

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL WORK SESSION  
HELD TUESDAY, AUGUST 17, 2021, AT 5:00 P.M. IN THE COTTONWOOD HEIGHTS  
CITY COUNCIL WORK ROOM LOCATED AT 2277 EAST BENGAL BOULEVARD**

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

**Staff Present:** City Manager Tim Tingey, City Attorney Shane Topham, Police Chief Robby Russo, Records Culture and Human Resources Director Paula Melgar, Assistant Fire Chief Riley Pilgrim, Community and Economic Development Director Michael Johnson, Finance and Administrative Services Director Scott Jurgens

**1. Welcome – Mayor Peterson.**

Mayor Mike Peterson called the meeting to order at 5:05 p.m. and welcomed those present.

**2. Brooksee Presentation of the Cottonwood Heights Marathon – Assistant Chief Paul Brenneman, Brooksee CEO Jared Rohantinsky, and Brooksee Race Director Troy Wheeler.**

Brooksee CEO, Jared Rohantinsky, introduced Brooksee Race Director, Troy Wheeler, and briefly described Mr. Wheeler's background. Mr. Rohantinsky reported that little has changed from the 2019 operations plan. Mr. Wheeler highlighted the Traffic Plan and explained that shutdowns will begin around 5:00 a.m. at Fort Union Boulevard. Part of Wasatch Boulevard will be closed around 7:00 a.m. and the first runners will start at 7:30 a.m. The race route would open up to vehicle traffic at 1:00 p.m.

Mayor Peterson commented that the biggest historical improvement over the years has been the reopening of Wasatch Boulevard. Mr. Rohantinsky explained that when they hired two barricade companies instead of one, that allowed them to remove the barriers more quickly.

Mayor Peterson added that another improvement included the involvement of local businesses along Fort Union Boulevard. Mr. Rohantinsky stated that their team would visit each business in person.

Mr. Rohantinsky reported that registrations are currently at approximately 75% of normal and predicted that the race will not be as crowded as it has been traditionally. He invited the Mayor and Council Members to attend the race to hold the finish ribbons and/or engage with runners at the finish line. It was noted that the race will follow whatever mandates are in place regarding COVID-19 protocols. Mr. Rohantinsky stated that this would also apply to the Expo the day before the race.

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

Mayor Peterson reviewed the Business Meeting agenda.

Public comment was to be opened for two items. Community and Economic Development Director, Michael Johnson, reported that the City allows home occupations in every single-family residential zone but this allowance is not written into the R-1-6 zone even though they have approved home occupations in those zones in the past. There would be public comment and an action item on the ordinance to address the matter.

Mr. Johnson explained that agenda item 7.2 involves correcting the zoning and land use designation in the area of the park and parking lot project. He stated that currently the area is zoned multi-family, so they are proposing to change the zoning to Public Facility.

Mayor Peterson noted that there were several action items for Council consideration. City Manager, Tim Tingey, commented that agenda item 7.5 involves an Interlocal Agreement for busing services, insurance, and indemnification related to the marathon.

Mr. Tingey also reported that agenda item 7.6 involves a Resolution addressing Brooksee's reimbursement to the City for busing services, legal expenses, public safety, and other out-of-pocket costs incurred by the City associated with the marathon.

Mr. Johnson briefly addressed agenda item 7.7 and stated that since the last City Council Meeting, one minor change was added to the List of Accomplishments to include the Tier 3 fuel limitation in City vehicles. He stated that similar resolutions will likely be adopted by Millcreek and the City of Holladay.

#### **4. Staff Reports.**

##### **a. State and Local Government Fiscal Recovery Act – City Manager, Tim Tingey and Administrative and Fiscal Services Director Scott Jurges.**

Mr. Tingey provided an update on items that will be eligible for reimbursement under the American Rescue Plan Act ("ARPA") and two related changes. He noted that they originally were under the impression that they would have to provide formal written documentation to the State, however, because the written documentation is not required, they would take the Council's direction and come back with a budget amendment to include the items.

Mr. Tingey reported that the other change involves entity reimbursements, including requested reimbursements from the Unified Fire Authority ("UFA") and Wasatch Front Waste and Recycling. Entities have been asked to replenish their capital funds due to losses from COVID-19. This would include a specific amount, a portion of which could be paid through ARPA. Additional funds could be requested a part of the following year's budget process. In response to a question raised by Mayor Peterson, Mr. Tingey confirmed that the City has not made a determination as to what amounts qualify for reimbursement.

Council Member Mikell reported that of the total amount of UFA's requested reimbursement of \$71,791, the allowable amount would be \$5,925. The remainder would be an assessment. Finance and Administrative Services Director, Scott Jurges, explained that the figure of \$71,791 includes Personal Protective Equipment ("PPE") supplies, as well as leave time for people who were off due

to COVID-19. Many of the expenditures occurred prior to March 3, 2021, which is why they are not eligible for reimbursement under ARPA and need to be reimbursed through the General Fund. Mayor Peterson noted that some cities made the determination that they would be paid out of the Recovery Act funds, but the City has been advised not to do that. Mr. Tingey stated that they are evaluating this further.

Mr. Tingey explained that the Cottonwood Heights Parks and Recreation Service Area submitted a reimbursement request of just under \$400,000 based on lost revenue from their services, which is allowed as a reimbursement under ARPA. Mr. Tingey's understanding was that if the City reimburses this entity, funds could go directly into capital projects that were put on hold to save costs. This amount would, therefore, be reinvested directly into the parks, notably Antczak Park. Mayor Peterson stated that if they could be assured that funds would be reinvested into Antczak Park he would be more comfortable with the proposed reimbursement.

Mr. Tingey reported that they have done further research on the Splash Pad and determined that because they do not spend a significant amount for water to run it each year, they recommended against funding the reimbursement request. Council Member Bruce asked if ARPA will provide funding to taxable entities like the Rec Center. Mr. Tingey noted that school districts receive direct funding but special service districts are required to seek funding through the various municipalities.

Mayor Peterson inquired about the proposal surrounding storm water reimbursements. Mr. Tingey listed their recommendations, which include amounts for service areas and storm water projects. Council Member Bracken commented that there is approximately \$2 million in storm water infrastructure. It was noted that there is approximately \$4 million in available recovery funds. Mr. Tingey stated that they would present their final recommendations during the second meeting in September. The numbers presented are what they are looking at for this budget year and beyond, depending on the project. Mr. Juges added that there are additional storm water projects that could utilize the additional funds but many of the storm water projects will not start until next year. As a result, those funds would not be expended in the current year. He stated that the projects must be completed by December 2024.

**b. Environmental Impact Study Discussion and Recommendation – Community and Economic Development Director, Michael Johnson.**

Mr. Johnson referenced the draft Memorandum included in the packet and stated that based on staff's analysis of the Environmental Impact Study ("EIS"), they recommend advising the Utah Department of Transportation ("UDOT") that the City supports the enhanced bus alternative over the gondola alternative. Mr. Johnson stated that they also recommend numerous revisions and updates to the bus alternative as well as to the sections on Roadway Design and Corridor Aesthetics, and Corridor Mobility and Local Access. He presented the enhanced bus alternative and explained that UDOT's proposal would be to construct a 1,500 parking stall mobility hub at the Gravel Pit. The hub would become the primary transit stop for anyone coming from the northwest to Little Cottonwood Canyon. Buses will run one non-stop route from the hub to the resort and back. The proposal also includes a mobility hub at 94 South and Highland Drive, with the intent to capture traffic to the southwest.

Mr. Johnson reported that the analysis for both alternatives sought to accommodate peak winter demand projected out to 2050. In response to an inquiry from Council Member Bracken, Mr. Johnson stated that their analysis addressed accommodating some improvements in Little Cottonwood Canyon. Some feedback specifically addressed accommodating summertime uses in Little Cottonwood Canyon and elsewhere. Mr. Johnson explained that with both alternatives, the proposal regarding Wasatch Boulevard in Cottonwood Heights remains unchanged. UDOT proposed roadway widening and adding capacity. UDOT's proposal does not include a bus-running shoulder lane other than at turn signal locations. Mr. Johnson further explained that UDOT proposed a shoulder lane south of the High T intersection toward the canyon that would provide an additional lane of travel dedicated to buses during peak hours. During non-peak hours, this shoulder lane will be limited to pedestrian and bicycle use only.

In response to an inquiry from Council Member Petersen, Mr. Johnson stated that the design and intention for this portion of the roadway will cover the high-demand powder days at the resort. He noted that both proposals include avalanche sheds in the common areas. He explained that the total cost to implement the bus alternative was estimated to be \$510 million-plus \$11 million in operation and maintenance costs. Travel time from the mobility hub to the resort was projected to be 36 minutes. It was confirmed that the proposal includes two mobility hubs, located at 9400 South and the Gravel Pit. The 9400 South hub will have 1,000 parking stalls, while the Gravel Pit hub would have 1,500 stalls.

Mr. Johnson stated that the bus alternative is more closely aligned with the vision of the Wasatch Master Plan. He noted that the estimated travel time for the gondola option, with parking at the proposed gondola station, is 55 minutes. The estimated drive time to the resort in a personal vehicle is 38 minutes. He commented that the longer travel time of the gondola to the resort is concerning and may discourage people from using it. Taking into consideration drive times, as well as expected tolling and other transit incentives, the bus alternative is more appealing. He added that the bus alternative also provides more long-term flexibility and will provide a legitimate transit solution to get the resort. It will also allow for stops at trail locations and canyon usage in the summer. The bus alternative has the future potential to benefit Big Cottonwood Canyon. The bus alternative could also provide year-round commuter transit solutions. Mr. Johnson pointed out that the Wasatch Master Plan envisions that the mobility hub at the Gravel Pit will accommodate northbound traffic as well.

Mr. Johnson stated that the ongoing cost of the bus alternative will be tempered by the flexibility it will provide. UDOT should incentivize bus usage over vehicular traffic, and staff will recommend that UDOT explore tolling and other creative solutions, such as opening the resort earlier for transit riders or discounted lift tickets. He remarked that UDOT seemed to focus more attention on the gondola alternative, but staff felt that creative solutions and options for the bus alternative were possible. He noted that the gondola alternative requires substantial public/private partnership. Mayor Peterson agreed that making the buses more appealing to skiers and potential users should be explored.

In response to an inquiry from Council Member Mikell regarding the public/private partnerships needed for the gondola, Mr. Johnson explained that partnership with private landowners will be necessary to build the station as well as with the resorts to subsidize costs.

Council Member Bracken asked if a dedicated bus lane option was considered by UDOT. He stated that the Bus Rapid Transit (“BRT”) has seen tremendous usage because users were able to enjoy it free for one year. Council Member Bruce added that the success could be attributed to the fact that commuters were presented with the option of a \$20 toll before 10:00 a.m. or a free bus ride. Mr. Johnson added that the bus alternative should be properly phased to accommodate demand and need over time.

Mr. Johnson then turned to the gondola alternative and explained that this alternative also provides mobility hubs, however, they will be more scaled-down than the hubs for the bus alternative. UDOT proposed 600 parking stalls at the Gravel Pit and 400 parking stalls at 9400 South and Highland. In addition, this alternative will add a parking structure with 1,500 stalls at the proposed gondola station, just south of the Granite Oaks subdivision located within the City limits. Mr. Johnson stated that it is not clear whether the mobility hub at this location is a structure or a surface lot. They would request that clarification. He reiterated the difference in travel times estimated for each alternative and expressed concern as to whether the initial ridership of the gondola will continue after the novelty wears off.

Mr. Johnson stated that the mobility hubs with the gondola alternative will function similar to the bus alternative at peak times, except that the bus would take riders to the gondola station rather than up the canyon. With the gondola alternative, there would be no widening of the roadway south of the High T intersection. Staff noted that the gondola will have only two stops outside of the base station, which would limit the flexibility of the system, especially during the off-season.

Mr. Johnson noted that the gondola alternative appears to fail to remove any traffic from Wasatch Boulevard unless people park at the smaller mobility hubs and take the bus to the gondola station. He commented that most people will likely drive to the parking lot at the gondola station, which would not alleviate traffic to the canyon. Delays caused by canyon closures could still impact gondola travel times. He noted that the EIS provides that during active avalanche mitigation, the gondola would not be operational.

Mr. Johnson explained that staff determined that the parking structure at the base of the gondola would more than likely be under utilized during off-peak times and off-season due to its isolated residential location. Conversely, they expect the parking areas at the Gravel Pit to be integrated into a mixed-use development. With the gondola alternative, there is the potential for encroachment onto the City’s open space. They have made it clear to UDOT that they must remain outside of the City’s open space areas. In response to an inquiry, Mr. Johnson stated that during peak winter days, the bus alternative would provide direct and non-stop service to the resort. They could be rerouted on off-peak days or off-season times to stop at trailheads.

Mr. Johnson stated that the City bears the brunt of the impact of the gondola, with little benefit in return. He then addressed the EIS sections on Corridor Mobility and Local Access and stated that staff continues to feel that neighborhood access and safety are critical. They recommended placing a stronger emphasis on safe neighborhood ingress/egress. UDOT previously eliminated the idea of a signalized intersection at Kings Hill Drive, but staff recommended that UDOT not eliminate traffic calming measures, such as the signalized intersection and roundabouts, until it can be addressed during the design phase. He noted that UDOT proposed to improve site distance at that location.

Consideration of roundabouts was something the City wanted to have as part of its discussions with UDOT, as it is included in the Wasatch Master Plan. Mr. Johnson provided assurance that they continue to stress to UDOT that roadway speeds should be reduced through both speed limits and roadway design. Mayor Peterson clarified that UDOT cannot address the specific issue of speed limits in the EIS, but the EIS can specify that design components require certain speeds. Council Member Mikell stated that the City should reaffirm with UDOT the issue of decibel levels.

Mr. Johnson recalled that during a presentation, UDOT explained that they ended the shared use path at the High T intersection because of the City's open space parcel. Mr. Johnson commented that because a shared-use path is not in violation of a preservation easement, they would recommend to UDOT that the shared path continues through this section. They asked UDOT to replace the references to "pedestrian bridges" with the term "grade-separated crossings." This will provide more flexibility when they look at how people safely cross the roadway. Depending on where those crossings are located, it could be a bridge or a pathway that goes underneath the roadway. Mr. Johnson noted that beyond the grade-separated crossings, there are other signalized locations where safety needs to be improved. They recommended the inclusion of trail wayfinding signage on the shared use path that would allow it to feel more like an integrated part of the City's regional trail system.

Mr. Johnson presented slides on roadway design and aesthetics. He reported that they have conveyed to residents that roadway design is typically not part of the EIS process and occurs after a Record of Decision has been reached. In light of this, staff recommended the City request a signed agreement or Memorandum of Understanding ("MOU") with UDOT during the EIS process that confirms their commitment to work together on roadway design and aesthetics that follow the principles of the Wasatch Boulevard Master Plan. Mayor Peterson added that an MOU could include tenets of the Wasatch Master Plan and the EIS that could be passed on to future Councils and UDOT personnel. Mr. Johnson added that the EIS references to the Wasatch Master Plan and their Corridor Design Plan affirms UDOT's verbal commitment but they would like a more formalized agreement. Council Member Mikell stated that several years earlier UDOT allocated \$10 million to Wasatch Boulevard design work specifically, which was part of the overall allocation of \$100 million.

Council Member Bruce asked if there have been discussions with UDOT regarding changes in the commuter pattern due to the pandemic. Mr. Johnson noted that they could request UDOT provide detail on their Traffic Study. Mayor Peterson added that this highlights the benefits of the flexibility of busing.

Council Member Mikell commented that UDOT stated that the only reason they proposed adding the second lane in the southbound direction was to accommodate peak commuter traffic. She questioned whether the traffic patterns support the change.

The Council requested that Mr. Johnson ask UDOT to evaluate current levels of service in light of the pandemic. Council Member Mikell stressed that UDOT should be focused on the second lane as a flex lane that incentivizes bus use during peak hours and used as a bike lane during non-peak hours. Mr. Johnson stated that there are a few sections in the EIS that reference roadway design but they want to ask UDOT to revise and clarify those sections to ensure that in the EIS they will

approach the design of Wasatch Boulevard differently than a typical corridor. They will also ask UDOT to attach the Wasatch Master Plan and the UDOT Corridor Design Aesthetics Plan as appendices to the EIS. They want UDOT to revise the Aesthetics section of the EIS to “Roadway Design and Aesthetics” as well.

They would request UDOT revise the labeling of the “five-lane widening” to a “five lane-based approach.” Mr. Johnson noted that UDOT is clearing the roadway for five lanes but initially are implementing the imbalanced lane configuration. He explained that at the EIS level, they must clear the roadway widening to allow for the potential full five-lane design in the future, otherwise, they will have to go through the EIS process again if and when the need for five lanes arises.

Mr. Johnson explained that under both the imbalanced and five-lane scenarios, UDOT has already purchased the necessary right-of-way. Addressing UDOT’s proposed approach to an imbalanced five-lane designation, he reported that staff recommends that the City request that UDOT increase the threshold needed to trigger the widening from imbalanced to a five-lane road. Currently, the EIS states that it is triggered if and when that road hits a Level of Service E or F. The data projects those levels will not be reached by 2050. Staff recommended the threshold be Level of Service F over a prolonged period of time and after coordination with the City before any action is taken to widen the roadway. Mr. Johnson reiterated that they will ask UDOT to reconsider and reanalyze traffic calming measures that were previously eliminated, such as roundabouts and signalizing intersections.

Mr. Johnson stated that all of the recommendations are clearly referenced in the Wasatch Master Plan and should not be eliminated at the EIS phase of the project. At present, UDOT has taken the position that traffic calming is part of the design phase, not the EIS phase. Mr. Johnson added that they are recommending that the sound walls also be reviewed under the same collaborative design process as they are recommending for the rest of the corridor. Mr. Johnson stated that the Wasatch Master Plan views Wasatch Boulevard as a recreational, natural corridor and discourages commercial redevelopment. The negative impacts associated with constructing a gondola station in a residential area would be contrary to that vision.

Mr. Johnson clarified that the memorandum included in the packet is essentially a draft of the letter they would like to send to UDOT. Mr. Johnson presented some of UDOT’s renderings contained in the EIS and pointed out that the renderings do not represent the City’s vision for Wasatch Boulevard. He noted that these renderings are more likely representative of UDOT’s standard design approach for state highways and roads, which emphasizes the need for an agreement or MOU to ensure that the design is consistent with the Wasatch Master Plan. He presented the two cross-sections proposed by UDOT from Bengal Boulevard to the High T intersection. The EIS clears five lanes, which includes two travel lanes in each direction and a center turn lane. Mayor Peterson reiterated that the rendering does not depict the actual design and only serves as a rendering of the right-of-way that UDOT already possesses. The cross-section includes the 10-foot shared use path along the east side of the corridor. Council Member Bracken agreed and stated that the rendering shows the space, not the design that is actually being proposed.

Mr. Johnson explained that the imbalanced lane, which is what UDOT will implement in the short term, will involve adding only one lane in the southbound direction. The additional lane space on

the northbound side would be an additional seven-foot park strip or buffer between the roadway and the 10-foot wide shared use path. He noted that the Wasatch Master Plan was utilized as the basis for much of their recommended feedback to UDOT. Their recommendations also expanded beyond UDOT and include a City trail system and connections to other city streets to help alleviate traffic. He presented some concepts from the Wasatch Master Plan and described how they differ from UDOT's draft alternative.

Mr. Johnson reported that the Master Plan's flex lane concept becomes a recreational, pedestrian lane during non-peak hours. After the adoption of the Wasatch Master Plan, UDOT used the Plan as a basis for their Corridor Aesthetics Plan. UDOT clarified that road configuration is not part of their Corridor Aesthetics Plan. Mr. Johnson added that the design elements could warrant a lower speed limit through that corridor. He presented photographs of other corridors in the valley and commented that the design makes a difference in terms of what a corridor looks feels like.

Mayor Peterson confirmed that the Council will have the opportunity to review the final draft of the letter prior to it being sent to UDOT. He noted that a couple of mayors on the Central Wasatch Commission ("CWC") were very supportive of these recommendations, especially with regard to vehicle speeds and design. There was reference to a meeting with John Thomas from UDOT, where he stated that they would look at a speed limit of 35 MPH in that corridor. He clearly implied that UDOT would work toward lower speeds.

In response to an inquiry, Mayor Peterson stated that there would be a benefit to referencing the CWC. He noted that part of the CWC's focus will be on visitor/user capacity studies. Mr. Johnson reported that comments to UDOT are due September 3, 2021.

Council Member Bracken stated that the EIS does not utilize the word "freeway," and stated that Wasatch would never be anything like an I-15. He noted that many of the public comments used the word "freeway". He wanted to express that Wasatch Boulevard will not become a "freeway."

Council Member Petersen inquired about the reasons why UDOT would resist the recommendations regarding traffic calming measures. It was reported that UDOT builds highways and they need to change their thinking with regard to the design of the corridor.

Mayor Peterson explained that the Legislature needs to be involved in order to prioritize funding, however, the design and impact lies with the City. Council Member Bruce added that since Salt Lake City is entertaining a bid for the 2030 Olympics, it might be worth mentioning that this corridor would be a gateway to the canyons and should reflect a stunning design for visitors.

**c. Accessory Dwelling Units Discussion – Community Economic Development Director, Michael Johnson.**

Mr. Johnson reported that House Bill ("HB") 82 was adopted this year and requires all cities to allow Accessory Dwelling Units ("ADU") in single-family zones. He noted that this legislation significantly limits local regulatory authority over ADUs. He reported that staff used the previous draft ADU Ordinance as a basis for the updated ordinance and eliminated those provisions that are no longer allowed by the new legislation.



Mr. Johnson explained that Internal ADUs (“IADU”) are the only type of ADU addressed by the State legislation. Cities are still allowed to regulate detached ADUs. The new draft ordinance would allow IADUs in any single-family residential zone, except on lots less than 6,000 square feet. The draft ordinance still contains the prior language as it relates to detached ADUs being conditional uses with much stricter parking standards, setbacks, and building requirements. Detached ADUs would require two non-tandem parking stalls that cannot be located in the front yard.

Mr. Johnson explained that detached ADUs would be the most feasible on much larger lots due to the accessory building height and massing standards, and primary structure setbacks. Another option for the Council’s consideration would be to prohibit detached ADUs altogether. Mr. Johnson noted that the proposed ordinance requires that all ADUs be licensed and subject to site inspection and building permit requirements if additional work is needed. The additional work required would be to the greatest extent possible as allowed by State law. He added that the City could require updated ingress/egress for all ADUs.

The ordinance would require the license to operate an ADU to be renewed annually and updated with any change in ownership. The cost of the license had not yet been determined and may need to be addressed as a fee schedule item. Mr. Johnson noted that the Building Code would govern site Inspection and Building Permit requirements and fees.

With regard to parking for IADUs, and pursuant to State law, the proposed ordinance requires one additional non-tandem parking stall in addition to the two stalls that are required for the home. The proposed ordinance specifies that the one additional stall cannot be located directly in front of or behind the two stalls required for the home. Owner occupancy of the home with the IADU is required and the ordinance requires an affidavit attesting to this fact. Only one ADU is allowed per lot with no separate utility meter or short-term rentals (less than 30 days).

Mr. Johnson explained that if there is a change in ownership of the home, the new owner must obtain a new license for the ADU. In response to an issue raised by Council Member Bracken regarding a change in ownership to accommodate a trust, Mr. Johnson stated that the documents on file would need to be updated.

Mayor Peterson expressed appreciation for the attention given to life safety and parking issues for ADUs.

Mr. Johnson reported that during the Planning Commission process, they received only one public comment. The Planning Commission unanimously recommended approval of the ordinance. He explained that the State law becomes effective October 1, 2021, so they would like to have the ordinance in place before then. The discussion turned to enforcement and whether fines could be imposed for non-compliance with the ordinance. Mr. Johnson explained that initially, they would require the owner to bring their ADU into compliance and if the owner was still in violation, it would proceed to the citation process where the Code Enforcement Judge would determine the final penalty.

d. **Ferguson Canyon Parking Lot and Public Park Rezone – Community and Economic Development Director, Michael Johnson.**

Mr. Johnson explained that the above rezone is necessary to ensure that the City's project is in compliance with the land use and zoning maps. A public hearing was held and the Planning Commission unanimously recommended approval.

e. **Ferguson Canyon Park Open House Review – Community and Economic Development Director, Michael Johnson and Public Works Director, Matt Shipp.**

Public Works Director, Matt Shipp, reported that an Open House was held to present the design and layout of the project to the public. The Council has its possession written input from the public as well. Generally speaking, the primary concerns raised were safety, traffic on Prospector Drive, the size of the parking lot and the number of stalls, and the type of fencing to be used around the property. Overall, the concept of the park was very well received. One or two members of the public were opposed to the project in its entirety and one resident stated that they would rather have multi-family housing on the property. Mr. Shipp reported that the project is located near 8200/8300 South and Wasatch Boulevard off of Prospector Drive.

To help mitigate some of the concerns raised by the public, Mr. Shipp stated that they would place "No Parking" signs on the west side of Prospector Drive where there are no homes. He expressed his belief that the other side of this roadway is permit parking. He stated that the Council should come to a decision on materials and aesthetics for this project. A retaining wall was to be installed on the west side of the parking lot along Wasatch Boulevard. Staff would also like the Council's input on a name for the park.

Mr. Shipp presented renderings depicting design options for fencing. He noted that due to the anticipated uses of the park, the fence should be at least five feet tall. With regard to signage, he presented a concept recommended by Parks, Trails, and Open Space Committee ("PTOS") that ties in with the fencing. Mr. Shipp confirmed that there will be 52 to 53 parking stalls in the lot. He recalled that the original concept called for 140 parking stalls. He noted that a resident suggested a privacy fence along the east side of the park. Currently, the design calls for a black vinyl chain link fence. He would continue to recommend that based on the topography in the area. It was noted that privacy slats present maintenance issues.

Mr. Shipp reported that they are ready to move forward with bidding on the project. They will return to the Council to present the final fence and sign designs. Mayor Peterson's primary concern was the retaining wall.

Mr. Shipp noted that a restroom is planned for the parking lot area. They have tried to keep the design neutral given the surroundings. He welcomed Council input on color designs for the restrooms.

The retaining wall design concept was presented. Mr. Shipp acknowledged the Council's concern with a flat concrete wall. As a result, they tried to include texture in the design. A walking trail would be installed in front of the wall. Mayor Peterson asked if it would be cost-prohibitive to

construct a retaining wall similar to the one at 3000 East. It was noted that those are Mechanically Stabilized Earth (“MSE”) walls as opposed to a cast-in-place retaining wall. Mr. Shipp stated that there will be sections of the retaining wall that will be up to eight feet high. It was noted by members of the Council that with an eight-foot wall they will need some sort of landscaping or green scape in front of it.

In response to an inquiry, Mr. Shipp stated that they were designing the restrooms to be heated. It will be up to the Council to determine if they should remain open year-round.

The Council requested that Mr. Shipp present more detail on the fencing and the retaining wall, which he agreed to do. Mr. Shipp stated that they would be going out to bid on the park portion of the project in early October 2021.

Council Member Mikell commented that many residents expressed concerns over whether the parking lot will be used as a Park and Ride and asked whether there was a way to limit the lot to something closer to 40 parking stalls. It was noted that quite a few vehicles line the road when people are hiking in Ferguson Canyon. The “No Parking” zones along Prospector Drive are intended to direct those vehicles to the parking lot. Council Member Mikell noted that during COVID-19, there was a greater volume of hikers in the Canyon, however, that volume has decreased including along the roadway.

The comment was made that with the ADA stalls, the current 52 stalls were believed to be appropriate. Mr. Shipp commented that the lot will not be advertised and the area will remain a local park. Mayor Peterson asked if signage could be added to discourage the use of the lot as a Park and Ride. Council Member Mikell invited the Council to drive the location and referenced Dave Hancock as the resident who expressed concern about the project. Mr. Shipp stated that based on the work done to date, the number of stalls was deemed appropriate. He would prepare a response to Mr. Hancock’s concerns in preparation for the next meeting.

**f. R-1-6 Zoning Text Amendment – Community and Economic Development  
Director, Michael Johnson.**

*(This item was introduced during the Business Meeting Agenda review. Please refer to item 3 of these minutes)*

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

**a. National Day of Service of September 11 – Help Clean up Cottonwood Heights Parks Hiking Trails.**

**b. Meet the Candidates Night at City Hall – September 14, - 6:00 p.m. to 8:00 p.m.**

**6. Closed Meeting to Discuss Property Acquisition.**

**MOTION:** Council Member Bracken moved to move into a closed meeting to discuss property acquisition. The motion was seconded by Council Member Petersen. The motion passed with the unanimous consent of the Council. The meeting was closed at 8:56 p.m.

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

**MOTION:** Council Member Bracken moved to adjourn the closed meeting, move into the work Session and adjourn the work session. The motion was seconded by Council Member Bruce. The motion passed with the unanimous consent of the Council.

The Work Session adjourned at approximately 9:14 p.m.

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL BUSINESS MEETING  
HELD TUESDAY, AUGUST 17, 2021, AT 7:00 P.M. IN THE COTTONWOOD HEIGHTS  
CITY COUNCIL CHAMBERS LOCATED AT 2277 EAST BENGAL BOULEVARD**

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

**Staff Present:** City Manager Tim Tingey, City Attorney Shane Topham, Police Chief Robby Russo, Records Culture and Human Resources Director Paula Melgar, Assistant Fire Chief Riley Pilgrim, Community and Economic Development Director Michael Johnson, Finance and Administrative Services Director Scott Jurgens

**1.0 WELCOME**

Mayor Peterson called the meeting to order at 7:07 p.m. and welcomed those present.

**2.0 PLEDGE AND ACKNOWLEDGEMENTS**

The Pledge was led by UFA Assistant Chief, Riley Pilgrim.

**3.0 ACKNOWLEDGEMENTS**

**3.1 Jordan River Commission – Executive Director, Soren Simonsen.**

Jordan River Commission Executive Director, Soren Simonsen, reported that they recently received communication from City Manager, Tim Tingey, that Cottonwood Heights will be withdrawing from the Jordan River Commission. On behalf of the Commission, he expressed gratitude for a decade of partnership with Cottonwood Heights. Mr. Simonsen explained that the Jordan River Commission is an Interlocal Agency comprised of partners along the Jordan River watershed that work together to improve the Jordan River Parkway. He presented information demonstrating how the Jordan River is a critical wildlife habitat as well as a tremendous recreation amenity for the region.

Mr. Simonsen reported that currently, 16 cities participate in various regulatory aspects of the Jordan River, including land use and zoning, parks, trails, and open space. Three counties also participate as well as a number of special districts, including water treatment, wastewater, storm water, transportation, and mobility. State and Federal regulatory agencies also partner with the Commission on issues including water quality, wildlife, and habitat. Mr. Simonsen stated that the Jordan River Commission was established in 2010, with the involvement of Cottonwood Heights. They appreciate the partnership with Cottonwood Heights in implementing many of the goals of the Commission. He stated that while Cottonwood Heights does not touch the Jordan River, the Commission appreciated the ways the City highlighted the importance of the Jordan River beyond its immediate vicinity. He noted that Cottonwood Heights was the only city that participated in the Commission that did not touch the Jordan River.

Mr. Simonsen expressed special appreciation to Council Member Mikell and those before her who served on the Commission's Governing Board. He noted that in 2020, the State Legislature passed the Watershed Council Act that establishes a statewide Watershed Council and identifies watersheds across the state. They are excited about the possibility of creating the Jordan River Watershed Council, which will expand their territory beyond the half-mile of the Jordan River that has been their area of focus for the last decade.

Mr. Simonsen added that the Commission has been in active discussions with the Department of Natural Resources, which is working to establish the Watershed Council and they hope to create one of the first Watershed Councils in the State. He noted that with two major tributaries flowing through Cottonwood Heights, it is an important part of the watershed.

Mr. Simonsen also highlighted the #LoveYourWatershed initiative the Commission launched last year during the Get to the River Festival. It helps get residents in the broader region thinking about how they are connected to the water quality of the Jordan River. He noted that a team of volunteers help clear litter and debris from the river, however, there are many connections to the river that play a significant role in water quality. The initiative encourages residents in surrounding communities to clean storm systems, including curbs and gutters, parking lots, and parks. He reported that Millcreek City has embraced the program. He expressed his hope that Cottonwood Heights will similarly embrace it.

Mr. Simonsen reported that a National Day of Service is scheduled for September 11, 2021, and the Jordan River Commission has highlighted the #LoveYourWatershed initiative as a great way to get residents involved in their communities for the Day of Service and beyond. Resources were available at [www.MyJordanRiver.org](http://www.MyJordanRiver.org).

Mayor Peterson commented that he has followed the growth of the Jordan River Parkway since the 1970s and much of the growth and development is due to the work of the Jordan River Commission. Even though Cottonwood Heights will no longer have formal membership in the Commission, they remain supportive of its mission and goals.

Mr. Simonsen noted that the Commission includes an at-large membership that is currently filled by Denise Winslow.

Mayor Peterson encouraged Mr. Simonsen to contact the Parks, Trails, and Open Space Committee.

#### **4.0 CITIZEN COMMENTS**

City Manager, Tim Tingey acknowledged that written comments were forwarded to the Council and will become part of the record. Comments were received from John Kennington, Allan Shein, Mark Barrett, Dotti Gallagher, Beverly Bawden, Leslie Rinaldi, Clarice Evans, Lynn Kraus, Eve King, Siobhan Davis, and Jack Bloom.

Representative Gay Lynn Bennion was present on behalf of her constituents in House District 46. She noted concerns from parents that there is not a mask requirement for children in elementary schools. Since August 3, 2021, these citizens have mobilized rallies, spoken at the County Council,

and written letters to the Governor. Citizens from Cottonwood Heights have formed [www.ConcernedCoalition.org](http://www.ConcernedCoalition.org). She reported that in the last several days, 113 children between the ages of 5 and 13 tested positive for COVID-19. In the past week, 713 children between the ages of 5 and 13 tested positive, compared to 133 during the same period last year. It is well known that the Delta variant is as contagious as chicken pox.

Today, a citizen reported that Mayor Mendenhall is considering a mask requirement for elementary schools in Salt Lake City and is working with the School Board in that regard. She asked Mayor Peterson to consider it as well. There are children with health concerns where only universal masking would allow them to safely return to school. Parents are being forced to hire daycare or quit their jobs to stay home with their children. She stated that if everyone wears a mask, which is a minor inconvenience, it would only be for a short time until children can be vaccinated. She thanked the great citizens of Cottonwood Heights.

Mayor Peterson acknowledged Mayor Mendenhall's consideration and explained that they are waiting to see how that moves forward to better understand the City's authority to implement a mandate. He expressed his personal support for the concerns. Rep. Bennion reported that Mayor Mendenhall's counsel is of the opinion that she has the authority to issue this requirement. In response to a question from Council Member Bracken, Rep. Bennion stated that the statistics quoted earlier are numbers for the entire State.

*Chris Campbell* expressed concern over the lack of a mask mandate for children. He stated that his father, who is vaccinated, recently caught the Delta variant and has been on oxygen ever since after being hospitalized for over one month. Not having the mask mandate in place allows children to spread the variant to their families. He envisioned the spread occurring among the older population. Mr. Campbell wanted people to be as safe as possible and would like the City Council to consider how the Delta variant is spreading.

*Runar Boman* referenced the Work Session discussions on the recommendation for the enhanced bus service to the resort. He is an avid skier and expressed support for the recommendation. He noted that he usually skis at Big Cottonwood Canyon and understands the benefits of buses. If buses leave every five minutes, as opposed to 15 minutes, he would take the bus. Mr. Boman stated that he has taken the bus from Fort Union Boulevard to the Park and Ride, at which point the bus becomes crowded and sits in traffic. Currently, the bus service to Big Cottonwood Canyon is problematic because the buses do not go any faster than private vehicles.

Mr. Boman noted that Little Cottonwood Canyon does not have the constraints of a left turn lane. He could see the appeal of enhanced bus service and supported the idea. He liked the flexibility it would afford Big Cottonwood Canyon. Mr. Boman added that a flex lane that would allow him to ride his road bike in the summertime, which was very appealing. He remarked that the gondola option would have a significant environmental impact. He commented on the beauty of Little Cottonwood Canyon during the summer months and would not want to see gondola towers along that route.

Mayor Peterson commented that the City has until September 3 to submit its full position on the Environmental Impact Study ("EIS"), which would be made available to the public.

*Jennie Nazaro* recalled her prior appearance where she requested that the Council support a school mask mandate. The Legislature has made issuing a mandate difficult, but not impossible. She referenced Mayor Mendenhall's intent to issue a school mask mandate and encouraged Cottonwood Heights to do the same. Ms. Nazaro reported that she has a six-year-old and a nine-year-old, and both are ineligible to be vaccinated. She was terrified to send them to school this week and was devastated when the County Council overturned the mask mandate. Ms. Nazaro expressed disbelief that the County Council ignored the advice of the Centers for Disease Control ("CDC"), Academy of Pediatrics, the State, and local health departments and doctors in the area. She noted that sadly, this has become a partisan issue.

Ms. Nazaro stated that the key to a safe return to school with minimal interruptions is universal mask-wearing in schools. She noted that it will not occur without a mandate. Recommendations alone do not work. She reported that based on her observations, less than 50% of students and staff are masked. Last year, they learned that masks and safety protocols could slow the spread of COVID-19 and keep schools open. With the Delta variant surging and affecting children more than prior variants, she expressed great concern for the safety of her children. A few days ago, the local news reported that Primary Children's Hospital is at full capacity with no available beds.

Additionally, she noted that it is estimated that with the Delta variant, each person will infect an additional 5 to 8 people. There is a misconception that COVID-19 does not severely impact children, but that is not true, and the hospitals cannot handle the inevitable surge as schools open without a mask mandate in place. Ms. Nazaro acknowledged that she has the right to send her children to school with masks but it will not fully protect them if others are not masked. Masking in schools should not be a personal choice because someone's inaction can harm so many others. She noted that just as there are laws to keep people safe from smoking, speed limits, drunk driving laws, and fire restrictions, there should be universal rules in place to keep children from getting COVID-19. She added that the pandemic does not end simply because people are tired of wearing masks. Much of the community has been vaccinated but her children have not. She asked that her children not be discounted and implored the Council to be the voice of reason for the safety of children at schools. Every day action is delayed is another day that children are packed into classrooms and actively spreading COVID-19. She requested that the Council not wait until it is too late and do everything in its power to protect her children and the rest of the community by issuing a temporary school mask mandate.

*Karen Moser* identified herself as a practicing physician in the Pathology Department at the University of Utah. She noted that her comments represent her views as a private citizen and added her voice to those involved in the Concerned Coalition. She is a resident of Cottonwood Heights and has two elementary school children under the age of 12. She urged the Council to continue to provide strong support in favor of masks in schools. Others in the state are leading the way by requiring masks for Kindergarten through 6<sup>th</sup>-grade students. She noted that the Grand County School District, together with the Health Department and County government will require masks when school begins in their district. She referenced Mayor Mendenhall's similar agreement with the Salt Lake City School District and asked why the children of Cottonwood Heights were not worthy of the same protections. Dr. Moser stated that science supports that universal masking works to protect unvaccinated children. It has received support from the CDC, the American Academy of Pediatrics, and many trusted authorities in the community, including the Salt Lake



County Health Department and Dr. Andrew Pavia who heads the Infectious Diseases Division at Primary Children's Hospital.

Dr. Moser stated that they can learn from the negative examples of other states. They do not want to be like Arizona, where children started school on August 4, 2021, without a mandate. On August 1, Arizona's seven-day statewide average of COVID-19 cases was 1,768, and by August 16 it had increased to 2,802. Dr. Moser commented that they definitely do not want to be like Mississippi, where the University of Mississippi Medical Center is constructing their second field hospital in their parking garage to treat COVID-19 patients.

Dr. Moser urged the Council to follow the example of Grand County, where the partnership between the school district, County government, and County Health Department led to increased protection for unvaccinated children. Mandatory universal masking for students in Kindergarten through 6<sup>th</sup> grade is an important tool to protect children until they are eligible for vaccination.

*Eric Kraan* reported that the Utah Department of Transportation ("UDOT") advised him directly that they are employing a 50 MPH speed limit. He stated that that is why they require 12-foot lanes, a 14-foot median, and a clear zone of 24 to 26 feet beyond the last lane. The proposed design does not allow for trees or posts in the clear zone due to the standard required in a 50 MPH zone. He commented that when they talk about traffic calming it involves the designed speed. He referenced the American Association of State Highway and Transportation Officials ("ASHTO") Booklet and stated that UDOT was determining the speed and volume of the road ahead of the safety and the cost of the corridor. Mr. Kraan stated that as a community, they would like to see safety prioritized in this corridor. He added that currently, the State is experiencing a 20% increase in fatalities compared to last year, which he attributed to roads being designed with speed limits that are too high. If the roads were designed correctly, to begin with, lives could be saved.

Mr. Kraan commented that Wasatch Boulevard has approximately 11 crossings and access points and most will remain unsignalized. With a multiple lane configuration, the design will expose local residents to broadside collisions. He reported that broadside collisions at 30 MPH have a fatality/severe injury rate of 15%. At 40 MPH that rate increases to 85%. For this reason, citizens demand a slow design speed for that corridor. Mr. Kraan stated that with regard to some of the other issues discussed in the Work Meeting, the Legislature was asked to reinstate the fire separation and electrical panel access requirements on ADUs. With regard to the retaining wall at Ferguson Canyon, the park is intended to be a local destination that could increase walkability. Installing a wall that is blank and reflecting the noise is not desirable. He suggested visually breaking up the wall so that it becomes more interesting to those using the trail. He also suggested having art students paint a mural.

*Laura Williams and Idie Atencio* reported that they reside in District Four and were present to address the ball diamond on the Dover Hill Church property. They have met with the neighbors with the intention of saving the land and have started a petition at [www.Change.org](http://www.Change.org). They have gathered 1,667 signatures and over 60 comments from concerned citizens. They value green space and it is vitally important for the community. It is also important for mental health. It has been proven that more access to parks gives citizens a higher quality of life. Another important

consideration is that Utah, and mountain communities in particular, are growing quickly which is making open space even more valuable. Once the land is developed, they will never get it back.

Ms. Williams and Mr. Atencio observed surveyors at the property the previous day and heard that they were working for Ivory Homes. They expressed disappointment that the Church was not able to accept the City's offer to purchase the three-acre park on the property. The Ivory Homes website shows that they value the planet and quality neighborhoods but also have an entire section on profit, which is what they feel is the main component for this property. The land is valuable and they expressed hope that some of it can be preserved as open space for the quality neighborhoods the developer claims to build.

They also heard that Ivory Homes would include a park in their plans but with no available parking. If this occurs, they would like to ensure access for all neighbors to that park. Ms. Williams reiterated the importance of the property for the neighbors and expressed hope that the Council will make it a priority to preserve it for the neighbors and future generations.

Mayor Peterson stated that one of the Council's highest priorities is to do all they can to save the property. If the green space is taken away, there is nothing left in that community. He assured Ms. Williams and Mr. Atencio that the City is still in negotiations and is and will continue to address the issues raised. He acknowledged the petition's impact on this issue.

*Ellen Birrell* identified herself as a resident of District Four and the Founder and Co-Director of Save Not Pave, which represents 1,000 residents committed to slower speeds in neighborhoods throughout Salt Lake County. Ms. Birrell stated that high capacity and high volume roadways are fracturing residential communities throughout Salt Lake County. She commented that Cottonwood Heights has a unique opportunity to take the lead on influencing not only UDOT and its EIS but collaborating with neighboring cities and County officials to work toward a viable, long-term solution that emphasizes limited asphalt and transportation alternatives.

Ms. Birrell stated that they cannot turn off the decades-old asphaltting machinery that supports unionized jobs and profits for companies if viable alternatives are not offered. She noted that an alternative is already in the works and referenced Mayor Jenny Wilson and Councilman Jim Bradley, who, with support from several non-profit organizations, proposed a transit housing micro hub system for Salt Lake Valley. The system would address the need for both affordable mobility and affordable housing. The principle behind the system is to strategically identify hubs throughout Salt Lake Valley, as well as municipalities and developers that could be incentivized to construct dense, affordable housing clustered within intermodal hubs. Services, shops, and restaurants in these areas will make for a walkable lifestyle and access to transit.

Ms. Birrell reported that the air shed, safety, and health of the communities would be improved with such a system. According to UDOT, injuries and fatalities are on the rise because the Legislature continues to support high-speed freeways, arterials, collectors, and streets. Today's children will need and want housing and mobility that is affordable, clean, safe and builds a sense of community. She noted that they are currently not on that course in Salt Lake County. Ms. Birrell commented that this will require political will, and passing legislation at some political cost. She had heard talk of support for transit and active transportation in Cottonwood Heights but the spending in recent

years did not reflect that. Roadway improvements have been for motorists and while parks, trails, and open space are very important, if residents must drive to access these amenities, they are not achieving the stated goal of a walkable community, which is included in all of the Cottonwood Heights Master Plans.

*Jan Meads* was present to speak on behalf of the Dover Hill LDS Chapel and greenspace. She expressed appreciation to the Council for its support in trying to preserve the land. On behalf of herself, the neighborhood, and the community, she stated that they care about the thoughtful preservation of the greenspace and thoughtful development if it occurs. She noted that for many years, the LDS Church opened that space to the public. While she has only been a resident for 3½ years, she has two small children and they use the space in the winter for sledding. She echoed the comments made earlier about the importance of open space for mental health. If the space is not preserved there will be nothing in this neighborhood, which would require them to cross Wasatch Boulevard to Golden Hills Park.

Ms. Meads presented the Council with the printed petition that includes 1,500 names and comments. The website shows that there are now close to 1,700 signatures on the petition. She expressed appreciation for allowing her to speak. She stated that during her short time in Cottonwood Heights she has become close with long-time residents who are working hard to preserve the property.

Mayor Peterson reiterated his prior comments that this is a high priority for the Council and they appreciate the dedication of the community on this issue.

*Holly Uphold* introduced herself as a Chronic Disease Epidemiologist who lives in District Four. She initially contacted Rep. Bennion to start the Concerned Citizen Coalition. Dr. Uphold has three children with her oldest starting first grade. She expressed support for a mandate requiring elementary school children to wear masks until a vaccine becomes available to them. Dr. Uphold stated that masks work, even when children do not wear them perfectly. A study in Salt Lake County elementary schools found that for every 1,000 children that were exposed, only seven became sick. The study also reported that there were essentially no pediatric hospitalizations last year when children were wearing masks at school. She noted that her children have no issues with wearing a mask.

She addressed the impact of the spread of COVID-19 in schools and on parents in the Cottonwood Heights economy since children who become ill must stay home for at least 10 days. Additionally, when schools reach the 2% case threshold and have to go online, parents will have to take time off to stay home. Dr. Uphold stated that long-haul symptoms are a severe outcome that should also be considered and not just hospitalization and death rates. The long-haul symptoms could impact learning ability as studies have shown that these symptoms affect four to 10 percent of children for at least one month. It has also been shown that children with mild or no symptoms can suffer from effects that would impact their ability to learn. Dr. Uphold stated that it is common sense to require elementary-age children to wear masks until they can be vaccinated, which could be as early as late September/early October. There is no reason to wait to take these steps to protect the children of Cottonwood Heights. She asked that the Council issue a mask mandate for elementary school children.

Mayor Peterson reiterated that the Council is generally supportive of a mandate and is evaluating their legal rights and obligations in this regard.

Council Member Mikell thanked all of the speakers on the mask mandate. She acknowledged that she might have erroneously told a constituent that she felt that the City did not have the authority to issue a mandate but would like that pursued in light of Mayor Mendenhall's actions. Mayor Peterson expressed his understanding that the City is under the direction of the Salt Lake County Health Department and typically follows their direction. He would like to know whether municipalities and/or school boards have the authority to issue a mandate. He also would like to know if there is executive authority to implement a mandate. The Mayor commented that they need to better understand the issues before proceeding but noted that he personally supports it, even on a temporary basis.

Council Member Bracken found it interesting that the legislative body of the County has the authority to override the Health Department and asked if the City Council's authority as a legislative body gives them a similar type of authority. Mayor Peterson understood that Mayor Mendenhall took the approach of making an emergency declaration.

Dr. Uphold stated that what the City Council did with the firework ban showed leadership and this merits the same type of leadership whether it is legal or not.

Mayor Peterson asked staff to look into the issue so they can address it further.

Council Member Bruce stated that they are sworn to protect the health, safety, and welfare of their constituents, especially those under the age of 12. She stated that they could make themselves available for an emergency meeting if staff determined that they are in a position to move forward.

*Jennifer Shah* was present as a citizen of Cottonwood Heights and not as Chair of the Parks, Trails, and Open Space Committee. She is a Biologist, the mother of an eight-year-old, and the wife of an Emergency Room physician who is currently in Mississippi treating COVID-19 patients. Ms. Shah asked what the future holds in Utah if they do not institute a mask mandate in the City. She added that prior to the Delta variant, there were at least 297 children around the country who died from COVID-19. By comparison, the flu takes the lives of 40 to 200 children per year. When H1-N1 was at its peak, it had similar virulence to COVID-19. Ms. Shah stated that based on last year, masking works to minimize the transmission of both COVID-19 and the flu. Schools in Cottonwood Heights were able to stay open and the children were protected. Now that there is a more virulent strain, masking is the only way to protect children until they are eligible for vaccines. She strongly encouraged and thanked the Council for considering a mask mandate.

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

## **5.0 PUBLIC COMMENT**

### **5.1 Code Section 19.29.030 Amendment Concerning Home Occupations in the R-1-6 Zone.**

Community and Economic Development Director, Michael Johnson, reported that the above matter involves a City-initiated zoning text amendment. The R-1-6 zone is single-family residential with a minimum lot size of 6,000 square feet. There is only one small area of the City that is zoned R-1-6. The Council was being asked to add home occupations as a conditional use in that zone. The Planning Commission held a public hearing and unanimously recommended approval. Staff also recommended approval.

Mr. Johnson presented a chart of the residential zones in the City and reported that home occupations are a permitted use in all residential zones except for R-1-6. He noted that home occupations are not a prohibited use in this zone but were simply not included. He stated that because there are so few properties in this zone that it was likely an oversight. He reported that there are numerous home occupations and businesses on R-1-6 properties dating back several years. There would be no adverse impacts associated with the proposed amendment given that it is an allowed use in other residential zones. Uses that do have impacts would be required to go through the public hearing process.

In response to an inquiry, Mr. Johnson stated that a home office in and of itself is a permitted use if an owner has clients visiting the home that would require a conditional use permit.

Mayor Peterson opened the public hearing. There were no public comments. The public hearing was closed.

### **5.2 City-Initiated Request to Amend the Zoning and Land Use Designation for the 6.27 Acres at 7725 South Wasatch Boulevard and 7828 South Prospector Drive.**

Mr. Johnson reported that the City is moving forward with the construction of a park and parking lot on the above-listed property. The proposed amendment seeks to amend the zoning and land use designation for the property. Currently, the land use designation and zoning are for high-density multi-family housing. He explained that because they are proposing a public use for the property, they are seeking to amend the zoning to Public Facility and the land use designation to Civic. It was noted that the Planning Commission unanimously recommended approval of the proposed amendment.

Mayor Peterson opened the public hearing.

*Nikki Harris* asked if UDOT would take a portion of the park as a portion of UDOT's proposal. Mayor Peterson stated that the park would be outside of UDOT's right-of-way. Once the park and parking lot are developed, they will not be impacted by the UDOT project.

Ms. Harris commented that with a public park along Wasatch Boulevard, speeds will need to be reduced. Mayor Peterson stated that the Wasatch Boulevard Master Plan includes an emphasis to work toward lower speeds. He acknowledged that it is a UDOT roadway but it is a City priority.

There were no further public comments. The public hearing was closed.

## **6.0 STAFF QUARTERLY REPORTS**

### **6.1 Monthly Financial Report – Finance and Administrative Services Director, Scott Jurges.**

Finance and Administrative Services Director, Scott Jurges, reported that the General Fund beginning balance was just under \$5.5 million, and represents all forms of Fund balance, not just the spendable balance. He showed the budgeted revenues, which included a reduction in sales tax revenue of approximately \$1 million, as well as expenses and transfers, which results in a budgeted General Fund balance of \$4.8 million. Mr. Jurges explained that the Transfer Out number includes monies transferred to other funds, such as to the Capital Fund for capital projects. He reported that year-to-date figures show an increase in the Fund balance of close to \$1.5 million. The projected numbers show a 33% fund balance and he noted that the City is required to have up to 35%. They have not yet received sales tax revenue for June 2021 and anticipate approximately \$650,000 based on the past six months. The County Option Sales Tax for June had not yet been collected; however, the City expects to receive approximately \$55,000. The Cable TV Franchise Tax was expected to total approximately \$80,000.

Mr. Jurges reported that they are nearly \$2 million ahead of budgeted revenue numbers due to the sales tax revenue. Council Member Bracken noted that they never adjusted the budget to reflect this increase. Mayor Peterson commented that with COVID-19, they assumed they would have significantly less tax revenue. Mr. Jurges reported that they are approximately \$1 million below budgeted expenditures and presented the areas where expenditures were down. Overall, they are approximately 5.5% under on expenditures from the budgeted numbers.

Mr. Jurges reported that year-to-date sales taxes collected through May 2021 was \$995,000 ahead of the same time last year. Based on those trends, staff anticipated that sales tax revenue will total approximately \$7.7 million in net collections for the year. He reiterated that the budgeted number of \$5.5 million was artificially low because of the assumed impacts of COVID-19. Mr. Jurges explained that last year the City received \$586,000 in the County Option Highway Transportation Sales Tax. The current year-to-date number is \$621,000. He explained that this will follow the sales tax trends. He estimated that the net gain over the prior year will be in the range of \$90,000, which is approximately \$75,000 over the budgeted number.

Mr. Jurges reported that the Energy Tax revenue tended to decline, so the sales percentage of those utilities decline as well. The amount collected for this fiscal year was slightly higher than the prior two years. As a result, they are approximately \$69,000 ahead of the budget as they close that revenue out. Mr. Jurges noted that the Cable Franchise Tax was approximately \$7,000 behind last year. He projected revenue of approximately \$5,000 over budget but slightly lower than the prior year. He reported that Class C Roads funds are slightly down from the prior year, but above budget.

Mr. Jurges explained that the General Fund expense trend shows that expenses increase each year, predominately due to personnel costs. He added that additional expenses were also incurred due to two additional parks being transferred to the City. They are approximately \$381,000 ahead of 2020 spending, which is consistent with the compensation impacts. He expressed surprise at the under expenditure of 5.5%, which he typically projects at three to five percent. He attributed that to the Directors who were trying to be as economical as possible in their operations.

Mr. Jurges presented the General Fund revenue trend and noted that even though the Coronavirus Aid, Relief, and Economic Security (“CARES”) Act funding in 2021 would not be a recurring revenue source, other revenue sources increased over last year. He stated that they budgeted \$21,381,000 and are currently at \$22,457,000, not including the uncollected sales tax and cable TV tax identified earlier. Mr. Jurges reported that they will provide a preliminary Fund Balance estimate after the June tax collections. He estimated that currently, they will have a balance of approximately \$2 million in the Fund Balance for the current year, resulting in an overall Fund Balance in the range of \$7.6 million. In response to an inquiry, Mr. Jurges stated that they must reserve approximately \$1.3 million, plus approximately \$500,000 for compensated absences, resulting in available funds of approximately \$5.5 million.

Council Member Bracken commented on discussions that took place during the Work Session regarding possible needs within the Unified Fire Authority (“UFA”). He commended the departments for being fiscally responsible.

## **6.2 Unified Fire Report and Fireworks Restrictions – Assistant Chief, Riley Pilgrim.**

UFA Assistant Chief, Riley Pilgrim, presented the UFA Quarterly Report from April to June 2021. He noted that the statistics were fairly standard but noted that the number for emergent calls (lights and sirens) was inaccurate. He reported that a new call processing software was implemented that prioritizes calls as they come in. They discovered that the software was not coding calls as emergent. As a result, they implemented priority dispatching where dispatchers were asked a few questions and units dispatched on a Priority 1 or Priority 2 call that could be emergent or non-emergent. They found that when they were inputted, they were not accurately reflecting the call type. Typically, there would be an 80% emergent call rate, which would translate to approximately 490 emergent calls. Frequently, the classification of the call is left up to the dispatcher or the officer in charge. Assistant Chief Pilgrim stated that the hope was that the categorization of these calls will be corrected next month. He noted that call volume is accurate and represents a typical number.

Assistant Chief Pilgrim acknowledged a spike in the monthly comparison statistics but was not concerned as people are returning to a sense of normalcy. He explained that call types are determined based on dispatch, not based on “arrived as.” He explained that of the nine structure fires, only two ended up being legitimate working structure fires. He highlighted the fireworks statistics and noted that on July 3 and 4, they received nearly 300 calls or complaints of fireworks in restricted areas. Of those calls, 14 came from Cottonwood Heights. He noted that they worked closely with law enforcement and had 15 extra people on duty on July 3 and 4 to make citizen

contacts. They made face-to-face contact with nearly all of the callers. All calls from Cottonwood Heights were addressed with a response.

Assistant Chief Pilgrim identified fires that were attributed to fireworks. There was also a significant decrease in fireworks calls on July 24. He noted that the Council's willingness to implement a fireworks ban made a significant difference. In response to an inquiry, Assistant Chief Pilgrim stated he could provide statistics on EMS calls related to COVID-19 and reported that with every EMS call, that is the first question asked. Assistant Chief Pilgrim noted that he looks closely at importing and exporting and explained that Stations 116 and 100 covered approximately 90% of the calls from Cottonwood Heights.

Assistant Chief Pilgrim explained that the emergent times are important and 50% or more of the time they arrive in 5 minutes, 44 seconds, which is where they want to be in terms of response time. He reported that they recently concluded a recruit camp and introduced the three new firefighters that will rotate through Station 110 during their probationary period. The firefighters were identified as Matt Lajeunesse, Andrew Pinto, and Jared Fogle.

Assistant Chief Pilgrim reported that UFA firefighters will be wearing Velcro patches that reflect the municipality they are from. They expect to have the patches available in the fall.

Mayor Peterson announced that Chief Dan Petersen will be retiring next April, so the recruitment process will begin some months before.

Council Member Mikell thanked Assistant Chief Pilgrim for the efforts on the Parley's fire. Mayor Peterson also appreciated the efforts during Butlerville Days.

## **7.0 ACTION ITEMS**

### **7.1 Consideration of Ordinance 365 Amending Code Section 19.29.030 Concerning Home Occupations in the R-1-6 Zone.**

**MOTION:** Council Member Bruce moved to APPROVE Ordinance 365. The motion was seconded by Council Member Petersen. Vote on motion: Council Member Petersen-Aye, Council Member Bracken-Aye, Council Member Bruce-Aye, Council Member Mikell-Aye, Mayor Mike Peterson-Aye. The motion passed unanimously.

### **7.2 Consideration of Ordinance 366 Approving a City-Initiated Request to Amend the Land Use Plan for 6.27 Acres at 7725 South Wasatch Boulevard and 7828 South Prospector Drive from Residential Medium Density and Residential Low-Density to Civic.**

**MOTION:** Council Member Bracken moved to APPROVE Ordinance 366. The motion was seconded by Council Member Bruce. Vote on motion: Council Member Petersen-Aye, Council Member Bracken-Aye, Council Member Bruce-Aye, Council Member Mikell-Aye, Mayor Mike Peterson-Aye. The motion passed unanimously.



**7.3     Consideration of Ordinance 367 Approving a City-Initiated Request to Rezone 6.27 Acres at 7725 South Wasatch Boulevard and 7828 South Prospector Drive from RM (Residential Multi-Family) and R-1-8 (Residential Single-Family) to PF (Public Facility).**

**MOTION:** Council Member Bracken moved to APPROVE Ordinance 367. The motion was seconded by Council Member Petersen. Vote on motion: Council Member Petersen-Aye, Council Member Bracken-Aye, Council Member Bruce-Aye, Council Member Mikell-Aye, Mayor Mike Peterson-Aye. The motion passed unanimously.

**7.4     Consideration of Resolution 2021-40 Approving an Agreement Concerning Historic Structures.**

Mayor Peterson reported that the above Resolution will approve an Agreement with a consultant to prepare a Historic Register nomination for one of the City's historic structures. The consultant will also perform an intensive level survey of 18 of the City's historic structures.

**MOTION:** Council Member Bruce moved to APPROVE Resolution 2021-40. The motion was seconded by Council Member Mikell. Vote on motion: Council Member Petersen-Aye, Council Member Bracken-Aye, Council Member Bruce-Aye, Council Member Mikell-Aye, Mayor Mike Peterson-Aye. The motion passed unanimously.

**7.5     Consideration of Resolution 2021-41 Approving an Interlocal Agreement with the Canyons School District for Bussing Services.**

Mayor Peterson reported that the above Resolution will approve an Interlocal Agreement with Canyons School District for busing services for the Big Cottonwood Canyon Marathon as discussed in the Work Session.

Council Member Mikell expressed her wish that Brooksee would have gone above and beyond when asked about masking and social distancing. Otherwise, she considered it to be a great event.

**MOTION:** Council Member Bracken moved to APPROVE Resolution 2021-41. The motion was seconded by Council Member Petersen. Vote on motion: Council Member Petersen-Aye, Council Member Bracken-Aye, Council Member Bruce-Aye, Council Member Mikell-Aye, Mayor Mike Peterson-Aye. The motion passed unanimously.

**7.6     Consideration of Resolution 2021-42 Approving an Expense Reimbursement Agreement with Brooksee, LLC Concerning the 2021 Big Cottonwood Canyon Marathon.**

Mayor Peterson reported that the above Resolution will approve an Expense Reimbursement Agreement with Brooksee where they would reimburse the City for its direct costs incurred for the marathon.

**MOTION:** Council Member Petersen moved to APPROVE Resolution 2021-42. The motion was seconded by Council Member Bruce. Vote on motion: Council Member Petersen-Aye, Council Member Bracken-Aye, Council Member Bruce-Aye, Council Member Mikell-Aye, Mayor Mike Peterson-Aye. The motion passed unanimously.

**7.7     Consideration of Resolution 2021-43 Approving an Interlocal Sustainability Action Plan.**

Mayor Peterson reported that the above Resolution would approve the Interlocal Sustainability Action Plan as presented to the Council. The Plan will also eventually be adopted by Millcreek City and the City of Holladay.

**MOTION:** Council Member Mikell moved to APPROVE Resolution 2021-43. The motion was seconded by Council Member Bruce. Vote on motion: Council Member Petersen-Aye, Council Member Bracken-Aye, Council Member Bruce-Aye, Council Member Mikell-Aye, Mayor Mike Peterson-Aye. The motion passed unanimously.

**8.0     CONSENT CALENDAR**

**8.1     Approval of the City Council Work Session and Business Meeting Minutes for August 3, 2021.**

**MOTION:** Council Member Petersen moved to APPROVE the City Council Work Session and Business Meeting Minutes for August 3, 2021. The motion was seconded by Council Member Bracken. Vote on motion: Council Member Petersen-Aye, Council Member Bracken-Aye, Council Member Bruce-Abstained, Council Member Mikell-Aye, Mayor Mike Peterson-Aye. The motion passed unanimously with one abstention.

**9.0     ADJOURN CITY COUNCIL BUSINESS MEETING.**

**MOTION:** Council Member Bracken moved to ADJOURN the City Council Business Meeting and reconvene the Work Session. The motion was seconded by Council Member Bruce. Vote on motion: Council Member Petersen-Aye, Council Member Bracken-Aye, Council Member Bruce-Aye, Council Member Mikell-Aye, Mayor Mike Peterson-Aye. The motion passed unanimously.

The meeting adjourned at 8:48 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, August 17, 2021.*

Teri Forbes

Teri Forbes  
T Forbes Group  
Minutes Secretary

Minutes Approved: September 7, 2021