ride Restriping, the Mouth of the Canyon Park and Ride Improvements, the Brighton Resort Mobility Hub, and the Solitude Resort Mobility Hub/Bus Stop. There was one mid-term option included for the category, which was the Gravel Pit Mobility Hub. For the mid to long-term options, there were Trailhead Bus Stops and Regional Transit Transportation Centers listed. Additional details were in the Draft BCC MAP.

Council Member Birrell asked if the CWC was advocating for transit facilities within the Solitude and Brighton parking lots. Mr. Perez reviewed some of the options included in the mobility hub and bus stop category and explained that the Brighton Resort Mobility Hub and Solitude Resort Mobility Hub/Bus Stop were listed. Brighton Mayor Dan Knopp was adamant that those pieces of the transit puzzle were important for Big Cottonwood Canyon and the region.

Mr. Perez reviewed the roadway improvements category. There were three mid-term options listed, which included a Fort Union Dual Turn Lane, Fort Union Merge Lane, and a Guardsman Pass Road Intersection. He explained that the roadway improvements listed came from the Utah Department of Transportation (“UDOT”) Big Cottonwood Canyon Corridor Study. The intention was to recommend options that met the vision and goals of the BCC MAP. For the travel demand management category, there was one near to mid-term option, which was Dynamic Tolling. Additionally, there was a mid-term option for an Incentivized Bus Fare Structure or Transit Pass Options. For the parking management category, the near to mid-term option was for a Reservation System. The mid-term option was to Reduce or Eliminate Roadside Parking. Mr. Perez noted that the final category was administrative and policy. The option listed there was a long-term suggestion, which was for a New Canyons-Specific Transit Agency.

The next steps were discussed. Mr. Perez explained that the Draft BCC MAP was available on the CWC website and the public comment period was open. Those comments would be reviewed, analyzed, considered, and included in the final BCC MAP. The final version of the BCC MAP would be presented to the CWC Transportation Committee on April 25, 2023. A final presentation would take place with the CWC Board on May 1, 2023. He noted that there could be some follow-up with the Cottonwood Heights City Council after that. Mr. Perez thanked Mayor Weichers and the City Council for their involvement and participation in the BCC MAP process.

Council Member Birrell noted that some Utah Transit Authority (“UTA”) service was lost during the last ski season due to bus operator issues. Some forward-thinking was needed to make sure

that did not happen again. She applauded the work being done with the BCC MAP and stated that the CWC had been innovative. Council Member Shawn E. Newell liked the direction of the BCC MAP but asked for clarity about tolling. He wondered whether there had been discussions about how the tolling revenue would be dispersed. Mr. Perez reported that any potential tolling funds would be used to administer the program and address necessary roadway maintenance. He clarified that the revenue received from tolling was not anticipated to be high.

Council Member Newell referenced the option related to a canyons-specific transit agency. He asked about the governance structure. Mr. Perez explained that there were two possibilities, one of which was a Transportation Management Association (“TMA”). TMAs do not collect tax revenue but is a group that pays dues. A TMA can collect revenue or utilize membership dues to supplement additional transit service. Another possibility was a transit district. In that instance, the transit district could partner with UTA. UTA could commit to a certain level of service and the new transit district could collect taxes within the district and find a third-party provider to meet that specific need. The transit district would have more flexibility than UTA but it would also have a partnership with UTA.

Mayor Weichers shared background information about the BCC MAP process. During a recent Transportation Committee Meeting, there was discussion with UDOT. The Committee wanted to know what needed to be done to address the transportation issues in Big Cottonwood Canyon. UDOT recommended that a plan be created. There had been a Request for Proposals (“RFP”) and AECOM was selected to do the work. AECOM recommended a lot of solutions and was also tasked with identifying funding opportunities to accomplish some of the recommendations. Mayor Weichers thanked Mr. Perez for his presentation on the BCC MAP.

5. STAFF REPORTS.

a. City Hall Alcohol Policy and Room Rental Costs – Culture Manager, Ann Eatchel.

Mr. Tingey shared information about the Facility Use Policy. In 2018, the City updated the policy to permit the serving of beer and wine in the Cullimore Community Room. The City Council at that time wanted to allow the use of alcohol in the facility under certain circumstances. There was a lot of discussion about the policy and concerns were expressed by Police Chief, Robby Russo. Mr. Tingey explained that the intention was to now share updated information about the policy and receive Council Member feedback. If the City Council wanted to see some changes made, the policies would come back to the Council for consideration at a future meeting.

Culture Manager, Ann Eatchel reported that when the use of alcohol was previously discussed, the City Council shared several recommendations. For instance, the policy requires that a licensed and insured caterer serve the alcohol with liability policies set at \$1 million. In addition, the renters need to have a separate insurance policy of \$2 million for Dram Shop Liability. However, there was one concern that she wanted to share with the Council. Renters and City Staff were having difficulty finding an insurance policy that covered up to \$2 million. There had not been a rental with alcohol as a result. The recommendation from City Staff was to either prohibit alcohol service

or require licensed caterers to have a \$2 million policy in place. City Attorney, Shane Topham noted that the City was liable to a certain amount and the policy was intended to address that.

Mayor Weichers explained that the City was not against responsible alcohol consumption. That being said, the issue with the policy was that renters cannot obtain an insurance policy that covers the liability of the City. He was in favor of removing the alcohol option. Council Member Newell was also in favor of removing the alcohol policy. Council Member Birrell was not sure why a caterer with a liquor license and the appropriate level of insurance was not enough. Ms. Eatchel reported that a caterer she spoke to has a \$2 million policy. She was not certain whether they would consider increasing that to a \$3 million policy. Council Member Birrell asked how other cities address alcohol service in their facilities. It was noted that many other cities do not permit the use but some do. Mr. Topham clarified that the issue was not what other cities were doing. Cottonwood Heights needed to consider potential liability.

The Council further discussed the policy. Mr. Topham suggested that language specify that there needs to be a \$3 million policy between the caterer and the renter. Mayor Weichers wondered what would stop a potential litigant from suing both the caterer and the City. Mr. Topham stated that the City must be named under the policy and have coverage available. Mayor Weichers noted that there are other venues in the City where alcohol can be served. It might be best to remove the alcohol policy from the community room. Council Member Bracken wondered how many serious inquiries there had been about alcohol service in the Community Room. Ms. Eatchel reported that there had been approximately five requests so far.

Council Member Bracken pointed out that the item was not being voted on currently. It would come before the City Council at a future Business Meeting. Most of the Council supported removing the policy that allowed alcohol use but it could be discussed further when it is added to a Business Meeting Agenda for consideration. Mr. Topham believed the Council that made the amendment to allow alcohol under certain conditions wanted residents to be able to drink responsibly at events, however, the City was unwilling to take on that liability.

Ms. Eatchel discussed another Facility Use Policy with the Council. Currently, the fee schedule states that a “resident, 501(c)(3) non-profit, or business within the City limits” falls under the \$50 charge for the room rental. \$100 was listed for “non-resident or business outside of the City.” Her concern was that the policy regarding rental costs for 501(c)(3) non-profits was unclear. Outside non-profits were considering renting the facility due to the low cost, which could potentially limit the availability for residents and businesses. The recommendation was that non-profit organizations with 501(c)(3) status that are located outside of the City limits be required to pay a fee for being outside of the City limits, which was the \$100 fee listed.

Council Member Newell asked why residents are charged a fee to rent a public facility. Ms. Eatchel explained that the fee offsets some of the expenses associated with the rental. She noted that the fee is minimal compared to other room rentals. Mr. Tingey reported that a fee analysis was conducted and the associated costs were evaluated. Council Member Newell asked about the deposit. Ms. Eatchel pointed out that the deposit was the next item to be discussed. She explained that there have been times when a portion of the deposit has been used to address issues. However, it does not happen often. Council Member Newell suggested that the types of damages

be listed to inform renters about the issues that would impact the return of their deposit. For example, a certain amount for stains, rips, etc. Ms. Eatchel noted that those kinds of issues have only happened a handful of times so far, but the costs could be added.

Council Member Birrell understood the Community Room being rented out for a wedding or a similar function. That being said, when residents want to use a meeting room to discuss civic matters, there should not be a fee. The rental deposit could be refunded if there is no damage. She received comments from constituents and there was interest in utilizing the room for civic discussions. That fell under a very different category than a wedding or an event. It was a service to the citizens and she felt it was acceptable to incur a loss in those instances.

Mr. Tingey noted that City Staff would come back with the policies for additional discussion and consideration at a future City Council Meeting. The fee element was budgetary and could be discussed during the budget process for the year. The Council further discussed the suggestion made by Council Member Birrell. Council Member Bracken worried that there would be difficulty defining what constitutes a civic discussion. As for the security deposit fees, the facility policy states that for fewer than 50 occupants, residents are charged \$50 and non-residents \$100. For more than 50 occupants, the fee is \$200 for residents and \$250 for non-residents. The refundable deposit fees are relatively low and the suggestion was to change it to a \$250 flat rate for residents and non-residents for all room rentals. Ms. Eatchel clarified that the rental fee needs to be paid as well as the deposit. The deposit will be returned if there is no damage.

b. Parade Guidelines – Culture Manager, Ann Eatchel.

Mr. Tingey reported that some proposed changes to the Parade Guidelines were recommended by the Butlerville Days Committee. One of the primary changes was to allow candidates running for office in Cottonwood Heights to participate in the parade. Representatives from the Butlerville Days Committee, Aabri Kimball, and Ashley McClelland were present to answer questions. Ms. Eatchel reported that City Staff met with the Butlerville Day Committee and the Committee ultimately asked for certain changes to be made to the Parade Guidelines. Most of the proposed changes were minor and related to wording.

Ms. Eatchel explained that last year, the decision was made to discuss parade safety, and some changes were made at that time. In her view, the biggest issues related to safety had to do with the candidates that were walking. Ms. Kimball noted that the parade was for members of the community and that was how she viewed the festivities first. After that, she looked at what was fair. Her preference was that candidates running for office be included in the parade for fairness and safety. Ms. Eatchel reported that seated officials were already allowed in the parade. The question was whether the City Council wanted to consider allowing candidates on the ballot to be in the parade as well. This would ensure that the candidates follow the parade guidelines on safety. She noted that there was still a preference not to allow political issues to be included in the parade.

In terms of candidates, the car, float, or clothing worn could indicate that a candidate is running for office. However, passing out flyers was discouraged, because of the debris that would be left behind. Council Member Newell asked about those running for county-wide positions. It was

determined that since someone in Cottonwood Heights could vote for them, it would be appropriate to allow candidates running for county-wide positions to participate.

Mayor Weichers did not believe there would be an issue if there was a general election but was concerned about a Ranked-Choice Voting Election because of the filing date. Council Member Bracken believed anyone in the parade would have had to have filed. If there was a general election, the filing date is in June, but for Ranked-Choice Voting, the filing date is in August. Council Member Bracken had organizational concerns. Ms. Kimball explained that as a resident, she likes to see the City Council on a float and stated that it is important to see who is representing the City.

Council Member Newell asked about other elected officials that represent Cottonwood Heights. Mayor Weichers believed that if someone is elected county-wide, they would be eligible to participate in the parade. Council Member Newell suggested that be stated clearly in the language. Mr. Tingey offered to look into the language further and refine what was proposed.

Council Member Birrell believed that the proposed language would state that anyone who registered to run at the City, County, State, or Federal level could have a sitting presence in the parade. Council Member Bracken clarified that those registered can be on a float, vehicle, or walk in the parade. Council Member Birrell expressed concerns about what would happen if Ranked-Choice Voting was selected because there would not be registered candidates for the parade. She was not sure how to execute things procedurally if no one is formally registered until after the parade. Council Member Bracken believed they would be excluded in that instance.

Council Member Newell felt there should be a place for those running, even if Ranked-Choice Voting is in place. He explained that there needs to be equity between those who plan to run and incumbents. Mayor Weichers felt that the decision about the language would depend largely on the type of election process selected. If the primary general election was chosen, the proposed language for the parade made sense. However, if Ranked-Choice Voting was selected, there might need to be some other language drafted to account for that. Mr. Tingey reported that April 18, 2023, is when the election discussion was scheduled to occur.

The Council further discussed the parade guidelines. It was suggested that those interested could register as potential candidates in the event of Ranked-Choice Voting. Mayor Weichers suggested that the discussions wait until a decision is made about the voting method. He believed there was agreement to accept the changes proposed by the Butlerville Days Committee if there is a Primary General Election. If not, the language would likely need to be revisited.

c. **Transportation Master Plan – Public Works Director/City Engineer, Matt Shipp.**

Mayor Weichers reported that the Transportation Master Plan was discussed during the Retreat. Some changes were requested at that time. Public Works Director and City Engineer, Matt Shipp, and Senior Staff Engineer, Adam Ginsberg, were both present to share additional information. Mr. Ginsberg explained that the Transportation Master Plan was presented to the City Council in

November 2022. At that time, comments were received, and the plan was adjusted accordingly. He noted that the changes made would now be reviewed by the Council.

Mr. Ginsberg reported that there had been some questions during the last discussion about the population data that was used in the model. The population graph was updated to better reflect the actual projected population, according to the US Census and Wasatch Front Regional Council (“WFRC”) Travel Demand Model. It now showed the estimated population of Cottonwood Heights. The 2020 Census was 32,700 and the 2050 estimated population was 41,800. The major contributor to that growth was related to the proposed Gravel Pit development. A different model was shown previously, which took into account population projections but also added in the socioeconomic impact. He explained that this included everyone who came to work in the areas shown and not just those who live in the City. It was clarified that the changes made to the model would not impact the recommendations made within the plan.

Information about the Safe Streets and Roads for All (“SS4A”) grant was shared. Mr. Ginsberg explained that the Council had asked City Staff to look into the grant further. A section had been added that outlined the grant process. He reported that Cottonwood Heights was committed to developing a Safety Action Plan that addressed roadway safety problems in Cottonwood Heights. It was the first step towards obtaining funding through the Federal grant. The purpose of the grant was to increase roadway safety by significantly reducing or eliminating fatalities or serious injuries. Cottonwood Heights had already taken the first step with WFRC and a grant was obtained to complete the Safety Action Plan. That would be completed sometime next year. The next step after that was the Implementation Plan grant, where any projects identified in the Safety Action Plan would be eligible for consideration through an Implementation Plan grant. Funds could be used for different projects, such as infrastructure, behavior activities, and operational safety.

There was discussion about the existing level of service (“LOS”), specifically on 2300 East. Mr. Ginsberg explained that he had reached out to Horrocks Engineering and asked them to look at the information again. 2300 East was between a LOS D and a LOS E. Ultimately, it was determined that the existing LOS for that road was relatively acceptable. As a result, that had been updated, and it was shown as a LOS D instead of a LOS E on the Existing LOS Map.

Mr. Ginsberg reviewed the updated recommended roadway projects with the Council. He explained that the projects themselves had not changed. For 2300 East, the recommendation was to reconfigure the roadway from two lanes to three lanes. Most of 2300 East was already three lanes, but there was still a section that was two lanes. That was the only lane on 2300 East that was being discussed. He noted that 2300 East was listed as project 1.1 in the chart shown.

Council Member Birrell pointed out that the Transportation Master Plan was focused on convenience for motorists. She felt some projects will make the City more walkable and safer for all users. She was not sure that all of the projects listed in the plan would be the best use of funding. Mr. Ginsberg noted that the recommended projects had been updated to further emphasize pedestrian and bicycle safety. For all of the operations projections, there were elements related to walkability. One example was Danish Road, which would include sidewalks, crossings, and other additions that would make the road safer for all users.

Council Member Bracken asked if the costs listed covered the right-of-way acquisitions. This was denied. Mr. Ginsberg noted that there were recommended cross-sections for the roadways, but a right-of-way study had not been completed at the current time. When the process of acquiring funding or allocating funding took place, those costs would need to be considered. He reported that 2300 East would be eligible for Federal funding. Discussions were had about the recommended roadway projects. Council Member Birrell referenced project 1.2 and asked for additional information about auxiliary turn lanes. Mr. Ginsberg clarified that on 2300 East, there was no right turn lane for people trying to turn onto Fort Union going southbound.

Council Member Birrell explained that she had some issues with the Transportation Master Plan. On one hand, the City was interested in SS4A but she did not believe that there was consensus about what it meant to have safe mobility. For instance, in her reading, slip lanes encouraged motorists to turn right without coming to a stop. Whenever that kind of behavior was encouraged, it created safety issues. She was concerned about pedestrians. Slip lanes, which she believed were being referred to as auxiliary turn lanes, endangered pedestrians and were in conflict with the desire to increase safety. Another issue in the Transportation Master Plan was that based on the information shown, there would not be true walkability in the City Center area until phase three. Council Member Bracken did not agree with the comments shared about the plan.

Mr. Ginsberg continued to review the recommendations and clarified that on 2300 East, the recommendation was for a pocket lane and not a slip lane. The recommendations shown included bicycle lanes at the intersections. All of the projects included elements of walkability and pedestrian safety. When it was time to move forward with a particular project, there would be more concrete recommendations with the pedestrian and bicycle safety elements included.

Mr. Ginsberg noted that Staff was asked to look at the transportation backbone. As a result, the Proposed Active Transportation Backbone Network Map was created. It showed the proposed projects for an active transportation backbone network. The grey lines indicated the existing facilities. He clarified that the projects identified on the map came from the Mid-Valley Active Transportation Plan. Most were shown as multi-use paths, which were the trails that were separated from the roadway. Those were generally the safest form of alternative transportation.

The comments shared during previous City Council Meetings and the Retreat were considered and incorporated into the Transportation Master Plan. The item would be brought back at a future Work Session, but eventually, it needed to be formally considered by the Council. Mayor Weichers expressed his support for the changes presented by City Staff. Council Member Bracken was also supportive of what had been presented. Council Member Birrell reiterated her position and expressed concerns about walkability. The Transportation Master Plan would not move Cottonwood Heights in the direction residents wanted to see in a timely fashion. She urged the Council to further discuss walkability. It was determined that Transportation Master Plan would come back to the Council for additional discussion before it was formally considered.

d. Title 17 Amendments – Public Works Director/City Engineer, Matt Shipp.

Mr. Shipp shared information related to Title 17 amendments for stormwater. Last year, the City was audited by the State of Utah with the State of Utah Storm Water Audit. He clarified that every

city would be audited at some point. The audit reviewed the stormwater program based on the National Pollutant Discharge Elimination System Permit ("NPDES"). The City was told that the audit went fairly well, but there were 40 deficiencies. For the last year, City Staff had been working to address those deficiencies. A lot of work had been done and approximately 30 items had been removed from the list. For instance, capital deficiencies, inspection deficiencies, and paperwork.

Something that the audit revealed was that there was not a Post-Construction Storm Water Management Ordinance, which was required. City Staff had been working with Mr. Topham to update Title 17: Storm Drainage and Flood Control Development; Ground Water Source Protection to meet the requirements. The changes would bring the City into compliance. In addition to the creation of 17.29, other elements in Title 17 need to be addressed. The proposed amendments were reviewed with the Council and were as follows:

- 17.29: Post-Construction Storm Water Management: adds a chapter to Title 17;
- 17.04.070: Adds the requirement of retention of the 80th percentile of rainfall on the developed property. This keeps stormwater runoff on the site of developments to avoid downstream contamination and damage;
- 17.18.070: Adds to the existing list of other allowable discharges to the stormwater system;
- 17.25.010: Changes the acreage size required to meet the discharge disturbance from the original five acres to the new one-acre requirements of the permit; and
- 17.29: There was no code for Post-Construction Storm Water Management. The new chapter describes the following:
 - 17.29.010: Sets forth the requirements of the Post-Construction Storm Water Management Plan and the design requirements and standards of new and redeveloped projects as either referenced in the code (Title 17) or the City Engineering standards;
 - 17.29.020: The short-and-long-term maintenance requirements of the developer or property owner for stormwater management;
 - 17.29.030: The ability of the City to enter properties and inspect as described in the permit and the long-term maintenance agreements signed by the developer or property owner; and
 - 17.29.040: The ability of the City to enforce provisions of the chapter and the escalation and penalties of violations.

Staff recommended that the City Council approve the changes and additions to Title 17 as presented. Mr. Shipp explained that the amendments would make it possible to check another deficiency off of the list. The State had been able to assist the City through the process of addressing the deficiencies and had even given the City some extensions. He appreciated their support and assistance. Once the Council approved the amendments to Title 17, that would be submitted to the State and the deficiency would be addressed. Mayor Weichers noted that this was an Action Item on the Business Meeting agenda. It would be voted on at that time.

6. REVIEW OF CALENDARS AND UPCOMING EVENTS.

- a. **February 15 – May 31, 2023 – Cottonwood Heights Children’s Choir Rehearsals will be Held Weekly on Wednesdays. Free Ongoing Registration for School Grades 3rd – 6th, 2023. For More Information Visit chcityarts.com or contact aatchel@ch.utah.gov.**
- b. **April 8, 2023 – City Easter Egg Hunt at Butler Park 10:00 a.m.**
- c. **April 17, 2023 – 6:30 p.m. to 7:30 p.m. – Aspen Winds Family Concert – Barnyard Shenanigans at City Hall.**
- d. **April 22, 2023 – 9:00 a.m. to 12:00 p.m. – Cottonwood Heights Shakeout.**
- e. **June 2, 2023 – 9:00 a.m. to 1:00 p.m. – Free Shredding Event at the City Hall Parking Lot.**
- f. **July 27 – 29, 2023 – Cottonwood Heights Butlerville Days (Volunteers and Sponsors Needed. For more information, visit Butlervilledays.com or call Ann Eatchel at 801-550-8225).**

The calendar items and upcoming events were reviewed.

7. POSSIBLE CLOSED MEETING TO DISCUSS LITIGATION, PROPERTY ACQUISITION, AND/OR THE CHARACTER AND PROFESSIONAL COMPETENCE OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL.

There was no Closed Meeting.

8. ADJOURN CITY COUNCIL WORK SESSION.

MOTION: Council Member Bracken moved to ADJOURN the City Council Work Session. The motion was seconded by Council Member Newell. The motion passed with the unanimous consent of the Council.

The Work Session adjourned at 6:25 p.m.

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL BUSINESS MEETING
HELD WEDNESDAY, APRIL 4, 2023, AT 7:00 P.M. IN THE COTTONWOOD HEIGHTS
CITY COUNCIL CHAMBERS LOCATED AT 2277 EAST BENGAL BOULEVARD,
COTTONWOOD HEIGHTS, UTAH**

Members Present: Mayor Mike Weichers, Council Member Scott Bracken, Council Member Shawn E. Newell, Council Member Douglas Petersen (via Zoom)

Staff Present: City Manager Tim Tingey, City Attorney Shane Topham, Records, Culture, and Human Resources Director Paula Melgar, Public Works Director Matt Shipp, Police Chief Robby Russo, Administrative and Financial Services Director Scott Jorges, IT Manager Matt Ervin, UFA Assistant Chief Riley Pilgrim (via Zoom)

Excused: Council Member Ellen Birrell and Community and Economic Development Director Michael Johnson

1.0 WELCOME.

Mayor Mike Weichers called the meeting to order at 7:00 p.m. and welcomed those present. He noted that Council Member Birrell was present during the Work Session but was excused from the Business Meeting. Council Member Douglas Petersen was not present for the Work Session but was now present at the Business Meeting. All other members were in attendance.

2.0 PLEDGE OF ALLEGIANCE.

The Pledge of Allegiance was led by City Manager, Tim Tingey.

3.0 ACKNOWLEDGMENTS

3.1 Acknowledgment of Proclamation 2020-04 - Designating Each April as Child Abuse Prevention Month.

Mayor Weichers reported that the first item on the agenda was an acknowledgment. In 2020, the City Council determined that each April would be Child Abuse Prevention Month. The item did not need to be voted on by the City Council as it renewed each year. Mayor Weichers read Proclamation 2020-04 – Designating Each April as Child Abuse Prevention Month aloud. David Bernal with the Family Support Center addressed the Council via Zoom and expressed his support.

4.0 CITIZEN COMMENTS

Mayor Weichers opened the citizen comment period.

Michael Faulk informed the Council that he has lived in Cottonwood Heights since 1976. He stressed the importance of bicycle and pedestrian safety. Anything the City could do to improve bicycle and pedestrian safety would be appreciated and enhance the quality of life for residents.

He suggested lowering speed limits and improving pedestrian crossings. Mr. Faulk also shared comments related to House Bill (“H.B.”) 469. It started as a clarification of the wildlife management rules, but at the last minute, a representative added a provision to allow anyone with a valid hunting license to hunt cougars and trap animals with leg traps and snares. He explained that leg traps were cruel and barbaric. Anything the City could do to discourage the use of trapping, especially with leg traps, would be the right thing to do. He asked the Council for support.

Allen Nielson reported that his family has owned the property he lives on since 1928. He was currently fighting to be able to keep his chickens and rooster. He wondered whether anything could be done there. The last time he asked what could be done and whether a petition was needed, he did not receive a response. Mr. Nielson wanted to find out how to move forward. He was currently going through the court system and it had been a costly process. Mr. Nielsen believed the use should be grandfathered in since the use had been taking place for many decades.

Mayor Weichers suggested that Mr. Nielsen speak to a Council Member so the item could be added to a future agenda for discussion. Mr. Tingey reported that two Council Members could add it to a Work Session agenda for discussion. There would need to be a majority interest to move the item forward. Based on Council comments, there was support to discuss the matter further.

David Barry noted that he listened to the Work Session. He was struck by the fact that the Wasatch Front Regional Council (“WFRC”) stated that Cottonwood Heights was projected to grow a certain amount. It was projected that Cottonwood Heights will grow to 41,800 by 2050. Most of that growth would take place between the 2040 to 2050 time period. Growth to that number was a 28.2% increase from the current number. Mr. Barry wondered if the City had determined whether that amount of growth was acceptable. He felt that was a City decision, but had never heard the City clearly state the kind of growth number that was desired.

Mayor Weichers explained that the number the Council originally looked at came from the WFRC, which believes the growth would be higher. The Public Works Department had engaged the WFRC and asked how the number had been determined. It was based on a certain calculation that the City did not necessarily agree with. The number had been revised in the Transportation Management Plan to 41,800 by 2050. Mayor Weichers noted that a City could control growth to a certain point, but it was also important to respect private property rights. Cities needed to plan for growth and he appreciated the suggestion from Mr. Barry that the City continue to do so.

Micki Harris agreed with the comments shared by Mr. Faulk. She shared information about Wasatch Boulevard. It had been backed up a lot recently and her suggestion was to allow vehicles to line up in the turn lane on Wasatch Boulevard from the mouth down to 3500 East. If vehicles could be lined in the middle turn lane, that would allow drivers and buses going south to move past. Buses could take that lane down through LaCaille and make a left where the Sandy City Police Department was stationed. Buses could then line up as an express so there would be an incentive to utilize transit. Ms. Harris asked that City Staff consider various options.

Mr. Tingey noted that a written public comment had been submitted to the City Recorder before 4:00 p.m. on the meeting date. He read a comment from Isabel Hanewicz into the record, which related to traffic on Wasatch Boulevard and the ski traffic that impacted residential neighborhoods.

There were no further comments. The citizen comment period was closed.

5.0 ACTION ITEMS

5.1 Consideration of Ordinance 395 – Amending Title 17, Cottonwood Heights Code of Ordinances, Concerning Storm Water Management.

Mayor Weichers reported that the City Council discussed the above item during the Work Session.

MOTION: Council Member Newell moved to APPROVE Ordinance 395 – Amending Title 17, Cottonwood Heights Code of Ordinances, Concerning Storm Water Management. The motion was seconded by Council Member Bracken. Vote on Motion: Council Member Petersen-Aye, Council Member Bracken-Aye, Council Member Newell-Aye, Mayor Mike Weichers-Aye. The motion passed unanimously.

6.0 CONSENT CALENDAR

6.1 Approval of the City Council Retreat on January 31, 2023; and the City Council Work Session, CDRA Work Session, and City Council Business Meeting of March 21, 2023.

MOTION: Council Member Bracken moved to APPROVE the Consent Calendar. The motion was seconded by Council Member Newell. The motion passed with the unanimous consent of the Council.

7.0 ADJOURN CITY COUNCIL BUSINESS MEETING.

MOTION: Council Member Bracken moved to ADJOURN. The motion was seconded by Council Member Newell. The motion passed with the unanimous consent of the Council.

The City Council Meeting adjourned at 7:24 p.m.

I hereby certify that the foregoing represents a true, accurate, and complete record of the Cottonwood Heights City Council Work Session and Business Meeting held Wednesday, April 4, 2023.

Teri Forbes

Teri Forbes
T Forbes Group
Minutes Secretary

Minutes Approved: April 18, 2023