

MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL LEGISLATIVE WORK SESSION HELD THURSDAY, FEBRUARY 17, 2022, AT 9:05 A.M. IN THE COTTONWOOD HEIGHTS CITY COUNCIL WORK ROOM LOCATED AT 2277 EAST BENGAL BOULEVARD

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

Staff Present: City Manager Tim Tingey, Records Culture and Human Resources Director Paula Melgar, Finance and Administrative Services Director S. Scott Jorges, Network Administrator Matt Ervin

City Lobbyists: Greg Curtis, Brian Allen, Chantel Nate

Excused: Council Member Ellen Birrell

1. Welcome and Determination – Mayor Weichers.

Mayor Mike Weichers called the meeting to order at 9:05 a.m.

2. Legislative Update and Discussion with City Manager, Tim Tingey and City Lobbyists Mr. Greg Curtis, Mr. Brian Allen, and Ms. Chantel Nate.

Greg Curtis reported on infrastructure funding and stated that it appeared that the State would likely just give the money to the Utah Department of Transportation (“UDOT”) after which UDOT would go through a prioritization process. He explained that the funds would likely be limited to State roads. He noted that trails would be included in an Outdoor Recreation Block Grant and there would be quite a bit of money associated with that grant. Mr. Curtis added that the Speaker wanted to create an ongoing restricted account and a grant process through applications. Based on the number of requests received, there was some pushback, which led to the Block Grants.

Mr. Curtis asked what the City’s top priority would be if there was an infrastructure project in the range of \$1 million to \$5 million. He recognized that the City Council had likely not discussed this yet, however, it would be helpful for him to have that specific direction.

Mayor Weichers noted that the Council had not yet discussed what projects might be prioritized and invited input from the Council. He asked Mr. Curtis to clarify that the funds earmarked as a result of the passage of the infrastructure bill would go directly to UDOT. Mr. Curtis explained that the Federal funds would flow through UDOT. In addition to that funding, there were discussions within the Legislature about giving significant funds to UDOT for prioritization. He added that the challenge with block-granting everything to UDOT was that UDOT does not look at local roads and takes the position that local projects have funding through the Wasatch Front Regional Council (“WFRC”) or other sources.

Legislative leadership has asked municipalities to prioritize their projects and indicated that they would be looking at projects considered regionally significant. Mr. Curtis provided the example of Highland Drive as a regionally significant facility, whereas overlays in a subdivision would not be considered.

Mr. Curtis stated that in looking at the Federal American Rescue Plan Act (“ARPA”) Grants, certain cities and counties fared much better than others. He added that there was some legislative frustration toward large requests to the State for money. He mentioned the significant Federal funding received from Salt Lake County and explained that the Legislature pushed back on Salt Lake County’s requests for State funding because they were not seeing any partnership.

Council Member Bracken sought clarification on what was specifically meant by infrastructure. Mr. Curtis confirmed that ARPA could broadly encompass roads, trails, sewer, or water projects. He asked about Cottonwood Heights’ water supplier. Council Member Bracken stated that the City’s water service was split between Metro and Jordan Valley. He added that the City received some ARPA funds for stormwater.

City Manager, Tim Tingey stated that there were some road projects for which the City unsuccessfully applied for WFRC funds in the past. He explained that one of the projects was the Danish Road rebuild, which was not deemed regional enough to score high for the WFRC grant. Mr. Tingey added that the City had identified both road and trail projects, and they needed to discuss how the Council would like those prioritized. He offered his belief that road elements and trails would be the two highest priorities.

Mr. Curtis recalled that last year, \$5 million was put into the Bonneville Shoreline Trail and they got about \$1.5 million out of that. He stated that it would be good to know if there was a project involving the improvement of another section of the trail. He explained that he does not need engineered drawings and needs rough ideas so that he can defend and explain them during his discussions.

Council Member Petersen noted that the City was denied a grant for 1700 East and they were trying to find another way to get safe passage around Santa Fe and some of the surrounding apartment complexes. He asked if a project like that could be included on the list and noted that it had been on the City’s project list for some time.

Mr. Tingey confirmed that the City applied for WFRC funds on 1700 East but did not receive those funds. He explained that because this project would be for a safe walking area to schools, he felt it should be included as one of the City’s high priorities. He added that there were a couple of other road and sidewalk projects, and he could provide Mr. Curtis with maps and estimates for some of them.

In response to Mr. Curtis’ question seeking clarification of the 1700 East Project, Council Member Petersen confirmed that the safe passage they were trying to connect was on the west side of 1700 East going southbound to 7200 South and then across to the elementary school. He also believed it would also go slightly to the west on 7200 South.

Mr. Curtis asked for all of the information for this project so that they could articulate it in the request. He reiterated his request for a list of approximately 10 projects to see if they could push some of them to the top of the list with the State. Mayor Weichers confirmed that the more regional the project, the better. Mr. Curtis confirmed and stated that while safety was a good reason, the State was about capacity and moving things along.

Council Member Petersen asked about the money going to UDOT for the project on Wasatch Boulevard from Fort Union Boulevard all the way south. He wondered if this project could be earmarked or if it would be subject to the general fund. He recognized that although this was not the City's project, the City provided a lot of direction and input. He commented that the Bonneville Shoreline Trail would be a regional project.

Mr. Curtis commented that the difficulty with the Wasatch Boulevard Project was that it is a State road and the type of project that would be considered. He stated that UDOT was still waiting on the Record of Decision for the Environmental Studies on Little Cottonwood but felt that the Environmental Studies would include the area at the mouth of Big Cottonwood Canyon and the area around Wasatch Boulevard South.

Mr. Curtis stated that a resolution was introduced seeking to direct UDOT that the Legislature's priority was to do the least invasive projects at Little Cottonwood Canyon. UDOT's challenge is that they want to complete the environmental process to avoid any pre-disposition in their decision-making. Mr. Curtis stated that because he did not know what was being specifically proposed for this project, it would be difficult to get money directed for it. He added that UDOT would potentially have a grant upwards of \$1 billion. Due to the nature of the Canyon and the strong opinions on what should and should not happen there, Mr. Curtis anticipated that there may be litigation.

Council Member Bracken added that the City received a grant for Bengal Boulevard, which was barely enough to cover the repaving. The ultimate plan was to fix many of the gutters to beautify it and make it a boulevard. They also want to make Bengal Boulevard more bicycle and pedestrian-friendly. He noted that they were short by a couple of million dollars, despite thinking that they would have sufficient funding. He also mentioned that the Fort Union Boulevard Master Plan includes a lot of traffic improvements, flow-through, and beautification. He suggested that these types of projects could qualify and historically, the funding they have received has just covered the bare minimum to make these locations work, as opposed to improving them. Mr. Curtis recalled working on these projects in the past and agreed that they would be the types of projects he would like to see. He stressed the urgency of obtaining this information.

Mr. Tingey offered to send a list to Mr. Curtis that would include the 1700 East Sidewalk, as well as Master Plan improvements on Bengal Boulevard, Highland Drive, and Fort Union Boulevard. He would meet with Public Works Director, Matt Shipp to identify the elements they would look for with those projects. Mr. Tingey also mentioned Danish Road. The Council agreed with these suggestions. Mr. Curtis stated that there was a lot that could be done to improve safety and mobility, and specifically mentioned 2300 East.

The time was then turned over to Brian Allen. Chantel Nate, who was listening to the Business Labor Committee hearing on the Retail Facilities Amendments, joined him. He reported that they were close to an agreement and some changes in the substantive bill moved things quite a bit closer to the Utah League of Cities and Towns' ("ULCT") position, but there were still some items to fine-tune. He believed that the ULCT would speak in favor of the changes.

Mr. Allen reported on another bill in Committee introduced by Representative Val Peterson, known as the downzoning bill. The original bill contained a fairly onerous noticing requirement and they ended up passing a substitute bill that provided for notice by posting on the Utah Open and Public Meetings Act website. This change took a lot of the burden off of the local governments. He believed that the ULCT took a neutral position on the bill. He reported on a couple of short-term rental bills. One of the bills would allow for enforcement using advertising. The other bill, introduced by Representative Gay Lynn Bennion, would increase fines that could be imposed by cities and prohibit a judge from reducing the fine on a repeat offender. He noted that there would be opposition to these bills from the Property Rights Coalition.

Mr. Allen added that Representative Steve Waldrip, the ULCT, and others were working on a large housing bill. He had had multiple conversations with those involved, and Representative Waldrip indicated that he was not inclined to include the short-term rental bills within his bill. Mr. Allen felt there was not much of legislative appetite to move short-term rental bills this year. He reported that the housing bill was not yet completed and although it was getting late in the Legislative Session, it would be an important bill. In response to an inquiry, Mr. Allen clarified that Representative Waldrip's bill addressed affordable housing. He added that Representative Waldrip does not want to force anything and was working to get consensus and agreement for the bill.

Mr. Allen reported that House Bill ("H.B.") 135 was the Open and Public Meetings Comment Requirements bill. They were able to exclude Planning Commissions from the scope of this bill but have struggled to get bodies like Arts Councils, Historic Councils, and the like removed. The sponsor has been unbending with regard to removing other Councils from the scope of the bill. Mr. Allen did not presently see a pathway to get this bill changed. He was working with others on an amendment but the language still needed to be finalized. Mr. Allen confirmed that City Council Work Sessions were excluded from H.B. 135.

He reported on H.B. 85, an eminent domain bill that would prohibit the use of eminent domain powers to create a park. There was a substitute bill offered that modified the blanket prohibition but it was still not enough. He noted that this bill was still in Committee and being negotiated.

Senate Bill ("S.B.") 139 is a school district tax increment bill. Mr. Allen had had lengthy conversations on this bill and added that it has been held in Committee. He felt that the proposed legislation was a solution in search of a problem. Based on his discussions with the Canyons' Chief Financial Officer, Mr. Allen felt that Senator Lincoln Fillmore was either not understanding or considering half of the issues. He felt that this bill might already be dead but stated that he would keep an eye on it.

Mr. Allen reported that S.B. 196 might have some impact on the City. It would allow for photo radar in certain circumstances. He did not know if that was a tool that law enforcement has ever wanted or thought about using but it might be something to look at if it passes, which he felt was possible.

He reported on trails bills, the first being H.B. 305, which is a larger natural resource bill. It contains a Bonneville Shore Trail piece that would create a funding mechanism for the Bonneville Shoreline Trail and allow for the purchase of property and other things. They have been supporting the bill but noted that it was moving slowly through the process.

Mr. Allen stated that a trails bill submitted by Representative Jennifer Dailey-Provost has some good things in it, but it also includes a complaint process that would kill any trail development by allowing any group that did not like a trail to hold up development forever. Mr. Allen reported that the bill was not going anywhere and is bottled in the Rules Committee where they hope it will stay.

Mr. Allen commented that the ULCT was taking a neutral position on the food truck licensing bill. He noted that it seemed to be moving through the process.

Two landscaping bills were next addressed. They were able to get an amendment to H.B. 95, although that bill did not appear to be going anywhere. H.B. 282 would allow for some percentage of greenery that likely satisfied certain concerns or needs. He noted that the ULCT was opposed to this bill because it is a mandate that is a one-size-fits-all type of program. The bill was still not in a position to receive support from the cities.

Mr. Allen reported on another bill sponsored by Representative Ryan Wilcox called the Garrity Bill which looked to be a good bill with the right tenor. He stated that there would be opposition from the media and others, however, Mr. Allen felt it would get through the process.

Mr. Allen stated that they continue to watch a number of election bills. He added that the food sales tax bills appeared to be dead. They are following the lead of the Law Enforcement Committee on a number of law enforcement bills. He expressed that any bill that might directly affect the City would be sent to the Council.

He highlighted an interesting bill dealing with how to replace a member of the City Council following a resignation. He did not know whether it would have any real impact on Cottonwood Heights but would look at it.

Mr. Allen added that there was a bill that would require a municipality or entity that operates a recycling program to disclose what is being done with the recycling. There had been complaints that recyclers are charging extra to pick up recyclables and then just dumping the material in the regular landfills. Council Member Bracken commented that all of the recyclers have regular garbage that gets put into the wrong place and they take some recyclables to the landfill.

Mr. Allen next discussed the financial disclosures bill that would require the use of the Consumer Price Index. Initially, the ULCT was opposed to this bill, but not too concerned with

it. Mr. Allen stated that their team wanted an amendment that would make it work if it passed. They were able to get the amendment, and the ULCT has now come back with a “hard oppose,” which has put the lobbyists in a difficult position. If he had known the ULCT was going to strongly oppose it, he would have worked to defeat the bill rather than put the work into the amendment.

Mayor Weichers confirmed that they would have another Legislative Work Session next week. He expressed appreciation to the lobbyists and stated that they would provide the project priority list to Mr. Curtis.

3. Adjourn.

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

The Work Session adjourned at 9:37 a.m.

I hereby certify that the foregoing represents a true, accurate, and complete record of the Cottonwood Heights City Council Legislative Work Session held Thursday, February 17, 2022.

Teri Forbes

Teri Forbes
T Forbes Group
Minutes Secretary

Minutes Approved: March 1, 2022