

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL WORK SESSION HELD TUESDAY, JANUARY 5, 2021, AT 5:00 P.M. THE MEETING WAS HELD ELECTRONICALLY, WITHOUT A PHYSICAL LOCATION DUE TO THE CURRENT COVID-19 PANDEMIC AND AS AUTHORIZED BY THE GOVERNOR'S EXECUTIVE ORDER DATED 18 MARCH 2020**

**Members Present:** Mayor Mike Peterson, Council Member Scott Bracken, Council Member Christine Mikell, Council Member Douglas Petersen

**Staff Present:** City Manager Tim Tingey, City Attorney Shane Topham, Police Chief Robby Russo, Assistant Fire Chief Riley Pilgrim, Records Culture and Human Resources Director Paula Melgar, Community/Economic Development Director Michael Johnson, Public Works Director Matt Shipp, Finance and Administrative Services Director S. Scott Jorges, Communications Manager Tim Beery, Assistant Police Chief Paul Brenneman, Senior Planner Andrew Hulka

**Excused:** Council Member Tali Bruce

**1. Welcome and Determination – Mayor Michael Peterson.**

Mayor Mike Peterson called the meeting to order at 5:02 p.m. and welcomed those listening. He read in its entirety the declaration giving the Council the authority to hold the meeting via Zoom, pursuant to Utah Code Annotated §52-4-207(4).

**2. Legislative Update with City Lobbyists Mr. Greg Curtis, Mr. Brian Allen, and Ms. Chantel Nate.**

City Lobbyist, Greg Curtis reported that there is a significant amount of one-time money remaining in the budget. All of the growth was taken out of the budget in the face of the unknown impact of the COVID-19 pandemic. It did not impact the overall budget as much as expected, leaving a surplus of \$1 billion. Due to the surplus of one-time monies, there will be a lot of emphasis on infrastructure funding.

He cautioned that the surplus can get spent fast as the needs far exceed the current surplus. They will try to position for infrastructure funding. Roads will likely represent the primary categories of one-time funding. There has been a push from higher education for more buildings, but it has been pointed out that more distance learning has been taking place in higher education so there is no appetite for building.

In response to an inquiry, Mr. Curtis confirmed that infrastructure also includes underground storm drains and water systems, however, they would be mostly looking at state-level funding. This would include state roads and trails/trailheads. Mayor Peterson added that they may need to trade a piece of the property owned by Cottonwood Heights to facilitate Wasatch Boulevard. He stressed to Mr. Curtis that the Council wants to be available for those discussions.

Mr. Curtis added that it would be helpful to obtain direction from the City with regard to priorities and rough amounts requested. State roads will be prioritized, but they are also working on local funding as well. He stated that there is a significant amount of COVID-19 legislation and a certain constituency of legislators who want to reign in unchecked emergency powers. How that trickles down is something they will want to monitor.

Mayor Peterson stressed that they want to be involved in those discussions as well because what happens locally is not the same as what is happening in other parts of the State. Council Member Mikell stated that it is important to remember that rural constituents need to come to Cottonwood Heights to use their hospitals. When State needs begin to impact local hospitals, it impacts the City by not having a ‘one size fits all’ approach. As a Council, they should decide how they want to support that legislation. Mayor Peterson clarified that they have seen disparate positions on masks.

Mr. Curtis assumed that the Council’s position will be that the State legislation should not limit their authority. He noted that anything from the Legislature will be an attempt to limit the ability of local authorities to regulate certain COVID-19 restrictions. Salt Lake City and Salt Lake County were more aggressive early on compared to other areas of the State. The underlying position would be to allow the local authorities to govern their own constituents. If the Legislature enacts ‘one size fits all’ legislation, it will be much broader than before.

City Manager, Tim Tingey commented that there was a lot of discussion last year about trails and projects that are ready to move forward. Much of the information provided related to the Bonneville Shoreline Trail and acquisition for that project. They would like Council’s direction on the priorities for the funding elements. He felt that would be a good place to start, as it will play off the momentum they built last year with the Speaker of the House.

Council Member Petersen asked Mr. Curtis if the fund allocation is in the queue and if the Council only needs to provide direction on additional priorities for potential surplus funding. Mr. Curtis responded that the bonding package and funding never came together before the spending stopped. As a result, they need to start over in terms of funding. Mayor Peterson noted that they are already committed to the Bonneville Shoreline Trail so anything associated with it should include opportunities that must be explored. He commented that open space acquisition would also be a priority for funding.

In response to an inquiry by Council Member Mikell regarding utilization of the surplus as a bonding package by the Utah Department of Transportation (“UDOT”), Mr. Curtis responded that UDOT already has their priority list and the Legislature still must designate the monies associated with that list. UDOT has its yearly budget and will continue working through their list that is adjusted with the Transportation Commission, as needed. The Legislature will either provide UDOT with bonding authorization and/or grant a one-time appropriation of a portion of the surplus. The Legislature is double-tracking certain segments of commuter rail to make the head times more efficient, which is a top priority on the Utah Transit Authority’s (“UTA”) list and will likely require legislative direction to be funded.

Mr. Curtis noted that Senator Hemmert is a big proponent of the gondola. Mr. Curtis did not know whether that will have as much momentum, but there has been a lot of discussion surrounding a gondola in Little Cottonwood Canyon. He could not say whether funding will be through bonding or one-time monies or a combination of the two. Council Member Mikell asked about Wasatch Boulevard and how they can influence the Legislature to get what they need to reduce the impact on the community. Mr. Curtis responded that if they want monies directed toward that legislatively, they would need to discuss with the legislators. He noted that the larger the project, the more difficult it is to influence. The Canyon monies allocated years ago covered Wasatch Boulevard at least to Big Cottonwood Canyon and south. Whatever is currently allocated will not go far, so requesting more and advocating acceleration of the funding is appropriate.

It was noted that the early Environmental Impact Study (“EIS”) process will not be completed until after the Legislative Session. UDOT has taken the position that if the EIS is not completed, they do not want the money. There was pushback from Senator Hemmert who indicated that there is not unlimited funding. Mr. Curtis reiterated that the bond discussion is alive and well. Council Member Mikell was interested in further discussion regarding how the City can influence what they need for their constituents. Mr. Curtis confirmed that he needs a list of priorities. Mayor Peterson clarified that the monies would not go to Cottonwood Heights but to UDOT with guardrails as to how they can expend it. It is a multi-faceted approach and they need to involve their legislators.

Mayor Peterson stated that they will be communicating weekly with the various Legislators, Lobbyists, and with the Council to ensure that their priorities are in line with what is available. Council Member Bracken added that some of the things that they would like to see on Wasatch Boulevard are more likely to happen if there is more than just the minimum amount of money. Council Member Bracken added that UDOT has informed the City that they are open to paying for betterments and the Council would like to hold them to that. Mayor Peterson added that they want UDOT to confirm their acceptance of the Cottonwood Heights Master Plan. UDOT has backed off on some of their prior commitments so they must continue to push to reaffirm those commitments.

Brian Allen reported that Senator Scott Sandall has a bill that would allow billboard companies to upgrade a sign from paper to electronic if it is at least 150 feet from residential property. It would prohibit a city from forcing a billboard company to give up a sign elsewhere in exchange for the upgrade. The bill had not yet been discussed.

Mr. Allen also reported that Representative Cory Maloy has re-filed his firearms preemption bill, making the state the only entity that can regulate how firearms are used and including civil penalties for cities that pass an ordinance that does not meet the state test. He added that this bill is problematic and they have had discussions with Representative Maloy in the past, who agreed to drop it for the last session. It has now been refiled, which was not unexpected.

Mr. Allen also reported that there are several bills on local planning and use ordinances, however, most are bill file titles, and they do not yet have the substance. There is a lot of interest in legislation addressing affordable housing. There are a couple of bills that would allow someone

to rent space within an existing home, at the same time putting limits around what a city can do as far as requirements are concerned.

Mr. Allen reported on police reform bills with one submitted by Representative Angela Romero that defines ‘use of force’ and how it is reported. One of the challenges the Legislature faces is determining how many incidents of force there are.

There are also a number of other bills regarding the use of canines. One bill deals with officers who voluntarily leave a department during an investigation for misconduct. The bill would require the agency to report the ongoing investigation to Peace Officer Standards and Training (“POST”). In some cases, POST would pick up the investigation and complete it. The bill ensures that an investigation follows an officer.

Mr. Allen reported on water bills, land use, and impact fees and stated that developers have expressed concern regarding the lack of consistency between municipalities on these matters. The bills generally limit a city’s authority rather than expand it. He echoed the prior discussion regarding inconsistency in COVID-19 related legislation and specifically the requirement to wear masks. It was noted that there are different attitudes throughout the State regarding COVID-19. Mr. Allen indicated that there are a couple of bills regarding electronic meetings. He suspected there will be an appetite for virtual access even after they are able to hold in-person meetings since doing so provides easier access for those who wish to attend the meetings.

**3. Review of Business Meeting Agenda – Mayor Michael Peterson.**

The agenda items were reviewed and discussed. The first action item involved an agreement with UDOT regarding drainage that impacts Wasatch Boulevard. Public Works Director, Matt Shipp stated that stormwater has been discharging in the area south of Russell Park Road for the last 40 years. The matter was discussed with UDOT who would like to have an agreement in place. Council Member Bracken commented that the agreement involves temporary action and what UDOT does with Wasatch Boulevard will be a permanent solution.

The second action item involved the appointment of Carol Whitaker to the Arts Council. Mr. Tingey met with Ms. Whitaker who has a great background and is excited to serve. Her resume was provided in the Council packet. Mr. Tingey believed she would be a great asset to the Arts Council and recommended approval of the appointment. Council Member Petersen agreed.

**4. Staff Reports.**

**a. Targeted Residential Picketing – City Attorney, W. Shane Topham and Police Chief, Robby Russo.**

The above issue was discussed at the last meeting and follows several cities across the State that have introduced ordinances prohibiting targeted picketing. City Attorney, Shane Topham had reviewed the proposed ordinance. Mr. Topham referred the Council to the memo provided and explained that there are approximately six jurisdictions in the vicinity that have adopted such an ordinance.

Police Chief, Robby Russo stated that the ordinance prohibits targeted residential picketing. It grew out of an incident involving Dr. Angela Dunn where she and her family were intimidated and harassed by targeted picketing at their home. Chief Russo stated that such targeted picketing is not a form of peaceful protest and is a form of harassment. The proposed ordinance provides a mechanism for police to address targeted picketing of residences. He reported that there are a number of business leaders reside in the community including high profile elected officials and an international superstar.

Council Member Petersen requested clarification of the proximity restrictions and whether ingress/egress is addressed in the ordinance. Mr. Topham responded that the standard is 100 feet from the property line. Chief Russo clarified that the 100 feet is measured from the property line of the residence. Mayor Peterson expressed support for the ordinance. He respects the rights of people to protest and agreed that picketing that targets a residence is inappropriate.

**b. Gravel Pit – Community and Economic Development Director, Michael Johnson.**

Mayor Peterson stated that discussion of the above item will take several meetings. Community and Economic Development Director, Michael Johnson previously presented the Council with an overview of the proposal, including the site plan being proposed, the massing of the buildings, and the development process to date. All information regarding the proposal was available on the City website. A preliminary comparison was presented regarding the Planned Development District (“PDD”) and mixed-use development. Using conventional zoning, the mixed-used ordinance would be the most applicable for this property. Mr. Johnson identified some of the differences between a PDD and mixed-use and explained that there is a substantial difference in building heights. In the PDD, the maximum building height depends on how far a building is from Wasatch Boulevard with heights ranging from 50 to 300 feet. In the Mixed-Use Zone, the maximum building height is 45 feet.

Residential density in the Mixed-Use zone is 35 units per acre as compared to no limit in the PDD. The PDD is constrained only by what is dictated by the Building Code regarding setbacks and height limitations. The PDD also contains an Affordable Housing requirement that. Mr. Johnson reported that they developed site-specific architectural design standards in the PDD. In the Mixed-Use zone, they only utilize the City’s standard design guidelines. The main difference is that the PDD is a legislative action. In the Mixed-Use zone, the Council would consider the rezone but there would be no commitment for the actual development at that point. The plan would instead be presented to the Planning Commission for approval.

Council Member Bracken commented that the building heights are different and there a natural grade from Wasatch Boulevard that could impact building heights. Mr. Johnson clarified that the maximum building height under the PDD is 50 to 300 feet and even the tallest building in the proposal does not come close to 300 feet in height. At the maximum height, the PDD requires that buildings be hundreds of feet from Wasatch Boulevard and back into the hillside.

Mayor Peterson commented that when the PDD was created, the issue of maximum height was a concern. His understanding was that the maximum height of 300 feet is not a right, and is subject to Council's determination. Mr. Johnson noted that there is language in the PDD that provides that the Council and the Planning Commission need to review the proposal and the development should fit well within the context of the site and the surrounding area.

Mr. Johnson explained that the PDD is a new ordinance that governs a very specific and defined area of land. The PDD rezones a piece of property and contemporaneously creates a written ordinance that applies only to the area being re-zoned. The City ordinance for the PDD guides the creation of a Planned Development Zone. Ultimately, the Council will consider a new Planned Development zone that would apply only to the northern portion of the Gravel Pit and will only be applicable there.

The goals and objectives of the ordinance were described. It was created as a redevelopment tool to target specific areas of the City. One of the targeted areas includes the Gravel Pit. Others include the major intersections along the Fort Union Boulevard corridor. Different standards apply in the different areas but the PDD was created to implement some of the City's master planning goals by creating flexibility with development and creating a better product than with regular zoning. The trade-off includes a more involved process and extra requirements for approval. The ordinance addresses planning for the future and encouraging a mixture of complementary uses. It also requires that developments be designed with transit in mind as well as pedestrian, bicycle, and vehicular circulation.

Mr. Johnson explained that the intent is to go above and beyond the minimum requirements of the typical zones with the PDD areas. They require inclusion of public and private open space. The PDD is also an economic development tool to facilitate and guide redevelopment of the targeted areas. Mr. Johnson presented the staff analysis of how the proposal complies with the Wasatch Boulevard Master Plan. He explained that it depicts how they approached review of this project at the staff level. They utilized a color-coded system to demonstrate how the development complies with the standards. He noted that it is a living document used to identify deficiencies or areas that need to be addressed.

The area shown in red on the document is the below-market rate or affordable housing provision. There is an active application for a text amendment to that provision. It was noted that the text amendment will directly impact the project. Mr. Johnson commented that the analysis of reclamation aspects of the project will be discussed in greater detail at a future meeting. He noted that hillside reclamation needs to occur immediately because Phase One involves the hillside.

Mr. Johnson explained staff's analysis and identified areas that are not included in the proposed development, such as sidewalks along Wasatch Boulevard. Overall, with the exception of the affordable housing component, the project meets the minimum standards of the PDD ordinance. He noted that the standards are the starting point. They have worked through the major issues and staff and the Planning Commission feel that the project meets the minimum ordinance standards. Mr. Johnson explained that they analyzed the PDD goals and objectives and the project is determined to contribute to the goals of the PDD.

Mayor Peterson asked if whether additional information had been received for the items highlighted in yellow. Mr. Johnson confirmed that they had received the additional information. He noted that much of the information in those areas involved justifying that there were appropriate and adequate facilities to handle the development, particularly storm drain capacity. Public Works and the City Engineer asked for additional information. Mr. Johnson confirmed that they received that information.

Mr. Johnson explained that in conducting the review, they focused on areas of the General Plan that specifically referred to the Gravel Pit area. The General Plan involved the entire Gravel Pit area and not just this 20 acres. The Gravel Pit was considered to be a good opportunity for redevelopment because it provides a clean slate after the cessation of mining uses. It provides a tremendous opportunity for the City to create a development that works well for the City.

The parcel was originally identified as a future mixed-use area and the General Plan showed that it would cater to the needs and interests of canyon visitors. Potential businesses identified in 2005 included hotels, restaurants, clubs, coffee shops, and art galleries. It references Park City's Main Street as an example. Mr. Johnson noted that the proposal does not set forth all of the proposed uses but they know that the proposal includes a hotel and significant street-level retail to promote foot traffic. Despite not knowing all of the planned uses, they felt that the project was moving in the right direction based on what was envisioned in 2005.

Mr. Johnson reported that the retail shopping area was envisioned to be similar to Gateway, Foothill Village, or Park City's Main Street. The mixed uses would cater to servicing skiing and other canyon uses, hotels, apartments, and condominiums. Although not part of the current proposal, an amphitheater could be discussed further. The potential to capture visitors within the City was significant.

Mr. Johnson presented a comparison of the relevant recommendations in the Wasatch Boulevard Master Plan. One of the policies included a linear park in the Gravel Pit, which was being implemented through the large pedestrian plaza over the Metropolitan Water aqueduct. The Gravel Pit has walkable urban space with the addition of roundabouts, trail connectivity, public trail, and public parking. There was also a good plaza connection with all of the uses on the site. There are also amenities in the proposal that cater to recreational active transportation users, pedestrians, and cyclists.

The Wasatch Master Plan addresses enhanced bus service. Mr. Johnson reported that they reviewed the site with UDOT and the potential for public transit. There is a good connection to the existing Park-N-Ride to the north in Holladay City and there will be strict requirements for clear connectivity to the southern portion of the Gravel Pit. In response to an inquiry from Council Member Mikell regarding a UTA bus stop in this project, Mr. Johnson responded that a bus stop is not in the current proposal but can be discussed. Council Member Mikell stated that she will not support the proposal without a UTA stop.

Mr. Johnson explained that the policies in the Wasatch Master Plan discuss focusing development at the Gravel Pit and limiting commercial redevelopment away from the Wasatch Boulevard corridor. That was a clear recommendation from the Planning Commission, the City Council, and

the public. If commercial development is limited along the corridor, slightly higher density development will be expected at the Gravel Pit site. It was noted that the Wasatch Boulevard Master Plan addresses mixed-use, walkability, shared parking, and consolidating uses.

Mr. Johnson reported that the Planning Commission agreed that the project in its current form is compatible with the majority of the applicable City policies governing the site. Mayor Peterson echoed the comments of Council Member Mikell requesting that the issue of a UTA bus stop be flagged as something to be discussed.

Council Member Petersen asked about the timeline for the southern parcel of the Gravel Pit. Mr. Johnson explained that they do not have an exact timeline and noted that there are still active mining operations taking place on that parcel. Discussion will take place when the material is mined in the next two to nine years.

Mayor Peterson added that part of the EIS process involves enhanced bus services and it is clear that whatever alternative UDOT selects, there will have to be some level of bus service. Bus service will be fundamental going forward and needs to be looked at.

Council Member Mikell asked about the progress of the Ivory Homes development that was approved. Mr. Johnson reported that they are working on a Flood Plain Permit with the Federal Emergency Management Agency (“FEMA”). The first phase had been reviewed and was ready to issue. Council Member Mikell stated that it would be helpful to see how that project began and what the Council ultimately approved. The Council was being asked to consider building heights that are three times what is allowed so she wanted to hear more positives from staff regarding the proposal. She stated that the development should leave a legacy of the preservation of open space and what is desired for the City. The transit issue is significant given the number of residents that will live there and should be integrated so that an opportunity is not missed.

Mr. Johnson stated that the proposal fully complies not only with the goals and objectives of the ordinance but with the Wasatch Boulevard Master Plan and the vision of the area. While there are aspects of the proposal that remain for discussion, he stressed that this parcel has been zoned mixed-use with high density and walkability. The fact that the proposal received a recommendation from staff and the Planning Commission indicates that the developer did a very good job of complying with all of the policies and goals.

Mayor Peterson reported that over the next few meetings, the Council will get a better understanding of the more intricate aspects of the project. The Council must look at the proposal in terms of whether it fits the vision of the Council for this area of the City. Mr. Johnson noted that the Dark Skies Initiative applies to this project. Council Member Mikell also recalled that an Architect prepared beautiful renditions of the Gravel Pit.

**c. Parking Permit Ordinance Modifications – Community and Economic Development Director, Michael Johnson.**

Mayor Peterson reported that the Council approved a new ordinance for Wasatch Boulevard regarding the trailhead. Mr. Johnson explained that staff was directed to address the issue of guest

permits in these areas. The current ordinance requires residents to provide parking permits to their guests. Valid concerns were expressed about the process. This proposal is to provide each resident with two guest tags for use by temporary guests. Mr. Topham stated that they may want to take steps to prevent the guest passes from becoming a hot commodity in the neighborhood including making them non-transferable, numbering them, and charging a fee for lost passes. Mayor Peterson agreed that the permits should be closely monitored. Mr. Johnson stated that the permits are non-transferable and numbered and assigned to a specific address with contact information. Language can be added specifying that additional permits are available upon request.

Council Member Petersen reported that he recently visited the area and while it was low season, there were not a lot of residents parking on the streets. He noticed that the direction from the north end was very well marked, and there is very limited space at the top. He noted that there will likely be no perfect solution to the parking issue during the high season. Mayor Peterson added that the guest permits should be numbered and unable to be duplicated. It was suggested that a hologram be included on the guest permits. Mr. Johnson stated that the guest permits will be plastic window hangers with the City logo on them.

**d. PDD Text Amendment -Affordable Housing Provision Update – Community and Development Director, Michael Johnson.**

Mr. Johnson reported that the above item involves a proposed amendment to the PDD ordinance that would apply to every PDD project moving forward, not just the one at the Gravel Pit. The applicant proposed changing the affordability requirement from 50% of the Area Median Income (“AMI”) to 80%. The 80% figure is commonly referred to as the benchmark of affordability used by HUD, the State, and the County. The initial staff recommendation involved a trade-off between the median income figure and the number of units. The matter was reviewed by the Planning Commission and staff proposed changing the required units from 10% to 15 to 20 percent.

Staff recommended that 15% of units in a project be provided at 80% AMI. This was drafted before the text amendment application being submitted. The Planning Commission recommended that 20% of the units be provided at 80% AMI. Mr. Johnson noted that there is flexibility to reduce the number of units required by reducing the AMI percentage. Any reduction would be at the discretion of the Planning Commission and City Council. The applicant was concerned that with the Gravel Pit there would be challenges with privately financing 20% of the units at 80% AMI, however, they revised their proposal to specify a minimum of 15% of units in any project be affordable at or below 80% AMI.

Staff conducted additional research and recommended approval of the text amendment that allows the City to further achieve the affordable housing goals. Using 80% AMI is still affordable and there is an option to decrease the AMI and reduce the requirement regarding the number of units.

The proposed amendment allows the City to achieve and implement the Affordable Housing Master Plan. Staff believes it is a reasonable requirement of PDD developments, which often have higher density multi-family housing. The tradeoff of allowing higher density, with 15% of those units at 80% AMI is appropriate and reasonable. Staff researched other cities and received good information and feedback from lenders and the U.S. Department of Housing and Urban

Development (“HUD”). They determined that 50% AMI units are difficult to fund, particularly in larger projects without public subsidies. When a project has more than 15% affordable units in a project, it becomes more difficult to privately finance, even at 80% AMI. Staff believed that 15% of units at 80% AMI is a reasonable way for a PDD development to provide its share of affordable housing in the community and the best way to provide units with little or no public subsidy. The applicants’ proposal was set and they do not want to change their proposed amendment beyond 15% of the units.

Council Member Bracken was inclined to agree with the Planning Commission who recommended the amendment on a 6-to-1 vote. He asked for clarification regarding the Council’s ability to modify the percentage requested by the applicant. Mr. Johnson commented that at a minimum, the applicant would have to be willing to amend their proposal. Council Member Petersen added that if the developer is given a range of 15 to 20 percent of the units, they will always go with the lower number. Mr. Johnson clarified that they did not recommend adopting a range. The applicant changed their proposal to 15% and stated that for the Gravel Pit, they could finance 15% of units at 80% AMI, which benefits the City by not requiring public subsidies. Mr. Johnson was unsure of the timeline if the developers request a Tax Increment Financing Grant (“TIF”).

Council Member Bracken asked for clarification from Mr. Topham on why the Council cannot modify the requested percentage on the application. He also noted that if the developer is looking to privately finance and not request a TIF, he may consider that the 15% figure. Mayor Peterson added that if the developer requested a TIF, it would still have to come back to the Council and all of the other involved entities.

Council Member Petersen asked for clarification on the 15 to 20 percent number. Mr. Johnson explained that if they want to go to 20% or an 80% AMI, they are more likely to see requests for public subsidies. He further noted that because there is no CRA in place, the risk that a TIF will be approved is somewhat greater.

Council Member Mikell was leaning toward moving forward with the Planning Commission’s recommendation but was open to further discussion on the issue. Council Member Bracken agreed. Mayor Peterson felt that more discussion was needed and requested that staff address the questions posed and bring the matter back for discussion at a future meeting.

**5. Review of Calendars and Upcoming Events.**

There were none.

**6. 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.

**7. Adjourn City Council Work Session.**

**MOTION:** Council Member Bracken moved to adjourn. The motion was seconded by Council Member Petersen. The motion passed with the unanimous consent of the Council.

The Work Session adjourned at 7:00 p.m.

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL BUSINESS MEETING HELD TUESDAY, JANUARY 5, 2021, AT 7:00 P.M. THE MEETING WAS HELD ELECTRONICALLY, WITHOUT A PHYSICAL LOCATION DUE TO THE CURRENT COVID-19 PANDEMIC AND AS AUTHORIZED BY THE GOVERNOR'S EXECUTIVE ORDER DATED 18 MARCH 2020**

**Members Present:** Mayor Mike Peterson, Council Member Scott Bracken, Council Member Christine Mikell, Council Member Douglas Petersen

**Staff Present:** City Manager Tim Tingey, City Attorney Shane Topham, Police Chief Robby Russo, Assistant Fire Chief Riley Pilgrim, Records Culture and Human Resources Director Paula Melgar, Community/Economic Development Director Michael Johnson, Public Works Director Matt Shipp, Finance and Administrative Services Director S. Scott Jurges, Communications Manager Tim Beery, Assistant Police Chief Paul Brenneman, Senior Planner Andrew Hulka

**Excused:** Council Member Tali Bruce

**1.0 WELCOME AND DETERMINATION**

**1.1 The Mayor, as Chair of the City Council, will read the Written Determination Concerning an Anchor Location for this Electronic Meeting During the Current Pandemic, Pursuant to Utah Code Ann. 52-4-207(4).**

Mayor Mike Peterson called the meeting to order at 7:00 p.m. He read in its entirety the determination giving the Council the authority to hold the meeting via Zoom, pursuant to Utah Code Annotated §52-4-207(4).

**2.0 PLEDGE AND ACKNOWLEDGEMENTS**

Council Member Petersen led the Pledge of Allegiance.

Council Member Bruce was excused due to illness.

**3.0 CITIZEN COMMENTS**

City Manager, Tim Tingey noted that two written comments were submitted. One related to the August 2, 2020, incident with the police. The other related to support of the Canal Trail and issues pertaining to housing and the PDD.

Written comments Joe Reinman and Lani Kai Eggertsen-Goff were submitted and made part of the record.

*Joe Reinman* identified himself as a 16-year resident of District 3 and lives near the Whitmore Library. He discovered photos of riots on KSL's website that caused great concern. He observed

that officers in the photo were greatly outnumbered by the crowd. One officer was punched in the face by someone in a face mask. He saw no justification for assaulting police officers. He hoped that those involved would be punished to the fullest extent of the law. He expressed support for the good officers of the Cottonwood Heights Police Department and has always had good interactions with them. He hoped the City Council could prevent further incidents in the future.

*Lani Kai Eggertsen-Goff* stated that she and Council Member Petersen met in November and at that time she indicated that she wished she could participate in person in Council meetings but her employment prevents her from doing so. She raised the following concerns:

- She expressed support for the Canal Trail that was recently completed from the intersection of the canal and Fort Union Boulevard to the Mount View Park. It has been heavily used and will be an asset to the community. She had heard complaints from adjacent property owners who were concerned about crime as a result of the trail. Her opinion was that it will be minimized due to more eyes being on the property by trail users.
- She was opposed to reducing the number of affordable housing units in the Planned Development at the existing gravel pit at the mouth of Big Cottonwood Canyons. She stressed the need for affordable housing in the City.
- Regarding the CUP request for a bed and breakfast in her neighborhood asked the Council to refer to the staff recommendation and grant approval subject to the conditions set forth in the staff report.

There were no verbal citizen comments. Mayor Peterson closed citizen comments.

#### **4.0 STAFF QUARTERLY REPORTS**

##### **4.1 Police Report – Police Lieutenant, Dan Bartlett.**

Police Lieutenant, Dan Bartlett presented the Quarterly Police Report and reported that there were 1,332 calls for service and 290 on view calls. The response times are in line with the current system and stated that they are working to get response times down to the high four-minute to five-minute range. The overall crime report for the month of December included 110 total crimes. Thefts increased, which is typical during the holidays. Lieutenant Bartlett reported that there was an increase in arrests.

Council Member Mikell asked if the Cottonwood Heights Police Department (“CHPD”) monitors posts on Next Door. Lieutenant Bartlett stated that they are not always notified of activity by those who post on social media. They prefer people contact the department so that they can respond immediately. He receives emails from Next Door a few times per week but it is not in real-time. If someone sees a post on Next Door about potential criminal activity, they should encourage the person to contact the CHPD directly. Council Member Petersen added that social media apps and Ring provide an opportunity and should be reported to the Police Department. He hoped these methods will result in more vigilance with programs such as Neighborhood Watch. Lieutenant Bartlett stressed that if the CHPD had the information in real-time, it would assist them in

investigating this type of activity. He reported that officers were able to arrest a couple of package thieves and vehicular burglary groups using video from Ring cameras and other home security systems.

Lieutenant Bartlett confirmed that they do not take reports off of Next Door or Facebook. Council Member Bracken stated that the general perception nationwide is that police do not focus on property crimes, however, the CHPD takes those reports seriously. Lieutenant Bartlett confirmed the steps are taken to follow up on leads. Council Member Bracken stressed the importance of real-time reporting to the CHPD. Mayor Peterson stated that this would be an appropriate subject for the City newsletter to educate the public on how to best report crimes. Council Member Mikell requested that Lieutenant Bartlett provide the Council with information regarding how to respond to posts reporting activity, including how to contact the CHPD.

Lieutenant Bartlett reported that traffic citations increased slightly, which he attributed to the ski season and increased traffic and parking. Officers were doing their best to educate the public and to get warnings posted. He reported that accidents were down. Calls for service over the last three months of 2020 increased due to the holidays but were at a fairly normal level for this time of year. He reported that that DUIs were down during December.

Council Member Bracken asked about juvenile arrests this past year and whether at-home learning has had any impact on those numbers. Lieutenant Bartlett confirmed that juvenile arrests were down toward the end of the year but stated that the colder weather could be a significant factor. He agreed to review the records for the entire year and report back. It was reported that Animal Control calls typically decrease at the end of the year while snow-related issues tend to increase. Lieutenant Bartlett indicated that there were two unattended deaths in December. The safety message for the month centered on winter driving in anticipation of upcoming snow and ice. Lieutenant Bartlett responded that Dispatch continued to improve as they learn the system and as more agencies come on board. The current numbers were an improvement.

Mayor Peterson addressed rape statistics, which were four times greater than one year ago. Lieutenant Bartlett stated that there are numerous ongoing sex crimes investigations. He was unable to address the cause of the increase. He noted that many of the cases involve situations where the victim knows the attacker.

Mayor Peterson asked about juvenile arrests and the impact of online learning. Lieutenant Bartlett reported that he expected the opposite to occur since young people are not in school. He was pleased that the numbers are down.

#### **4.2 Public Works Report – Public Works Director, Matt Shipp.**

Public Works Director, Matt Shipp reported that in terms of operations, they are maintaining the roads and the right-of-way through sealing and patching. He added that calls reporting potholes have decreased significantly this year. Currently, crews are in the process of inspecting and cleaning stormwater systems.

During the last quarter, the Engineering Department finalized the environmental document for the Wasatch Parking Lot. They are now moving forward with the selection of a consultant through UDOT.

An Open House was held on the Bengal Boulevard roundabout and staff is working with the LDS Church on the property. They are also working to finalize an agreement with a private property owner. The project was expected to go out to bid by the end of January or the first of February.

Mr. Shipp reported that the Scottish Drive Storm Water Program has been finalized. They will go out to bid on the rest of Scottish Drive at the end of January with construction to begin in early April. It was noted that the Council has already approved Phase Two of the project. Mr. Shipp reported that the Council has already signed an Agreement regarding the Storm Water Fee. The East Jordan Canal Trail Project has been completed.

Mr. Shipp reported that the slurry seal projects for year two of the five-year Road Maintenance Plan have been completed. They have begun the crack sealing for year three of the five-year plan. Surface treatment bids were to be sent out in January.

Mr. Shipp presented statistics regarding snow removal operations, which run from October to March. He noted that they are off to a slow start in terms of snow accumulation. Photographs were presented of some road improvement projects. They have approximately three million square feet of surface treatment that will be put down. Council Member Mikell commented that Alpen Way seems to require more than slurry seal. Mr. Shipp agreed and stated that they will try to avoid doing slurry seal there to save funding.

Mr. Shipp presented photographs of the stormwater improvements at Scottish Drive. New inlet grates were installed that provide greater capacity and allow some of the debris to go into the storm drain rather than plugging the grates. The new grates are required on all new projects. It was noted that the waterways were widened to approximately feet. Photographs of the East Jordan Canal Trail were displayed showing the course of construction and the completed trail. He reported that the trail gets a lot of use.

In response to an inquiry from Mayor Peterson regarding the timing of the added element of an off-leash area to the Ferguson Canyon overflow parking lot, Mr. Shipp stated that any additions will be outside the scope of the project. They are constrained by the funding that has already been allocated for the project. Mr. Tingey added that the current funding is through UDOT and is for the parking. He confirmed that they received approval of funding for two contracts. They include wayfinding for the Big Cottonwood Canyon Trail as well as maintenance and repair on that trail. Mr. Tingey added that the maintenance project cost approximately \$80,000 and the wayfinding signage was just over \$40,000.

Council Member Petersen expressed appreciation for the County's involvement in the new playground at Crestwood Park. It was noted that the Director of the Salt Lake County Parks retired in December and has been replaced by Patrick O'Leary.

## **5.0 ACTION ITEMS**

**5.1 Consideration of Resolution 2021-01 Approving an Interlocal Agreement with the Utah Department of Transportation for Drainage Improvements (Wasatch Boulevard).**

Mr. Shipp stated that the above resolution addresses an outfall storm drain line that comes out on Wasatch Boulevard. During heavy rains and flooding, it was discovered that the line was buried during construction. It was opened up and is now flowing down to the highway where it had been flowing for the past 40 years. UDOT requested an agreement with the City to allow the water to flow until they can connect it to a future storm drain when improvements are made to Wasatch Boulevard. It was clarified that the line is owned by the City and required a few hours to dig it out and replace it. Mr. Shipp stated that because it is a City pipe that directs water onto UDOT property, there is no need for a reimbursement provision in the resolution.

Council Member Petersen asked about accountability for these types of issues. Council Member Bracken stated that there are at least 1,000 manholes that were covered up over the last 15 years. To date, they have repaired at least 800. Mr. Shipp noted that they are tracking the work being done.

**MOTION:** Council Member Petersen moved to approve Resolution 2021-01. The motion was seconded by Council Member Bracken. Vote on motion: Council Member Mikell-Aye, Council Member Bracken-Aye, Council Member Petersen-Aye, Mayor Mike Peterson-Aye. The motion passed unanimously.

**5.2 Consideration of Resolution 2021-02 Approving Appointment to Arts Council.**

Mr. Tingey reported stated that he had the opportunity to meet Carol Whitaker and recommended she be appointed to serve on the Arts Council. She brings a great background in arts and education and will be a great asset to the Arts Council. Council Member Petersen agreed and looked forward to working with her.

**MOTION:** Council Member Bracken moved to approve Resolution 2021-02. The motion was seconded by Council Member Petersen. Vote on motion: Council Member Mikell-Aye, Council Member Bracken-Aye, Council Member Petersen-Aye, Mayor Mike Peterson-Aye. The motion passed unanimously.

**6.0 CONSENT CALENDAR**

**6.1 Approval of the City Council Work Session and Business Meeting Minutes for December 15, 2020.**

**MOTION:** Council Member Petersen moved to approve the City Council Work Session and Business Meeting Minutes for December 15, 2020. The motion was seconded by Council Member Mikell. Vote on motion: Council Member Mikell-Aye, Council Member Bracken-Aye, Council Member Petersen-Aye, Mayor Mike Peterson-Aye. The motion passed unanimously.

**7.0 ADJOURN CITY COUNCIL BUSINESS MEETING.**

**MOTION:** Council Member Bracken moved to adjourn the City Council Business Meeting. The motion was seconded by Council Member Petersen. The motion passed with the unanimous consent of the Council.

The meeting adjourned at 7:52 p.m.

*I hereby certify that the foregoing represents a true, accurate, and complete record of the Cottonwood Heights City Council Work and Business Meetings held Tuesday, January 5, 2021.*

Teri Forbes

Teri Forbes  
T Forbes Group  
Minutes Secretary

Minutes Approved: January 19, 2021