

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL LEGISLATIVE  
WORK SESSION HELD THURSDAY, FEBRUARY 15, 2024, AT 9:00 A.M. VIA ZOOM  
WITH AN ANCHOR LOCATION AT THE COTTONWOOD HEIGHTS CITY COUNCIL  
WORK ROOM LOCATED AT 2277 EAST BENGAL BOULEVARD, COTTONWOOD  
HEIGHTS, UTAH**

**Members Present:** Mayor Mike Weichers, Council Member Suzanne Hyland, Council Member Matt Holson, Council Member Ellen Birrell

**Staff Present:** City Manager Tim Tingey, Records Culture and Human Resources Director Paula Melgar, Administrative and Financial Services Director Scott Jurgens, IT Manager Matt Ervin, Public Works Director/City Engineer, Matt Shipp

**City Lobbyists:** Brian Allen, Chantel Nate, Greg Curtis

**1. Welcome – Mayor Weichers.**

Mayor Mike Weichers called the meeting to order at 9:10 a.m. and welcomed those present.

**2. Legislative Update and Discussion – City Manager, Tim Tingey and City Lobbyists Greg Curtis, Brian Allen, and Chantel Nate.**

City Manager, Tim Tingey presented an overview of the Legislative discussion areas of focus. He reported that over a one-week period, the Utah League of Cities and Towns (“ULCT”) focused on three elements related to advocating for protection of the traditional role of government. The discussion focused largely on every city being unique with a “one size doesn’t fit all” approach. He noted that unworkable or unfunded mandates are issues that the ULCT has opposed. City Lobbyist, Brian Allen, presented the Legislative Update and stated that this session has provided a greater focus on the housing front than in the past year. There is a huge push at the legislative level for affordable housing with the Governor’s addition of Steve Waldrip as the Housing Czar. With a background as a former Legislator, he has been working closely with the ULCT. He stated that although housing bills may have started out controversially, once put into final form, the conflicts were able to be worked through and the ULCT has been supportive of those bills.

Housing Bill 13, Infrastructure Financing - Representative James Dunnigan. Mr. Allen stated that at this point, this bill has no impact on cities other than requiring there be a mechanism in place to help clarify when the liens have been released and a Certificate of Occupancy (“CO”) may be issued. He noted that Representative Dunnigan was very easy to work with and showed a willingness to listen to the City. There is a minimal Taxing Authority within the District on those properties benefiting from the infrastructure. The tax must be paid to satisfy the Release of a CO Permit. He believed this bill would be beneficial to citizens in the long term and would not preclude the City from enforcing codes, ordinances, or standards on the infrastructure being built.

House Bill 155, Change to Fireworks Provisions – Representative Matt MacPherson. This bill pertained to the addition of Constitution Day to the time frame that fireworks were permitted and resulted in some concern. The bill was substituted and now allows for the purchase of online

fireworks at any time. Mr. Allen stated that there was concern with not providing clarification of when those purchasing the fireworks are allowed to use them. Updates regarding HB-155 will be forthcoming.

House Bill 289, Property Rights Ombudsman Amendment – Representative Kera Birkeland. This bill pertained to a decision made by the Ombudsman. Should cities not abide by the Ombudsman's decision, they may be at risk of a lawsuit and held responsible for damages. The bill has been amended to include a willful and knowing intent standard. Although still opposed, the ULCT lifted its opposition primarily with the addition of the new language. Attorneys' fees were discussed and language was recommended to state "may" as opposed to "shall" giving the judge discretion. Mr. Tingey reported that this bill may again be amended. Representative Birkeland has been adamant about the need for a penalty whereas clause, while the rest of the Legislature has been less passionate about being too punitive. Floor Sponsor, Senator Curtis Bramble has been very concerned with the term "shall" with regard to attorneys' fees. M. Allen explained that this was brought about by an incident in a surrounding city under the Pro-Developer Bill.

Senate Bill 185, Third-Party Inspectors. Mr. Tingey stated that SB 185 is concerning as it circumvents having the city inspect specific projects. Mayor Weichers expressed opposition to the bill. Mr. Allen noted that there has been discussion to change the language to read "...a third-party inspector that has been approved by the City." Council Member Holton stated that he would not necessarily be opposed. He noted that there are multiple bills pertaining to construction site efforts to shorten delays. The ULCT expressed strong opposition to the bill.

House Bill 502, Critical Infrastructure of Mining – Representative Casey Snider. The initial draft of this bill would allow for a gravel pit to be located anywhere with cities having no means to stop them. There is a substitute bill with continued discussion and movement of the bill remains to be seen. Council Member Holton noted that he could not identify the company behind the origination of this bill but it was believed to have come from House leadership. Their intent was to intent put something out without collaborating with individuals over the next year while putting something in place during the early 2025 Legislative Session.

City Lobbyist, Greg Curtis, stated that there are alternative mining bills that are industry-driven. Council Member Birrell asked if HB 502 would undermine Salt Lake County's ability to block the advancement of the Parley's Canyon Mining Expansion. Mr. Allen confirmed that the ability to block the advancement would be affected. The ULCT invited gravel pit representatives in to discuss the bill to which they remain resoundingly opposed. Mayer Weichers understood that the mining representatives were concerned with money rights that existed prior to zoning changes. Progress will continue to be monitored.

House Bill 84, School Safety Amendments – Representative Ryan Wilcox. Mr. Tingey reported that he has been in discussions with Police Chief, Robby Russo regarding the School Safety Amendments. One of the items in the bill requires a Guardian to be in all schools. He felt that the concept was positive but clarification was needed with regard to who will fill the Guardian role, their purpose, and their ability to carry weapons to protect students. Mr. Allen explained that HB 84 would involve having a volunteer in the school acting as a Guardian. This would be an unpaid position and require training. The Guardian would be required to obtain a Concealed Carry Permit

or authorization. He stated that there is a considerable significant fiscal note attached to the bill, but the main concern is with who the Guardians will be and what type of training will be provided. Canyons School District representatives also expressed concern. The bill proposed provisions for unfunded ballistic-level glass on lower floors at a cost of millions of dollars per school district. He believed many details would need to be worked through prior to being ready for a vote. He planned to meet with Representative Wilcox to go over specifics.

Funding was next discussed. Mr. Curtis reported that like other funding decisions, most items will be decided by the last week to 10 days of the Legislative Session. Rather than seeking an appropriation, it would be turned into one-time money. They are working on a statutory change to the Canyons Transportation Fund that would provide the Department Director with \$400,000 annually to contract with local agencies for Traction Control Assistance. The Cottonwood Heights-sponsored bill will come over from the House and language will be amended into the bill as it moves through the process. Mr. Curtis stated that all or some of that \$400,000 may go to Cottonwood Heights. Realistically, the two primary agencies will be Sandy City and Cottonwood Heights. He did not believe that the Unified Police Department ("UPD") would be involved. A statutory amount would be set as to how much may be used out of that fund, but he believed that at least 50% or more would go to the City. The impact on the City would be considered prior to funding. When the timing is right, Mr. Curtis will notify Cottonwood Heights who will in turn reach out to the State Representatives regarding the City's direct perspective. The process would pass through the House, be amended in the Senate, and go back to the House which will potentially concur.

Mr. Curtis stated that the Quarter of the Quarter funding totaled \$23 million. There are 15 entities in competition for the funds. He anticipated \$1 to \$2 million would go to Cottonwood Heights. Senator Cullimore is aware of the City's needs and the funding will be used for improvements around Fort Union Boulevard and 2300 East near the Town Center area. He confirmed that the funds may be used for a roundabout in the area. He noted that this is Salt Lake County money that is being held in a Restricted Fund at the Legislature and will pass through the Utah Department of Transportation ("UDOT") prior to being received by the City.

Mr. Curtis noted that much of the federal American Rescue Plan Act ("ARPA") funding and infrastructure have since dried up. The Legislature has candidly stated that they are experiencing similar restraints to most cities and are not receiving money from the federal government. They have scaled back transportation projects and reduced the scope of other items.

Council Member Birrell requested an update regarding the Scenic Byways Bills. Mr. Allen stated that the bill has been corrected and the billboard issue is no longer being considered. The bill has been limited to the designation of Scenic Byways and excludes the advertising portion.

With regard to deeply affordable housing grants, Mr. Curtis reported that there will be no new funds as there is no funding to provide. The Legislature is working toward a more moderate income, which is more policy-driven and less financially driven.

Mayor Weichers agreed with Mr. Allen's comment regarding Representative Waldrip being the right person to get involved in the House. He was impressed with his concern and understanding of municipalities.

Public Works Director, Matt Shipp, asked who is actively tracking HB-507 – Construction Development. He was of the understanding that developers are involved in dictating the details of the bill and recommended remaining vigilant. The bill includes Stormwater Construction and any fines collected within the City would ultimately go to the State. In other words, if the City fines people for violating City Code, those funds do not go to the City but into the State's Education Pool. Mr. Tingey reported that HB-507 is being significantly opposed by the ULCT.

Mayor Weichers thanked those present and the City's Lobbyists for their time and effort on behalf of the City.

### **3. Adjourn.**

**MOTION:** Council Member Birrell moved to ADJOURN. The motion was seconded by Council Member Hyland. The motion passed with the unanimous consent of the Council.

The Work Session adjourned at 9:44 a.m.

*I hereby certify that the foregoing represents a true, accurate, and complete record of the Cottonwood Heights City Council Legislative Work Session held Thursday, February 15, 2024.*

Teri Forbes

Teri Forbes  
T Forbes Group  
Minutes Secretary

Minutes Approved: March 5, 2024