

1 **MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL BUSINESS MEETING**
2 **HELD TUESDAY, MARCH 13, 2018 AT 7:00 P.M. IN THE COTTONWOOD HEIGHTS**
3 **CITY COUNCIL CONFERENCE ROOM LOCATED AT 2277 EAST BENGAL**
4 **BOULEVARD, COTTONWOOD HEIGHTS, UTAH**
5

6 **Members Present:** Mayor Mike Peterson, Council Member Mike Shelton, Council Member Scott
7 Bracken, Council Member Tali Bruce, Council Member Christine Mikell
8

9 **Staff Present:** City Manager John Park, Assistant City Manager Bryce Haderlie, City
10 Attorney W. Shane Topham, City Recorder Paula Melgar, Police Chief Robby
11 Russo, Assistant Fire Chief Mike Watson, Public Works Director Matt Shipp,
12 Public Relations Specialist Dan Metcalf, Senior Planner Michael Johnson, City
13 Planner Andrew Hulka, Assistant Police Chief Paul Brenneman.
14

15 **Others:** Community Development Director Brian Berndt, Finance Director Dean
16 Lundell
17

18 **Youth City Council:** Will Mercurio, Security Officer
19

20 **1.0 WELCOME**
21

22 1.1 Mayor Mike Peterson called the meeting to order at 7:00 p.m.
23

24 1.2 The Pledge of Allegiance was led by Council Member Bracken.
25

26 1.3 Council Member Bracken introduced Youth City Council Service Officer, Will Mecurio. Mr.
27 Mecurio reported that he recently visited Utah State University where he was able to
28 participate in service projects and listen to speakers.
29

30 **2.0 CITIZEN COMMENTS**
31

32 2.1 Robert Jacobs reported that he purchased his home 40 years ago and chose to develop in a
33 single-family zone. The proposed Accessory Dwelling Unit (ADU) changes will turn the area
34 into a two-family medium density neighborhood. He asked what the Council is trying to
35 accomplish by implementing the proposed changes to the Code. He expressed concern with
36 enforcement and expressed opposition to the proposed ordinance.
37

38 2.2 Jin Frederickson requested a public hearing regarding the gravel pit and commented that she
39 had heard that a transit hub was being proposed on the south side. She believed the change to
40 the definition of ADU is causing confusion. She asked that it be clarified.
41

42 2.3 Nancy Hardy asked who was responsible for giving the gravel pit developers direction and
43 allowing for tall buildings. If there is a deadline for the ADU, she asked that guidelines and
44 rules be clearly set out along with the City's plan for enforcement.
45

46 2.4 City Manager, John Park, reported that the City pursued the PDD zone in certain areas with
47 varying heights based on Tier I, Tier II, and Tier III, each of which have specific height
48 requirements.

- 1 2.5 Eric Kraan reported that after attending the previous week’s Work Session, he believed the
2 Council was confused about the ADD regulations. He commented that it is undesirable,
3 although perfectly legal, for a family of infinite size to live on an R-1 property. He noted that
4 doubling that through the ADD ordinance would be even worse. The recent amendment further
5 compounds the irreconcilable objectives of occupancy and structure. He remarked that the
6 City’s licensing fees section of the Code specifies that the City may not charge a licensing fee
7 for a home-based business, with exceptions.
8
- 9 2.6 Lynne Krauss referenced the land use map for Fort Union Boulevard between 2700 East and
10 Phippen Drive and asked the City to consider a Land Use Map change from Mixed-Use back to
11 Low-Density Residential. She believed that changing it back would be a small step toward
12 maintaining the character of the City, which so many are concerned about.
13
- 14 2.7 Tim Halbeck suggested that since the City feels they are not getting their money’s worth using
15 the Holladay City Judge that Cottonwood Heights step up enforcement and increase ticketing
16 throughout the City.
17
- 18 2.8 Rodney Dredge apologized to Mr. Park and Mr. Haderlie for messages he left two Sundays
19 earlier. He reported that his daughter’s car was towed while parked on Palma Way and
20 afterward he placed a call to the Police Department. Officer Lovato returned his call and
21 Mr. Dredge felt he was flippant in his response. Mr. Dredge referenced Sections 11.4.0.20
22 through 11.4.0.40 of the Code and believed a resident called in a complaint that resulted in
23 several cars being needlessly towed. He noted that his daughter had permission from the
24 homeowner to park in front of the home overnight and the registration was current. Mr. Dredge
25 was charged \$260 cash to get the car out of impound. He noted that it was snowing heavily
26 when the car was towed. He commented that Officer Lovato could have exercised the spirit of
27 the law rather than the letter of the law and written a citation, which would have cost much
28 less. The action of the City has caused him to make a conscious decision to shop and spend
29 elsewhere. He had sworn not to invest in Cottonwood Heights in the future.
30
- 31 2.9 Jeran Davis was present to defend Lexi Dredge who parked in front of his home. He observed
32 the car being towed but was not allowed to intervene and move the vehicle off the street.
33 Mr. Davis learned from Officer Lovato that the proper procedure is for an officer to knock on
34 the door or give a warning such as a sticker. Neither occurred. He recommended the Council
35 work to improve the relationship with the community as there is a procedure that allows a
36 friendly civil remedy before escalating to having a car towed. If a ticket had been issued,
37 Ms. Dredge would have had an opportunity to plead her case. Ms. Dredge was given no options
38 and was forced to pay the penalty. Mr. Davis urged the Council to find in favor of the Dredge
39 Family, compensate them for the error, and correct the issue going forward.
40
- 41 2.10 Kimberly Kraan reported that she reviewed the ADU Ordinance and will be submitting her
42 own red-lined copy. She urged the Council to review the applicability and appropriateness of
43 the ADU Ordinance and how it serves the community. She opposed the definition that allows
44 for the addition of one extra family on a single-family R-1-zone property. She considered the
45 zoning to be antiquated and stated that the same zoning principles have been in place for 30
46 years. She commented that the refined ordinance is based on skewed public comment.
47 Ms. Kraan urged the Council to reopen the public hearing.
48

1 **3.0 PUBLIC COMMENT**

2
3 **3.1 Proposed Amendments to Chapter 19.76 Supplementary and Qualifying Rules and**
4 **Regulations.**

5
6 3.1.1 City Planner, Mike Johnson, presented the staff report and stated that the proposed amendments
7 were originally recommended for approval by the Planning Commission in February 2016.
8 They dealt with fences and retaining walls and included a few home occupation changes but
9 did not address accessory buildings. There was a change to how home occupations are defined
10 and classified. He noted that home daycares are a specific type of home occupation and are
11 listed and defined differently. Mr. Johnson explained that the section pertaining to the Planning
12 Commission appeal was removed as it was determined to be redundant. In addition,
13 automobile storage provisions were added. Walls, fences, and retaining walls were included
14 and maximum fence heights and the definition of “fence” was clarified. He identified other
15 minor changes including grammatical and language corrections.
16

17 3.1.2 Allen Orr was present to comment on the proposed changes to definitions affecting home
18 occupations and daycares. He referred to Section 1.5 of the General Plan and noted that
19 currently, the Code defines and classifies home occupations and daycare/preschools separately.
20 The proposed amendment will change the definitions to state that a daycare is a part of a home
21 occupation. It will affect roughly 10 zones where a use could be permitted or conditional that
22 is not currently allowed. Mr. Orr asked the Council to carefully consider the matter. As a
23 Planning Commission Member, he stated that when the matter came before that body, he voted
24 in favor of moving it forward not realizing that the definition had been changed. He reported
25 that there has been a Board of Adjustment decision and argued that they are separate items.
26

27 3.1.3 Kimberly Kraan stated that any accessory structure must be clarified. She noted that in Title
28 19 there is a provision for servant quarters and guest houses. She asked why the City is doing
29 going to such effort to protect view sheds between neighbors. She commented that it would
30 be inapplicable to retrofit or impose on properties and did not believe there will be a clear-cut
31 answer in terms of protecting views. She stated that the ideal opportunity is to design lots on
32 hillsides where this makes sense.
33

34 **4.0 STANDING MONTHLY REPORTS**

35
36 **4.1 Police Report – Police Support Supervisor, Candie Terry.**

37
38 4.1.1 Police Support Supervisor, Candie Terry, presented the Police Report for February 2018 and
39 reported that 463 911 calls, 503 on-view, and 748 phone-in calls were received. There were
40 483 Priority 1 calls, 344 Priority 2 calls, and 325 Priority 3 calls received. Response times for
41 Priority 1 calls averaged 4:33, Priority 2 were 5:54 and Priority 3 calls averaged 6:23. The
42 UCR report was down from the previous month. There were 88 adult and nine juvenile arrests.
43 332 traffic citations were issued, 97 of which were parking citations. There 10 DUIs and 95
44 warnings issued. Overall crashes consisted of 39 with property damage and 10 with both
45 property and injury damage. Ms. Terry described a balcony fire that took place in an
46 apartment complex that was caused by a burning cigarette.
47

48 4.1.2 Police Chief, Robby Russo, reviewed parking ticket procedures and stated that the Holladay

1 Court shows that consistently over the past two years, the number of tickets issued has
2 decreased by 50%. Currently, they are being sent directly to the Court.

3
4 **4.2 Public Works Report – Public Works Director, Matt Shipp.**

5
6 4.2.1 Public Works Director, Matt Shipp, presented the Public Works Report and stated that staff
7 spent 492 hours or 27% of their time on snow plowing. He confirmed that when cars are left
8 parked on the street during a storm, it creates a major impact on their ability to plow. Drivers
9 have permission to pull out of an area if they do not feel safe passing through. Many calls
10 were received from neighbors about cars being parked on the street. Many calls were made
11 by people who were angry that their cars were towed while many others were angry that cars
12 were not towed to allow for proper plowing. The Public Works Department used
13 approximately 1,200 tons of salt with an overall 34-inch accumulation of snow.

14
15 4.2.2 Mr. Shipp reported that Requests for Proposals on 2700 East have gone out. Staff continued
16 to work with UDOT on the La Cresta Project and a few modifications were made. The
17 roundabout was going forward and although still preliminary, staff was finalizing the
18 historical document required to obtain funding. Once complete, they will sign the FAA and
19 hire an engineer to work on the roundabout. Chip seal on Fort Union was to begin in June.
20 Staff also discussed pedestrian crossings on mid-blocks on main roads and will be presenting
21 a design for further review.

22
23 4.2.3 Council Member Mikell reported that she attended a recent UDOT meeting where a decision
24 was made to review the High-T intersection and make changes to improve safety. She asked
25 Mr. Shipp to add this item to the list and provide updates.

26
27 4.2.4 Mayor Peterson remarked that he has had several conversations with nearby residents who
28 expressed concerns with the High-T. He asked staff to follow up with UDOT.

29
30 4.2.5 Council Member Mikell commended the Public Works Department and City staff for
31 involving the police to help facilitate snow plowing.

32
33 **5.0 ACTION ITEMS**

34
35 **5.1 Consideration of Resolution 2018-14 Approving an Independent Contractor Agreement**
36 **for Finance and Accounting Services.**

37
38 5.1.1 Mayor Peterson reported that the above Resolution approves an Independent Contractor
39 Agreement for finance and accounting services since the City's Finance Director has taken a
40 position elsewhere.

41
42 **5.1.2 MOTION:** Council Member Bracken moved to approve Resolution 2018-14. Council
43 Member Shelton seconded the motion. Vote on motion: Council Member Shelton–Aye,
44 Council Member Bracken–Aye, Council Member Mikell–Aye, Council Member Bruce–Aye,
45 Mayor Peterson–Aye. The motion passed unanimously.

46
47 **5.2 Consideration of Resolution 2018-15 Approving an Independent Contractor**
48 **Agreement for Land Use Hearing Officer Services**

- 1 5.2.1 Mayor Peterson reported that the above Resolution approves an Independent Contractor
2 Agreement for a Land Use Hearing Officer.
3
- 4 **5.2.2 MOTION:** Council Member Bruce moved to approve Resolution 2018-15. The motion was
5 seconded by Council Member Mikell. Vote on motion: Council Member Shelton-Aye,
6 Council Member Bracken-Aye, Council Member Bruce-Aye, Council Member Mikell-Aye
7 Mayor Peterson-Aye. The motion passed unanimously.
8
- 9 **6.0 CONSENT CALENDAR**
- 10
- 11 **6.1 Approval of the City Council Business Meeting Minutes for the January 23, 2018 and**
12 **the Work Session Minutes of February 6, 13, 20 and 27; and March 6, 2018.**
13
- 14 **6.2 MOTION:** Council Member Shelton moved to approve the minutes of the City Council
15 Business Meeting of January 23, 2018, and the Work Session minutes of February 6, 13, 20
16 and 27, and March 6, 2018. The motion was seconded by Council Member Mikell. The
17 motion passed with the unanimous consent of the Council.
18
- 19 **7.0 ADJOURN BUSINESS MEETING AND RECONVENE WORK SESSION.**
- 20
- 21 **7.1 MOTION:** Council Member Bracken moved to adjourn the Business Meeting. The motion
22 was seconded by Council Member Bruce. The motion passed unanimously.
23
- 24 7.2 The meeting adjourned at 8:31 p.m.

1 *I hereby certify that the foregoing represents a true, accurate and complete record of the Cottonwood*
2 *Heights City Council Business Meeting held Tuesday, March 13, 2018.*

3
4
5
6
7
8
9



10 Teri Forbes
11 T Forbes Group
12 Minutes Secretary
13
14 Minutes approved: June 12, 2018