

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL WORK SESSION
HELD TUESDAY, DECEMBER 6, 2022, AT 4:00 P.M. IN THE COTTONWOOD
HEIGHTS CITY COUNCIL WORK ROOM LOCATED AT 2277 EAST BENGAL
BOULEVARD**

Members Present: Mayor Mike Weichers, Council Member Douglas Petersen, Council Member Scott Bracken, Council Member Shawn E. Newell, Council Member Ellen Birrell

Staff Present: City Manager Tim Tingey, Records Culture and Human Resources Director Paula Melgar, Community and Economic Development Director Michael Johnson, Police Chief Robby Russo, Public Works Director Matt Shipp, Assistant Fire Chief Riley Pilgrim, IT Manager Matt Ervin

Excused: Finance and Administrative Services Director Scott Jurgens, City Attorney Shane Topham

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.

The Council would consider five Action Items during the Business Meeting. The first was consideration of Ordinance 389 – Adopting an Annual Meeting Schedule for 2023. Mayor Weichers explained that the adoption is required by Utah Code. The next item was consideration of Resolution 2022-55 – Concerning Gondola Option B. Through that Resolution, the Council would express opposition to the Utah Department of Transportation’s (“UDOT”) preference for the transportation alternative, Gondola Option B, outlined in the UDOT Little Cottonwood Canyon Environmental Impact Statement (“EIS”). City Manager, Tim Tingey reported that there had been previous Council discussions related to the UDOT preferred alternative. The City submitted public comments to UDOT as part of the UDOT Little Cottonwood Canyon EIS process but the Resolution would reiterate their opposition to the gondola alternative.

The next Action Item was Resolution 2022-61 – Approving a Consulting Agreement with NFP Corporate Services (UT) Inc. Mr. Tingey explained that during the budget process last year, there had been conversations about compensation, cost of living, and other elements. Those issues were raised during Work Session Meetings as well as during the Compensation and Benefits Committee Meetings. A Compensation Study was contemplated to evaluate where Cottonwood Heights is in the market. It had been four years since the last Compensation Study. It was time to move forward with this work and there was funding in the budget for the contract. He reported that the contract was for \$15,520 and Staff recommended approval.

Council Member Petersen wondered how often this type of study is done. Mr. Tingey explained that it is normally done every four or five years. There had been other compensation reviews related to police but the proposed Compensation Study would be more comprehensive. Council Member Birrell asked if data could be shared between cities. It may not be necessary to do a Comprehensive Study that includes all of the departments. Mr. Tingey clarified that the work from NFP Corporate Services (UT) Inc. would involve an evaluation of all job descriptions and finding data and doing market comparisons with other cities.

Council Member Petersen noted that the City looked at compensation more informally last year by making phone calls to other cities. Mr. Tingey explained that last year the City looked at what the cost of living and merit adjustments were elsewhere. What was proposed was a Comprehensive Study, which had not been done in four years. It would look at job descriptions and compensation. This was similar to what had been done in 2019 when a Comprehensive Analysis was done. The intention was to make sure that Cottonwood Heights is in the market.

Council Member Petersen asked how inclusive the study would be. Mr. Tingey reported that it would include all employees and departments. The Council further discussed the details of the contract. Council Member Bracken believed that \$15,520 was a fairly reasonable cost for the study as long as good data was received. Mr. Tingey explained that if the contract is approved, a schedule would be followed. The information would be received well before the City needed it to move forward in the budget process. He noted that the schedule is attached to the contract. A lot of the work was planned to be done by February 1, 2023.

The next Action Item on the Business Meeting Agenda was consideration of Resolution 2022-62 – Consenting to Reappointments to the Cottonwood Heights Historic Committee. Mr. Tingey reported that there were some reappointments for three-year terms. The reappointments were for Jerry Christensen, Jessica Despain, and James Kichas. All three were doing a great job on the Cottonwood Heights Historic Committee. Mr. Kichas Chairs the Committee, Mr. Christensen is excellent at documenting, and Ms. Despain is a lifetime resident. He felt that all three Committee Members were excellent individuals to have on the Committee. Council Member Birrell was impressed with everyone serving on the Historic Committee.

The last Action Item was consideration of Resolution 2022-63 – Accepting Requests for Defense and Indemnity. Mr. Tingey reported that information was included in the packet for review. There had been requests in the past related to indemnification. This particular item related to the lawsuit between Natalie Bruce, the City, and Cottonwood Heights Police Department Chief Robby Russo. Recently, Ms. Bruce hired additional legal counsel and asked the court to amend her claim to include assertions related to the August 2, 2020 incident that pertained to civil disturbance. The court allowed for that, so there was an amendment and three additional people were brought in. This included Cottonwood Heights Police Department officers, Daniel Bartlett and Kelly Taylor, as well as the City Manager. The three individuals had requested indemnification, which needed to be considered by Council.

The last item on the Business Meeting Agenda was the approval of the Consent Calendar.

3. POINT OF THE MOUNTAIN PRESENTATION – Mr. Scott Cuthbertson.

Mayor Weichers reported that Scott Cuthbertson, Deputy Director for The Point, was present. His presentation was related to the development at the Point of the Mountain. Mr. Cuthbertson shared a promotional video created by the development partners. The Point is a 600-acre site located on the former Utah State Prison property. Demolition began the previous week. The project started to come together in a concrete way over the past year, although the project has been in the making for more than 15 years. The Point is an innovative mixed-use concept that is forward-thinking in terms of sustainability, transportation, and walkability.

Mr. Cuthbertson explained that The Point operates under the guidance of a Board that was co-chaired by Lieutenant Governor Diedre Henderson and Representative V. Lowry Snow. He overviewed some of the other Board Members. There was a desire for the project to be transparent and deliver what Utah residents asked for. It needed to be in line with regional planning, consider the environment, be innovative, and be an economic generator for the State.

There had been a robust public engagement process where approximately two years of outreach took place. According to Utah residents, there was a desire to see something that was innovative, forward-thinking, and walkable. Mr. Cuthbertson shared statistics related to the outreach process. There was a total of 12,000 survey respondents. That feedback was shared with the Board. Working groups were created with representatives in the business community within the County and State. Those discussions made it possible to create more specific project guidelines. The Point was statutorily required to deliver on certain goals. He noted that there had been a lot of positive press related to the project so far. Some of that press was even international.

Mr. Cuthbertson explained that The Point is intended to have everything needed within a 15-minute distance. He further discussed the idea of a “15-minute city” and explained that the area will have parks, trails, public transit, jobs, housing, retail, recreation, entertainment, food, and beverage. He shared an example map with the Council related to the signature features. This included a BRT route. That route could become light rail transit, but there would be public transportation coming from the FrontRunner Station through the site and connecting to the east side. There would also be 160 acres of green space and a central park. Council Member Birrell asked about the timeline for the BRT or light rail transit. Mr. Cuthbertson reported that they were working closely with UDOT and Utah Transit Authority (“UTA”). A study was underway.

One of the signature features related to regional business, technology, and innovation. The Point was intended to be a place where the Utah System of Higher Education could help coordinate innovation efforts. Jefferson Moss was charged with coordinating those efforts and creating the innovation center on-site. Some of the community enhancements included smart city technologies, mobility innovations, sustainability, traffic mitigation, design guidelines, and economic impact. There was a desire for The Point to have the latest technology so the area could be managed efficiently. For sustainability, a variety of conservation efforts were being explored. There was a desire to be thoughtful about water use and to utilize a lot of solar energy.

Mr. Cuthbertson reported that The Point includes State-owned land that is within the jurisdiction of Draper City. As a result, there had been a lot of close work with Draper. The State had the land

use authority and would retain ownership of the land. This would ensure that the development was done in accordance with the vision. Draper City had been an excellent partner so far.

The smart mobility program elements were reviewed. Mr. Cuthbertson reported that a variety of solutions were being explored for mobility. For instance, there was a proposal for an autonomous circulator that would go around the site. It would help with first and last-mile entry into the project. Active transportation options were being discussed as well as car share and mobility hubs. As for the design guidelines, there were parameters to ensure that there was a high-quality product.

Mr. Cuthbertson overviewed the regional benefits. The Kem C. Gardner Policy Institute conducted a study on the economic and fiscal benefits of The Point. Based on the independent analysis, there was a forecast of 46,500 jobs by 2048, \$4.38 billion in annual household earnings, and \$7 billion in annual GDP. Those were significant numbers. Mr. Cuthbertson acknowledged that it might be difficult to believe some of the projections listed but there were forecast breakdowns that showed that the numbers were actually achievable.

The timeline was reviewed. Mr. Cuthbertson reported that Conditional Approval was awarded for the first 60 to 70 acres of the site. Demolition had also begun. The hope was that early next year, the Development Agreement would be finalized. Demolition would continue into the fall of next year at which time the horizontal development would start. In 2025-2026, some buildings would be constructed. The first phase alone could be a 10-year project. Overall, it would likely take 20 to 25 years for complete development. The market would dictate the full timeline, but he clarified that this was a long-term project. Renderings were shared.

Council Member Petersen noted that electricity needs to be created in some way. He wanted to know where that would come from. Mr. Cuthbertson reported that it would come from Rocky Mountain Power. The Point will utilize the grid but there would also be on-site solar and geothermal. There would be a variety of alternative solutions used as well. Council Member Birrell wondered what percentage of energy would come from geothermal. Mr. Cuthbertson clarified that those numbers were still being determined. It may be possible to use in-ground geothermal and there were a few partners that were interested in looking at that further. Additional analysis was needed to determine the percentages and the strategies that would be implemented.

Mayor Weichers asked about the number of housing units. Mr. Cuthbertson explained that there is a housing shortage and the numbers might be altered to address that need. Approximately 10,000 units were envisioned currently but that could increase. The Point was looking at ways to contribute to housing affordability. There were targets of approximately 15% affordable units but the AMI percentages were still being examined. He reported that there was also a desire to set up a trust fund. The Point would partner with Draper, who would contribute some RDA funds into a revolving loan fund. The State would also be contributing. Some of the payments from the developer would be added to the fund as well. Housing was a focus of the project.

Mr. Cuthbertson reported that the backbone infrastructure included utilities, the primary roads, and some of the power infrastructure. This needed to be in place within the next 2 ½ years. That could be done simultaneously with some of the lateral ground preparation and some of the building work. However, it would likely be 2025 or 2026 before buildings would start to be built.

Council Member Birrell asked about the demographics of residents. For instance, if there would be a lot of children and coordination with the school district to accommodate those children. Mr. Cuthbertson explained that the desire was for The Point to be a place where everyone can live, work, and play. Some of the products would be higher-end, but it was a place that would provide entertainment areas and retail areas for everyone to utilize. He believed there would be a younger demographic. The intention was to drive new companies to Utah. As for school district coordination, they were working closely with the Canyon School District. There would be a school there at some point, but likely not initially.

Mayor Weichers noted that the State will lease the land. He wondered how that would work as far as costs and construction. Mr. Cuthbertson informed the Council that it is a complex structure. The State was looking at putting money into the backbone infrastructure. This was the most cost-efficient way to move forward. After that, The Point would look to the private sector to pay for some of the work on the parcels. The developer would lease the development rights from the State. At the end of the day, the State owns the land. The tax would be reinvested back into the community. Some of that would also go into the General Fund, which will help all Utahans.

Mayor Weichers and the Council Members thanked Mr. Cuthbertson for his presentation.

4. MS. CASSIE GOFF WITH *THE COTTONWOOD HEIGHTS JOURNAL*

Mayor Weichers reported that Cassie Goff from *The Cottonwood Heights Journal* regularly attends City Council Meetings. Ms. Goff introduced herself and stated that she is native to Cottonwood Heights and previously served on the City Council in 2009 for three years. She had received a bachelor's degree in Writing, a bachelor's degree in Psychology, and a master's degree in Writing Composition. She now teaches at the University of Utah and Salt Lake Community College. Ms. Goff shared additional information about her background and the Cottonwood Heights Journal. She thanked the City Council for focusing on housing needs in the community.

5. STAFF REPORTS.

a. Focus Survey Discussion – City Manager, Tim Tingey.

Mr. Tingey shared information about the survey. During the last discussion on the matter, the Council gave direction to focus on housing elements in the community. The City has worked with Y2Analytics to develop a draft for the Council to consider. Y2Analytics began with several housing-related questions that had been raised in other communities and Staff made modifications so the questions were more fine-tuned and focused on Cottonwood Heights. The draft was distributed to the Council in mid-November. Some comments were received about the draft since then. Mr. Tingey explained that the survey would be administered in January 2023. The survey would provide an introduction element and focus on housing costs, development, and different types of housing. This would make it possible to understand what residents want to see in the community. Any additional Council Member suggestions could be shared during the Work Session or on the shared draft survey document.

Mayor Weichers liked the comments submitted by Council Member Bracken. However, he was still unclear about what the survey was attempting to accomplish. There were a lot of interesting questions in the survey but he wanted to better understand what the City and the City Council are trying to accomplish with the results of the survey. Council Member Newell echoed that uncertainty. He asked for additional clarity about what the expectations were and what the results would accomplish. Council Member Birrell noted that during the general survey conducted over the summer, residents mentioned a desire for more affordable housing. According to City Staff, in Cottonwood Heights, one-third of the housing inventory consists of multi-family units and the other two-thirds are single-family. She was interested in hearing more feedback and more specific comments related to housing desires. It was important to better understand what kind of future was desired for Cottonwood Heights. Council Member Birrell suggested that the survey start by outlining the reasons the survey was being conducted.

Mr. Tingey reported that the City needs to think about the future and what is desired in the community. Cottonwood Heights can remain as it is currently or focus on different ways to accommodate growth. Mayor Weichers pointed out that the intention was to find out how residents feel about density, which was a clear purpose for the survey. Cottonwood Heights is a mostly built-out City but there are some development opportunities. There would also be more redevelopment opportunities moving forward. He suggested that the survey specify that Cottonwood Heights housing is currently comprised of one-third multi-family units. The question could be: “Do you feel this is a good composition? Should it be higher or lower?” He wanted to make sure that all of the survey questions are focused on clear outcomes.

The Council further discussed the survey questions. Council Member Newell felt it would be beneficial to share information about the current status of housing in the community as well as some possibilities. Mayor Weichers liked that suggestion. Adding additional context was important, especially in terms of the State requirements for housing and growth. Council Member Newell believed it was important for residents to have access to that kind of information before filling out the survey. This would ensure that everyone is fully informed ahead of time. Council Member Petersen noted that it would be interesting to find out how many homes are being used for short-term rentals or Accessory Dwelling Units (“ADU”).

Mayor Weichers wondered if the survey questions needed to be refocused or if the questions were appropriate to move forward with. Council Member Bracken believed a report could be useful but there was also validity to a statistically valid response from the residents. Education was a worthwhile area to focus on but he believed the survey results could also stand alone. Council Member Newell reported that education is important and would lead to more informed survey results. Mayor Weichers suggested adding information to the next newsletter. Residents could read the newsletter before the survey becomes available in the new year. Mr. Tingey stated that an element of education could be incorporated into the survey. For instance, there could be a few basic facts about the current housing components in Cottonwood Heights.

Council Member Birrell stated that a lot of the draft survey questions were framed nicely but she wanted to see references to transit-oriented development. It was becoming more expensive to own a vehicle and drive it everywhere. The City needed to accept urbanization and present transit-oriented development positively. As the General Plan and Five-Year Transportation Plan were

updated, it was necessary to consider viable transit through Cottonwood Heights that would allow workers to access the community. Council Member Newell asked for additional clarity on viable transit. Council Member Birrell explained that buses currently come once every 30 minutes. The transit system is clunky and time-consuming. The local bus transportation on the east side of Salt Lake Valley has diminished over the years. For transit to be viable, it needs to be frequent, reliable, and affordable. Currently, there were barriers to transit. Council Member Newell pointed out that there needs to be a cultural shift for transit to be used.

Council Member Bracken wondered what the Council would do if the survey indicated that residents do not want transit-oriented development. Mayor Weichers believed that transportation needs to be discussed further at a later date. He appreciated all of the feedback and comments shared. Mr. Tingey stated that the Council wanted City Staff to enhance the survey by providing more of an educational introduction related to housing facts, the General Plan, and the reason for the survey. There could also be an article in the newsletter with background information. The survey questions would be refined based on the input provided. He wanted to share the information with Y2Analytics within the next week. As a result, he asked that Council Members share additional suggestions and edits as soon as possible.

b. General Plan Discussion – Community and Economic Development Director, Michael Johnson.

Community and Economic Development Director, Michael Johnson shared information about General Plan updates. After the Joint Work Session and follow-up discussions, direction was given to City Staff to slow down and determine how to best approach the Land Use and Housing elements of the General Plan. For instance, how to have a context-specific approach that did not create disproportionate impacts in one area of the City. Staff was actively working on finishing a content-complete draft of the General Plan. It would be ready for review within the next week or so. Before that was shared, he wanted to provide some updates.

State Code requires certain elements to be in the General Plan. This included Land Use, Housing, and Transportation. Mr. Johnson explained that the General Plan is a high-level document that looks years and decades into the future. It helps the City identify a vision, understand where it wants to go, and determine what it wants to accomplish in terms of the various elements. The concepts and goals were written in a general way intentionally because it was a broad plan.

Mr. Johnson discussed the context-based approach. What works in one neighborhood may not work in another, so it was important to plan from a local level out. As the focus moved outward, it was important for the different areas to be interconnected and complement one another. The City was broken down into smaller areas. Recommendations made for each of the smaller levels would also work City-wide. Mr. Johnson continued to overview the General Plan philosophy. This included maintaining and improving the safety, viability, and connectivity of all transportation methods. He clarified that this was a complete streets approach. The streets need to be designed to safely accommodate any form of transportation. There was also a philosophy related to growth. The General Plan recommended that the City plan and develop policies to accommodate growth rather than react to growth.

The General Plan philosophy for housing was to plan for a variety of affordable and attainable housing options. Mr. Johnson explained that it was required by State Code that the Housing element be included in the General Plan. Mr. Tingey informed the Council that the General Plan would be reviewed the following week and a potential decision would be made in January 2023. Mr. Johnson anticipated that the Housing Element from 2019 would be revamped and updated. The last two General Plan philosophies were to utilize recommendations from existing adopted master plans and existing/ongoing community input as well as thoughtfully identify key future redevelopment areas and ways to guide that development. He reiterated the importance of context.

Mr. Johnson reviewed the following General Plan goals:

- Preserve existing neighborhoods;
- Enhance local services and amenities, and connect neighborhoods to them;
- Provide for a variety of community and lifestyle choices;
- Transform major corridors;
- Create vibrant, walkable activity centers, including a Cottonwood Heights town center;
- Maintain and improve the City's recreation network;
- Establish policies that help protect the natural environment; and
- Plan and prepare for future growth and development in a context-sensitive manner.

Updates to the Land Use element were shared. Mr. Johnson outlined the following priorities:

- Plan proactively and responsibly for growth to limit negative impacts and maintain a high quality of life, in a way that compliments established City values (smart growth);
- Support existing neighborhoods while providing a variety of new and affordable housing options for various types of individuals and households;
- Establish a town center area with a strong community identity;
- Guide appropriate redevelopment or and accessibility to other smaller, established centers to continue to meet local shopping and service needs;
- Plan for a dynamic transportation system that equally balances vehicles, transit, pedestrians, and active transportation (complete streets);
- Develop policies to accommodate shifting working and shopping patterns; and
- Embrace and protect the natural environment, views, open spaces, and natural resources.

The approach to the Land Use element was to utilize existing adopted master plans to the greatest extent possible. Mr. Johnson explained that it was also important to develop neighborhood small-area plans, implement a development code with form-based elements to shape targeted redevelopment areas, and develop small-area plans for key commercial redevelopment sites. Mr. Johnson shared a map of the City with the Council that showed the land use priority areas.

Mr. Johnson discussed the estimated timeline for the General Plan updates. The idea was for there to be a content complete rough draft within the next two weeks for Council and public review. There would be continued refinement and formatting as the process continued. He reported that there would be Town Hall Meetings in 2023. Those meetings could be ready as early as January, depending on the City Council's direction. There would be ongoing refinement based on the

outcomes of the Town Hall Meetings and the survey results. The complete draft of the General Plan would be presented to the Planning Commission in Q1 2023. The tentative goal was to work towards final adoption by the City Council in the fall of 2023.

Mayor Weichers asked that the City Council look at elements of the General Plan before the complete draft is shared with the Planning Commission. Council Member Birrell wondered if it was possible for a report that outlined the local business types. If there was a desire for walkability along the Fort Union Boulevard segment, in particular, it would be worthwhile to consider what Cottonwood Heights businesses are in that area. It could be beneficial to understand what commercial centers are currently in place. She felt it was important to determine how to encourage residents to do more of their shopping within the City. The Council discussed the types of businesses currently in Cottonwood Heights. Mr. Johnson reported that there were studies that determined what industries residents left Cottonwood Heights for.

**c. Sensitive Lands Evaluation and Development Standards (“SLEDs”)
Ordinance – Community and Economic Development Director, Mike Johnson.**

Mr. Johnson shared information related to the Sensitive Lands Evaluation and Development Standards (“SLEDs”). During the last several City Council Meetings, there had been a review of the various elements of the proposed SLEDs Ordinance amendment. The last amendment related to the Riparian Protection Area regulations. Those fell within SLEDs and the Riparian Protection Area was a component of sensitive lands. Background information was shared. Mr. Johnson reported that a Riparian Protection Area instituted standards for what was allowed along waterways and the adjacent ground, also known as riparian areas. The standards protect water quality from pollutants, minimize flood hazards to structures, preserve habitat and aesthetic values of waterways, stabilize banks, reduce erosion, and allow for groundwater recharge.

Riparian protection standards were included by reference in the existing SLEDs Ordinance. However, the chapter that was supposed to contain those standards did not exist. The discrepancy was being addressed as part of the overall SLEDs update. There would be a Riparian Protection Area section within the updated SLEDs Ordinance. The approach that Staff had taken involved extensive research looking at riparian management practices and standards from other areas, looking at best management practices from regulatory agencies, and looking at how Cottonwood Heights approached other sensitive lands. The end result of that approach was the draft Riparian Protection Area Ordinance. Generally, the idea was that the area closest to the waterway would be the most regulated as it is the most sensitive. The intention was to guide new development so that it is harmonious with sensitive water areas.

Mr. Johnson discussed buffer areas. Certain buffer zones, or distances from the waterway, were established. For instance, 0 to 25 feet was one zone, 25 to 50 feet was another zone, and 50 to 75 was another zone. The standards changed depending on the zone. Following the introduction of the buffer area system to the Planning Commission, the Commission requested that City Staff widen the buffer area to include more property within the protection area. Based on that direction, City Staff found that properties in zones that require larger lot sizes could accommodate a widened buffer area. However, properties in zones with smaller lots could not. The language was updated to include two different buffer area groups, divided by zoning classification.

- Group 1 – Larger Lot Size Zones – Wider Buffer Area
 - F-20, F-1-43, F-1-21, RR-1-43, RR-1-29, RR-1-21, and CR Zones.
- Group 2 – Smaller Lot Size Zones – Narrower Buffer Area
 - R-1-15, R-1-10, R-1-8, R-1-6, R-2-8, RM, RO, MU, NC, PF, and O-RD Zones.

Mr. Johnson further reviewed Group 1. Area A was 0 to 50 feet, Area B was 50 to 75 feet, Area C was 75 to 125 feet, and Area D was 125 to 150 feet. For Group 2, Area A was 0 to 25 feet, Area B was 25 to 50 feet, Area C was 50 to 100 feet, and Area D was 100 to 125 feet. Mayor Weichers noted that new construction was mentioned. He wondered if this meant existing areas were being grandfathered in. This was confirmed. Mr. Johnson reported that the vast majority of activity that exists would be grandfathered in. Mayor Weichers asked if there had been tours of the riparian areas to examine the current conditions. Mr. Johnson explained that a GIS analysis was being conducted for properties along waterways to determine what was in each buffer zone. Area A would most commonly have accessory buildings, such as sheds, especially in Group 2.

Council Member Birrell pointed out that some residents were vocal online about their concerns. She wondered if their questions had been answered. Mr. Johnson met multiple times with many of those residents. Some of their comments were fair and matched the intention of the ordinance. The current language took a lot of those concerns into account. Council Member Birrell noted that this issue was related to new construction. She wondered why the residents with existing construction were so concerned. Mr. Johnson explained that clarifying language was added to emphasize new development within the SLEDS Ordinance.

Mr. Johnson explained that the draft ordinance included a Table of Uses. Those uses were broken into different categories including Allowed (A), Analysis Required (AR), and Not Allowed (N). Mr. Johnson reviewed sample scenarios with the Council. For instance, a new primary structure would not be allowed within the first two buffer areas. He noted that the language and requirements could be further refined by the Council. The language would be layered on top of existing regulations from regulatory agencies. The Cottonwood Heights Ordinance would not take precedence over other existing regulations but would apply in addition to those regulations. Additional uses listed in the Table of Uses were reviewed. Mr. Johnson reported that stairs, landscaped walls, and paths were allowed everywhere. In the most sensitive area, a review would take place before any of that was installed, especially if there was cutting into the bank.

The Council discussed landscaping and grading in riparian areas. Mr. Johnson explained that anything that does not change the elevation by more than one foot is considered a minimal ground disturbance. Beyond that, it was still allowed but a Grading Plan would be required. He noted that sensitive lands have grading permit requirements outside of riparian standards. If there was substantial site grading that is over one acre, a Storm Water Permit and Grading Plan were needed.

Mr. Johnson continued to review the Table of Uses and discussed the use of herbicides, pesticides, fertilizer, or other toxic substances, except for those related to tree health. The language recommended that those not be allowed in areas closest to the water source. Council Member Bracken suggested that this be changed to an AR use instead. Certain items would not necessarily

be detrimental to the water. Mr. Johnson made note of the suggestion. He pointed out that enforcement would be a challenge either way. The intention was to remind residents that it was important to protect water sources. He reported that the installation of trees and plants was allowed but there were recommendations pertaining to the installation process. For instance, minimizing the use of heavy machinery whenever possible.

Maintenance and tree pruning was allowed everywhere. The removal of trees, plants, and debris was also allowed but there were some requirements. This included requirements related to landscaping and heavy machinery. Additionally, trees that are removed need to be hazardous. This means the trees need to be dead, partly dead or cause some sort of damage. Mr. Johnson explained that there needed to be a reason to remove a tree from the land. Any hazardous tree that is removed should be replaced with a tree that is planted in the same vicinity.

Council Member Petersen believed the Table of Uses seemed reasonable. Council Member Bracken agreed but noted that some residents may not be supportive of the language. The Council felt the uses were practical and did not appear to overstep. Mr. Johnson reported that fencing is allowed everywhere. However, water flow cannot be blocked when fence installation occurs. Composting areas are not permitted near the waterway. As for the installation of new flood control devices, those were permitted, but there was a review process.

Mr. Johnson read from the Applicability Section of 19.72.50 – Riparian Protection Area:

- This Ordinance does not apply to functions by regulatory agencies which are conducted as part of their necessary operations, nor does it apply to emergency response measures as defined in this Ordinance, provided that the least invasive methods feasible are used in both circumstances.

The draft ordinance had been shared with Council Members but was also posted online. It was available for members of the public to review. Mr. Johnson reported that he would meet with residents for further clarification and discussion about the language. Mayor Weichers appreciated the work that had been done. He understood that residents were wary about new regulations but sometimes those regulations are necessary for overall well-being and safety. Mr. Johnson asked that additional feedback be shared with City Staff. The full Ordinance could be brought back for further discussion in January 2023. There were recommended updates and procedural clarifications elsewhere in the Ordinance that related to the Development Review Committee (“DRC”). Those changes would be made along with any other Council feedback. The Council would have a complete updated draft the next time that the item came before City Council. Public comment would also be scheduled whenever the language is ready to be considered.

d. Bengal Boulevard Speed Limit Adjustment Discussion – Public Works Director/City Engineer, Matt Shipp.

Mayor Weichers had concerns about the speeds coming up Bengal Boulevard from Highland Drive toward the high school. There is a crosswalk that goes over to the school that is used often. Some changes were in process, which included the addition of lights to increase safety. Additionally,

Public Works Director, Matt Shipp was looking at some different options to slow down vehicles. Mayor Weichers informed the Council that he wanted to discuss adjusting the speed limit on Bengal Boulevard. It was currently 35 miles per hour. Changing the speed limit would require an ordinance change due to the road type.

Mr. Shipp noted that three different ordinance proposals had been suggested. If there was a desire from the Council to change the speed limit from 35 MPH to 25 MPH, the item could be brought fairly quickly to the Council for consideration. However, currently, it was not possible to reduce the speed limit on Bengal Boulevard below 35 MPH. He felt that the location justified a reduction in the speed limit but he clarified that a speed limit sign would not necessarily slow down traffic. Vehicles would continue to move through the area based on the comfort level of the driver. Flashing radar signs coming up the hill would remind drivers that there was a school zone ahead. He shared a map of the area with the Council. If there was a desire to address speeds, he believed this needed to be done out to the skate park and athletic complex.

Mr. Shipp reported that other options were being explored. The intention was to tie those in with the project at Bengal Boulevard as well as the trail project. Traffic calming elements within those projects would be beneficial. He noted that there had been previous discussions about lighting at the crosswalk for additional safety for students. That work would start next week. Mr. Tingey clarified that a proposed ordinance change would be brought to the Council the following week.

Council Member Petersen wondered where the reduced speeds would start. He wanted to understand whether the reduction would be after the crest of the hill or before the incline. Mr. Shipp stated that the uphill did not concern him as much as the downhill. He believed that traffic calming was the best option but until then, speed reductions on that road could be explored in any location. The map had a blue line on it to indicate where the speeds needed to be controlled.

Council Member Birrell applauded Mayor Weichers for acknowledging the issues in the area. She liked that he wanted to prioritize safety. Council Member Birrell referenced the Safe System approach and wondered if it would be possible to obtain funding for bicycle lanes. Those lanes would encroach on the space that motorists had and would signal the need to slow down.

Mayor Weichers stated that the location of the school is an important component. There are a lot of students that cross at the crosswalk. Council Member Bracken asked what percentage of pedestrians were school-related. There was no data on that but the assumption was that it was high. Council Member Bracken was not sure that lowering the speed limit would lead to actual results. Council Member Birrell pointed out that it could be a worthwhile first step. Council Member Bracken did not believe behaviors would change because of a speed limit sign.

Council Member Newell felt it was important to reduce speeds in the area. He liked the idea of flashing signs because it increases visibility. Mayor Weichers liked the radar signs as well. He believed there was enough agreement to move forward with the ordinance amendments. The Council further discussed the importance of speed reduction along Bengal Boulevard.

e. **Fort Union Storm Water Design – Public Works Director/City Engineer Matt Shipp.**

Mr. Shipp reported that the City met with Salt Lake City Public Utilities and the Metropolitan Water District. Salt Lake City would be tearing down a water treatment facility at the mouth of the canyon and rebuilding it. To do that and keep water online, there was a collaboration with the Metropolitan Water District which would run a 36-inch water line down Fort Union Boulevard. This would tie into an aqueduct that the Metropolitan Water District would install. He explained that this would ensure that service would continue for all customers.

There was not a lot of room in the road for the 36-inch water line, because there are water lines, gas lines, and sewer lines. The road is full of utilities. City Staff was coming to the Council to push up the timeline on some projects because there was a need for a storm drain line down Fort Union Boulevard. Mr. Shipp identified the location of a 36-inch line on a map. During the project process, a storm drain line would be designed and built. That storm drain line would take care of the neighborhoods in the area and Fort Union Boulevard. Cottonwood Heights currently has a storm drain line that goes down the hill and empties onto private property. The owner of the property was gracious enough to allow that to occur until a permanent solution is built. City Staff wanted to move forward with that work so that the project could be done before the water line. During that process, the storm drain line and curb and gutter on the north side would be done.

Mr. Shipp explained that the intention was to present a contract with a design firm at the next City Council Meeting. The firm would design the water line and would work with City Staff to determine the exact location. The money for the project would come out of the Storm Drain Utility Fee. A budget adjustment would need to be made in the future. Mr. Shipp felt it was important to move ahead with the project before there are delays related to the water treatment facility work.

Council Member Birrell thanked Mr. Shipp and his department for receiving feedback from her constituents who live in the Apple Valley area. They appreciated the “Do Not Block Intersection” signs that were printed and displayed in the Fort Union Boulevard area.

f. **Election Options Discussion – City Manager, Tim Tingey.**

Mayor Weichers reported that there was a desire to move forward with Ranked Choice Voting in a primary, but still hold a General Election. However, he asked that the discussion item be pushed to a future Work Session. The City was informed by the County that the cost of Ranked Choice Voting was underestimated. There would be a higher cost than what the City had been told previously. Since the cost was a major factor in the Ranked Choice Voting decision, it needed to be further considered. The City did not need to decide until May 2023. He wanted to have the final cost to run a Ranked Choice Voting Election before making a final determination.

6. **REVIEW OF CALENDARS AND UPCOMING EVENTS.**

- a. **Future City Council Meetings in 2022 will be held December 13, 2022, at City Hall Starting at 4:00 p.m., Unless Otherwise Noted.**
- b. **City Hall will be Closed Monday, December 26, 2022, for Christmas.**

- c. City Hall will be Closed Monday, January 2, 2023, for New Years.
- d. City Hall will be Closed Monday, January 16, 2023, for Martin Luther King Day.
- e. Cottonwood Heights Film Festival will be held Saturday, January 21, 2023, at the Butler Middle School Auditorium (7530 South 2700 East).
- f. City Hall will be Closed Monday, February 20, 2023, for Presidents Day.
- g. Future City Council Meetings in 2023 will be held Tuesday, January 3, and 17; February 7 and 21; March 7 and 21; April 4 and 18; May 2 and 16; June 6 and 20; July 11 and 18; August 1 and 15; September 5 and 19; October 3 and 17; November 7 and 21; December 5 and 19 at City Hall Starting at 4:00 p.m. Unless Otherwise Noticed.
- h. Future Planning Commission Meetings will be Held Wednesday, January 3, and 18; February 1; March 1; April 5 and 19; May 3, June 7; July 5 and 19; August 2; September 6; October 4 and 18; November 1; December 6 at City Hall Starting at 5:00 p.m. Unless Otherwise Noticed.

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.

MOTION: Council Member Newell moved that the City Council go into a Closed Meeting to discuss litigation, property acquisition, and/or the character and professional competence or physical or mental health of an individual. Council Member Petersen seconded the motion. The motion passed with the unanimous consent of the Council.

The City Council was in Closed Meeting from 6:34 to 6:56 p.m.

8. ADJOURN CITY COUNCIL WORK SESSION.

MOTION: Council Member Petersen 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 6:56 p.m.

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL BUSINESS MEETING
HELD TUESDAY, DECEMBER 6, 2022, AT 7:00 P.M. IN THE COTTONWOOD
HEIGHTS CITY COUNCIL CHAMBERS LOCATED AT 2277 EAST BENGAL
BOULEVARD**

Members Present: Mayor Mike Weichers, Council Member Douglas Petersen, Council Member Scott Bracken, Council Member Shawn E. Newell, Council Member Ellen Birrell

Staff Present: City Manager Tim Tingey, Records Culture and Human Resources Director Paula Melgar, Community and Economic Development Director Michael Johnson, Police Chief Robby Russo, Public Works Director Matt Shipp, Assistant Fire Chief Riley Pilgrim, IT Manager Matt Ervin

Excused: Finance and Administrative Services Director Scott Jurgens, City Attorney Shane Topham

1.0 WELCOME – Mayor Weichers.

Mayor Mike Weichers called the meeting to order at 7:00 p.m. and welcomed those present.

2.0 PLEDGE OF ALLEGIANCE.

The Pledge was led by Council Member Birrell.

3.0 CITIZEN COMMENTS.

City Manager, Tim Tingey reported that the City had received a public comment via email from *Jared VanStaveren*. The comment was related to short-term rentals. Mr. VanStaveren recently found out that his short-term rental is not allowed in Cottonwood Heights. The space he offered does not have a kitchen but has a living area and bathroom. He was not certain how his space would be beneficial to citizens looking for long-term housing. Additional clarity was requested.

Mr. VanStaveren wanted to understand City Council's concerns about short-term rentals, especially when the potential space to be rented is not capable of being offered on a long-term basis. He wondered if the City had done anything to implement flexible solutions for short-term rentals. For instance, a variance of zoning. Short-term rentals bring positive exposure to the City and tax revenue to local businesses, residents, and visitors. He also wanted to know if the City had done research to determine how nearby cities address short-term rentals.

Mr. VanStaveren reported that Sandy City allows a licensed small business to apply for approval of a short-term rental. Cottonwood Heights could offer something similar with an applicable tax. He stressed that a solution was needed that offers more flexibility. Some residents rely on the income from short-term rentals to pay their bills. The issue needed to be discussed more.

John Adams shared comments related to the Y2Analytics survey. He liked that the Council had stopped to consider the intended outcomes of the survey. In previous surveys, it seemed that the implication was that growth in Cottonwood Heights is inevitable. There was nothing wrong with planning around growth and it is important to do so, but he felt there needed to be ways to measure the success of growth. GDP was previously a measurement used to measure success. However, GDP measurements do not measure things like equality, well-being, or environmental consequences. Mr. Adams noted that the current mindset was the acceptance of endless growth, with the underlying goal of accommodating growth. The measurement of success was still related to GDP, where the economy is in service of finance and trade only.

Mr. Adam shared several suggestions for the survey. He felt the approach needs to shift from emotion-based questions to community-based questions that were anchored in City values. The mindset needs to shift from consumer needs to the well-being of citizens. To measure the goals beyond GDP, it was important to look at solutions to human problems, where the economy is in service to life and society instead of in service to finance and trade. Mr. Adams reported that he would share a proposal for a citizen community group at the next City Council Meeting.

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

Mayor Weichers reported that the husband of former City Council Member, Tali Bruce, passed away the previous week. The City passed along condolences for the loss of William Ray Bruce.

4.0 ACTION ITEMS.

4.1 Consideration of Ordinance 389 - Adopting an Annual Meeting Schedule for 2023.

Mayor Weichers reported that the item had been discussed during the Work Session.

MOTION: Council Member Newell moved to APPROVE Ordinance 389 – Adopting an Annual Meeting Schedule for 2023. The motion was seconded by Council Member Bracken. Vote on Motion: Council Member Petersen-Aye, Council Member Bracken-Aye, Council Member Newell-Aye, Council Member Birrell-Aye, Mayor Mike Weichers-Aye. The motion passed unanimously.

4.2 Consideration of Resolution 2022-55 - Concerning Gondola Option B.

City Manager, Tim Tingey reported that Resolution 2022-55 expressed concern and opposition to the Utah Department of Transportation’s (“UDOT”) proposed Gondola Option B, which was intended to address transportation issues in Little Cottonwood Canyon. Cottonwood Heights expressed concerns during the public comment period as a City and community. The Resolution focused specifically on the cost to taxpayers, the reduction of only 30% of vehicular traffic along the corridor, the regional intermodal hubs, and the capacity of the road.

Council Member Birrell noted that in the weeks following the closure of the public comment period, there was further study from constituents in District 4 related to the traffic load. Based on

the UDOT traffic analysis, there would be backups on peak mornings for people attempting to enter the parking stall garage. This would back up to Golden Hills Park. This would burden the residents of Cottonwood Heights and specifically those in District 4. Council Member Birrell emphasized that the Resolution denounced UDOT's preference for a five-lane expansion on Wasatch Boulevard. That would reduce the quality of life and encourage high speeds.

MOTION: Council Member Birrell moved to APPROVE Resolution 2022-55 – Concerning Gondola Option B. The motion was seconded by Council Member Newell. Vote on Motion: Council Member Petersen-Aye, Council Member Bracken-Aye, Council Member Newell-Aye, Council Member Birrell-Aye, Mayor Mike Weichers-Aye. The motion passed unanimously.

4.3 Consideration of Resolution 2022-61 Approving a Consulting Agreement with NPF Corporate Services (UT), Inc.

Mayor Weichers reported that the item had been discussed during the Work Session.

MOTION: Council Member Bracken moved to APPROVE Resolution 2022-61 – Approving a Consulting Agreement with NFP Corporate Services (UT), Inc. The motion was seconded by Council Member Petersen. Vote on Motion: Council Member Petersen-Aye, Council Member Bracken-Aye, Council Member Newell-Aye, Council Member Birrell-Aye, Mayor Mike Weichers-Aye. The motion passed unanimously.

4.4 Consideration of Resolution 2022-62 Consenting to Reappointments to the Cottonwood Heights Historic Committee.

Mayor Weichers reported that the above item related to the reappointment of Jerry Christensen, Jessica Despain, and James Kichas to the Cottonwood Heights Historic Committee. Council Member Birrell praised the Cottonwood Heights Historic Committee Members for their hard work and expertise. Council Member Bracken noted that the Committee was building an online archive of documents and photos from the City. It was available to review online.

MOTION: Council Member Birrell moved to APPROVE Resolution 2022-62 – Consenting to Reappointments to the Cottonwood Heights Historic Committee. The motion was seconded by Council Member Petersen. Vote on Motion: Council Member Petersen-Aye, Council Member Bracken-Aye, Council Member Newell-Aye, Council Member Birrell-Aye, Mayor Mike Weichers-Aye. The motion passed unanimously.

4.5 Consideration of Resolution 2022-63 Accepting Requests for Defense and Indemnity.

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

MOTION: Council Member Bracken moved to APPROVE Resolution 2022-63 – Accepting Requests for Defense and Indemnity. The motion was seconded by Council Member Petersen. Vote on Motion: Council Member Petersen-Aye, Council Member Bracken-Aye, Council

Member Newell-Aye, Council Member Birrell-Aye, Mayor Mike Weichers-Aye. The motion passed unanimously.

5.0 CONSENT CALENDAR

5.1 Approval of the City Council Work Session and Business Meeting Minutes of November 1 and 15, 2022.

MOTION: Council Member Petersen moved to APPROVE the Consent Calendar. The motion was seconded by Council Member Newell. Vote on Motion: Council Member Petersen-Aye, Council Member Bracken-Aye, Council Member Newell-Aye, Council Member Birrell-Aye, Mayor Mike Weichers-Aye. The motion passed unanimously.

6.0 ADJOURN CITY COUNCIL BUSINESS MEETING.

MOTION: Council Member Bracken moved to ADJOURN the Cottonwood Heights City Council Business Meeting. The motion was seconded by Council Member Petersen. 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 Tuesday, December 6, 2022.

Teri Forbes

Teri Forbes
T Forbes Group
Minutes Secretary

Minutes Approved: January 3, 2023