

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL WORK SESSION
HELD TUESDAY, APRIL 2, 2024, AT 4:00 PM IN THE COTTONWOOD HEIGHTS CITY
COUNCIL WORK ROOM LOCATED AT 2277 EAST BENGAL BOULEVARD,
COTTONWOOD HEIGHTS, UTAH**

Members Present: Mayor Mike Weichers, Council Member Suzanne Hyland, Council Member Matt Holton, Council Member Shawn E. Newell, Council Member Ellen Birrell

Staff Present: City Attorney, Shane Topham; Deputy City Recorder, Maria Devereux; Police Chief, Robby Russo; Administrative and Financial Services Director, Scott Jorges; IT Manager, Matt Ervin

Excused: Public Works Director/City Engineer, Matt Shipp; Human Resources Director/City Recorder, Paula Melgar

1.0 WELCOME – Mayor Mike Weichers.

Mayor Mike Weichers called the meeting to order at 4:00 PM and welcomed those present.

2.0 REVIEW OF BUSINESS MEETING AGENDA – Mayor Mike Weichers.

3.0 COTTONWOOD HEIGHTS PARKS AND RECREATION SERVICE AREA (“CHPRSA”) – Mr. Ben Hill, CHPRSA Executive Director.

4.0 TOURISM, RECREATION, CULTURE & CONVENTION (“TRCC”) FUNDING – Mr. Ben Hill, CHPRSA Executive Director and City Staff.

5.0 STAFF REPORTS

- a. **Emergency Operations Plan – Cottonwood Heights Police Assistant Chief, Paul Brenneman.**
- b. **Open Public Meetings Act and Proposed Changes to the Cottonwood Heights Code of Ordinances, Title 2 – City Manager, Tim Tingey and City Attorney, Shane Topham.**
- c. **Transportation Utility Fee Discussion – City Manager, Tim Tingey and Public Works Director/City Engineer, Matt Shipp.**

[AUDIO STARTED HERE]

City Manager, Tim Tingey reported that the City of Pleasant Grove was named as a defendant in a lawsuit. The suit went through the full court proceedings ending with the Utah Supreme Court. The Utah Supreme Court upheld the fee. During the 2024 Legislative Session, it was the State’s

intent to codify the fee further while defining what other fees could or could not be used. It was Mr. Tingey's understanding that in the end, there were special interest groups related to groups that did not pay taxes that ultimately killed the bill. He explained that the Transportation Utility Fee ("TUF") may still be implemented as defined by the Utah State Supreme Court. It has been communicated through the Utah League of Cities and Towns ("ULCT") that municipalities ought to follow the protocol established within that legislation. Staff would need to conduct an extensive study similar to that of the Storm Water Utility Fee defining the needs, costs, and breakdown by type of property owner. It would then go through the public hearing process where the cost would be defined. He confirmed that collections would be similar to that of the Storm Water Fee. To initiate this type of fee, Staff would bring back a proposal on timelines with the assistance of an outside consulting group to perform an evaluation. The consultants would complete a full analysis of the properties in distinct categories as well as the needs of items funded by the fee. He explained a matrix would then be prepared of costs as proposed, needs, and how they would formulate the cost of elements.

Council Member Holton reported that the lawsuit involves several watchdog groups that litigated against Pleasant Grove. He confirmed that the State Legislature intends to place guardrails and will return with another bill that may or may not be more stringent. Mr. Tingey noted the study as defined in the State Proposed Code, details the identification and determination of reasonable estimates of a need for a new transportation facility for maintaining, operating, preparing, upgrading, or replacing existing facilities. Language also included identifying and providing a reasonable estimate of existing funding sources used to cover the expenses. The language would also explain and provide calculations reflecting how existing City funding sources are inadequate. The fee would be related to services, benefits, and use provided to those who pay.

Council Member Holton felt that the items proposed were workarounds to not having to raise property taxes. He was of the mindset that there are existing ways to tax individuals and existing fees and if there were no revenue, that rate should be increased as opposed to adding diverse ways. Council Member Newell added that research would lend transparency for those to see what is taking place and understand the necessity. Mr. Tingey commented that this is different than a tax increase in that it includes all users and property owners. The base of who pays the proposed fee is larger.

Council Member Birrell stated in the Master Plans, that the foundation of the City envisions more walkability. As identified through surveys and other means, residents desire transportation alternatives. She believed this chance to look at road priorities may increase safety by changing the design in an effort to slow speeds and reduce the asphalt footprint. She felt they could turn toward the concept desired for the City and introduce the TUF. During WWII, the United States entered into a suburbia experiment and within the last few years, has been built out farther from town and city centers creating wider asphalt roads. She believed it was an experiment that had turned out to be financially unsustainable. She asked if the City was to advance the proposed fee if they would be weaving in evaluations for the opportunity to forward the idea of slowing vehicles down.

Mayor Weichers explained that a city's obligation, especially with a built-out city, includes the maintenance of existing roadways. There has been a sufficient interest in road design, and he was

supportive of the creation of a referendum or geo-bond leaving it up to the residents through a vote. He emphasized the need to impose some type of change as the City is not able to maintain roads at the current funding levels. Mr. Tingey stated that Provo City, for example, has a Residential A Single-Family and Residential B Multi-Family, which is then broken down into commercial and public use. Charges are different based on the amount of usage. The study would reevaluate the breakdown and cost impacts, similar to that of the Storm Water Fee process.

Council Member Holton asked if the City was supportive of the addition of a 2% Sales and Use Tax along with the TUF or if it would be more beneficial to raise property tax and not pursue the other avenues. Mayor Weichers believed the discussion item was requesting the Council's approval to fund a study to determine what the TUF would look like. Council Member Hyland supported attaching a tax to its use as it provides accountability.

Council Member Birrell appreciated Mayor Weichers emphasis but because a resident is required to pay a fee, she preferred transparency in understanding the City's intent. She asked what they are doing as a City to make the financial maintenance of the roads more sustainable as it is proven that more over-asphalting reduces the oxygenation and raises summer temperatures. She believed there are negatives to having too much asphalt and if they were to impose a fee, over time it would improve the maintenance of roads and have side benefits to the health, safety, and well-being of the community.

Mr. Tingey commented this item would not be implemented for the current budget, but Staff will potentially do an RFP to get the group involved study. The City would consider the fee for a group analysis and have that approved in the budget process. Implementation would then be considered. He confirmed that it was the consensus of the City Council to move forward with a study.

6.0 REVIEW OF CALENDARS AND UPCOMING EVENTS.

- a. **Art Exhibit from Utah Arts and Museums Traveling Exhibit – Utah Women Making History – April 1-May 4 at City Hall.**
- b. **The Great Utah Shake Out Earthquake Drill – April 20 at City Hall.**
- c. **Town Hall Meeting Regarding Public Trail Access – April 25 from 6-8 PM at City Hall.**
- d. **Community Tree Sale – April 20 and 21 at City Hall.**
- e. **Butlerville Days – July 25, 26, and 27th at Butler Park.**

7.0 POSSIBLE CLOSED MEETING TO DISCUSS LITIGATION, PROPERTY ACQUISITION AND/OR THE CHARACTER AND PROFESSIONAL COMPETENCE OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL.

MOTION: Council Member Holton moved to CLOSE the City Council Work Session and OPEN the City Council Closed Meeting. The motion was seconded by Council Member Newell. The motion passed with the unanimous consent of the Council.

The Work Session closed at 5:59 P.M.

8.0 ADJOURN CITY COUNCIL WORK SESSION.

MOTION: Council Member Birrell moved to ADJOURN the City Council Work Session. The motion was seconded by Council Member Hyland. The motion passed with the unanimous consent of the Council.

The Work Session adjourned at 7:00 PM.

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL BUSINESS MEETING
HELD TUESDAY, APRIL 2, 2024, AT 7:00 PM IN THE COTTONWOOD HEIGHTS CITY
COUNCIL CHAMBERS LOCATED AT 2277 EAST BENGAL BOULEVARD,
COTTONWOOD HEIGHTS, UTAH**

Members Present: Mayor Mike Weichers, Council Member Suzanne Hyland, Council Member Matt Holton, Council Member Shawn E. Newell, Council Member Ellen Birrell

Staff Present: Community and Economic Development Director, Michael Johnson (via Zoom) City Attorney, Shane Topham; Deputy City Recorder, Maria Devereux; Police Chief, Robby Russo; Administrative and Financial Services Director, Scott Jorges; IT Manager, Matt Ervin; Public Works Director/City Engineer, Matt Shipp

Excused: Human Resources Director/City Recorder, Paula Melgar

1.0 WELCOME – Mayor Mike Weichers.

Mayor Mike Weichers called the meeting to order at 7:05 PM and welcomed those present.

2.0 PLEDGE OF ALLEGIANCE

The Pledge was led by Council Member Holton

3.0 ACKNOWLEDGEMENTS

**3.1 Utah Recreation & Parks Association Award for Park Volunteers –
Introduction by Mayor Mike Weichers.**

Utah Recreation and Parks Association Executive Director, LeAnn Powell reported that the Utah Recreation and Parks Association is a non-profit association that represents approximately 1,800 Parks and Recreation professionals throughout the State. The Association holds an annual conference every March in St. George where award nominations are received. Past presidents then meet where the award recipients are selected. Ms. Powell stated the Outstanding Program Award is presented annually where open space, trails, parks, and programming are considered. The program was inspired by a Cottonwood Heights resident who emphasized the importance of preserving the local parks and creating gathering spaces for the community. She stated it is difficult for cities, counties, and special service districts to come together and make such ideas a reality. With over 130 volunteers within the community who have helped make this program a success, Ms. Powell presented Cottonwood Heights with the Outstanding Volunteer in the Parks VIP Program for 2024.

4.0 CITIZEN COMMENTS

Rick Stevenson was present representing the Canyon Creek homeowners and expressed appreciation to the City Council and Chief Riley Pilgrim for maintaining the safety of their neighborhood. He expressed concern about future growth and developers along Big Cottonwood Canyon Drive. He spoke with City Staff regarding zoning and understood there were 15 lots north of the creek and 10 on the circle in which he lives. Recently, residents had heard there were 320 units proposed to be located behind the creek from where they live. The Riparian setback would have to be changed as well as density and height. He asked that when these topics come up and are presented by the Planning Commission, they consider the real impact on the area. City Councils are worried about being sued by developers and he indicated that there was a possible suit involved should they acquiesce to what builders want. He believed that designating Big Cottonwood Canyon Road as historical would alleviate much of those concerns.

Nancy Hardy asked if the Utah Department of Transportation (“UDOT”) sticker program has been implemented or if Cottonwood Heights contributed funding to that program. She believed the seating of the City Council Members could be better integrated.

Runar Bowman resides in District 3 and referenced the Recreation Center discussion during the Work Session. He has been a passholder for years and cherished the facility. He felt the building and pool were breaking down and in need of maintenance and hoped the City would include the restoration or replacement of the Recreation Center in a future budget. He stated that Resolution 2024-25 pertaining to the optional Transportation Enhancement Tax, was scheduled for a vote. He was opposed to the proposed tax and found it interesting that there was no opposition. The proposed annexation of the Tavachi Development would create increased property tax revenue, which he believed was sorely needed.

Hal Ford grew up in Sugarhouse and acquired his Cottonwood Heights property in 1978. He recently drove along 1100 East and found Sugarhouse to have no resemblance to what it used to be. Although growth is inevitable, it was his opinion that it must be well-planned and managed. He commented that the pedestrian crossing on Creek Road is located between two churches and serves no purpose. He encouraged the City Council to thoroughly review any proposed high-density housing.

Randy Long was in favor of the Bonneville Shoreline Trail and open space. He felt open that space was needed badly and should be considered when looking at the Hillside Plaza and Dover Hill areas. Just off of Deaf Smith Canyon, there is an old, abandoned jeep road to old mines. He stressed the need to protect it.

Amir Rosenthal's comments were terminated as they involved hate speech.

Mordecai Seltzbaum comments were terminated as they were graphic and involved hate speech.

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

5.0 PUBLIC COMMENT

5.1 Zoning Text Amendments – Introduction by Community and Economic Development Director, Michael Johnson.

Community and Economic Development Director, Michael Johnson, presented the Staff Report and stated that this item involved consideration of the proposed Zoning Text Amendments. The purpose of the text amendments was to clarify ambiguous definitions and procedures and rectify conflicting provisions as part of general City Code maintenance. In an ongoing effort to provide a more accurate and user-friendly code, Staff maintains an ongoing list of ambiguous, conflicting, or otherwise erroneous City Code passages that require correction. Throughout the year, Staff presents collections of these proposed edits to the Planning Commission and City Council for review and adoption. After a previous Work Session discussion with the City Council, a minor amendment has been made to remove provisions related to home pet boarding, in order to discuss home businesses further. Other corrections involve technical adjustment clean-up and language relating to development bonds more compliant with State Code.

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

6.0 PUBLIC HEARING

6.1 Proposed Budget Amendment for 2023-2024 Fiscal Year – Administrative and Fiscal Services Director, Scott Jorges.

Administrative and Fiscal Services Director, Scott Jorges, presented the proposed Budget Amendment for the 2023-2024 Fiscal Year and stated that most adjustments were revenue neutral, or revenue offsetting expense requested. The proposed Budget Amendment items were as follows:

Police Department:

- CERT Fees revenue recognition for \$1,729
- DUI Overtime reimbursement Utah Division of Public Safety for \$6,694
- Bullet Proof Vest Grant revenue \$2,500
- Court Restitution to offset various costs \$450.
- Exercise Equipment sale revenue \$2,000
- Utah High School Hockey game overtime reimbursement \$850
- Police evidence auction proceeds revenue \$4,043
- State of Utah Police Department Internal Affairs Software Grant \$10,000
- SS4A Grant consultant to assist with the grant application process \$30,000.

Capital Projects Fund:

- The Public Works Building increase for projected finished project costs. 200,000 - 200,000
- Expenses: Total Projected Costs \$8,729,498

- Revenues: Bond funds \$7,500,000 plus State and Local Fiscal
- Recovery funds \$1,029,498 = Total Revenues \$8,529,498
- Remaining Needed \$200,000
- Utilize unbudgeted balance from Capital Projects Fund. The current amount available \$337,482

Mr. Jurges recommended the outright purchase of a 2018 Caterpillar 910M Loader currently on a year-to-year lease \$47,290.

Capital Projects Fund Total \$247,790.

Storm Water Fund:

- Supernal Way Project Engineering and Design and emergency repairs needed before June 30, 2024, \$100,000
- 7200 South Sump Pump replacement/ upgrade repairs needed before June 30, 2024, \$60,000

Storm Water Fund Total \$160,000

Mayor Weichers opened the public hearing.

Runar Bowman reviewed the SS4A Grant Application and proposed \$30,000 for a Grant Writing Consultant. He asked if the City would be discussing these future expenditures during the next budget year and how that money would be spent.

Mayor Weichers reported that the City would be requesting funds made available to cities from the Infrastructure Bill passed several years previously. The work to be performed applied for through the Grant would be located on 2300 East, Bengal Boulevard, and other important roadways that require maintenance.

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

7.0 ACTION ITEMS

- 7.1 Consideration of Ordinance 412 Amending Titles 2, 3, 12, and 19 of the Cottonwood Heights Code of Ordinances. (This ordinance will approve various amendments to the referenced portions of the City’s Code of Ordinances as recommended by the City’s Staff and Planning Commission to clarify ambiguous definitions and procedures and rectify conflicting provisions in the Code as part of general maintenance of the Code).**

Mayor Weichers reported the above item was consideration of Ordinance 412 Amending Titles 2, 3, 12, and 19 of the Cottonwood Heights Code of Ordinances.

Council Member Hyland was grateful that the City Council was willing to remove the dog boarding provision and have a bigger, broader discussion about Home-Based Businesses that will be impacting the City in the next five to 10 years.

MOTION: Council Member Birrell moved to APPROVE Ordinance 412. Council Member Hyland seconded the motion. Vote: Council Member Holton-Yes, Council Member Hyland-Yes, Council Member Newell-Yes, Council Member Birrell-Yes, and Mayor Weichers-Yes. The motion passed unanimously.

7.2 Consideration of Resolution 2024-21 Approving a Firework Display Contract with Vortex Productions for 2024 Butlerville Days. (By this Resolution, the Council will Approve the City’s entry into a Contract with Vortex Productions, Inc. for a Fireworks Display at 2024 Butlerville Days).

Mayor Weichers reported that the above item was consideration of Resolution 2024-21 approving a Firework Display Contract with Vortex Productions for 2024 Butlerville Days.

MOTION: Council Member Holton moved to APPROVE Resolution 2024-21. Council Member Newell seconded the motion. Vote: Council Member Holton-Yes, Council Member Hyland-Yes, Council Member Newell-Yes, Council Member Birrell-Yes, and Mayor Weichers-Yes. The motion passed unanimously.

7.3 Consideration of Resolution 2024-22 Approving a Drone Show Performance Contract with Open Sky Productions, LLC for 2024 Butlerville Days. (By this Resolution, the Council will Approve the City’s Entry into a Contract with Open Sky Productions, LLC for a Drone Show Performance at 2024 Butlerville Days).

Mayor Weichers reported that the above item was consideration of Resolution 2024-22 approving a Drone Show Performance Contract with Open Sky Productions, LLC. for 2024 Butlerville Days. Council Member Birrell commented that it is exciting to have performances. It was her preference that the City do either the drone show or fireworks.

MOTION: Council Member Newell moved to APPROVE Resolution 2024-22. Council Member Holton seconded the motion. Vote: Council Member Holton-Yes, Council Member Hyland-Yes, Council Member Newell-Yes, Council Member Birrell-Yes, and Mayor Weichers-Yes. The motion passed unanimously.

7.4 Consideration of Resolution 2024-23 Approving an “Event Proposal” Contract with Custom Events, Inc. for 2024 Butlerville Days. (By this Resolution, the Council will Approve the City’s Entry into an Agreement and Addendum whereunder Custom Events, Inc. will provide Activities for the City’s 2024 Butlerville Days Community Event).

Mayor Weichers reported that the above item involved consideration of Resolution 2024-23 approving an “Event Proposal” Contract with Custom Events, Inc. for 2024 Butlerville Days.

MOTION: Council Member Hyland moved to APPROVE Resolution 2024-23. Council Member Holton seconded the motion. Vote: Council Member Holton-Yes, Council Member Hyland-Yes, Council Member Newell-Yes, Council Member Birrell-Yes, and Mayor Weichers-Yes. The motion passed unanimously.

7.5 Consideration of Resolution 2024-24 Approving a Consulting Agreement with Kimley-Horn for “SS4A” Grant Application Services. (By this Resolution, the Council will Approve the City’s Entry into an Agreement whereunder Kimley-Horn and Associates, Inc. will provide Grant Application Services to the City under the U.S. Department of Transportation’s “Safe Streets and Roads for All” program).

Mayor Weichers reported that the above item was consideration of Resolution 2024-24 approving a Consulting Agreement with Kimley-Horn for “SS4A” Grant Application services. Council Member Birrell commented that the SS4A Grant funding can be very large with a minimum grant of \$2.5 million. She pointed out that although it sounds like a large amount of money, to make improvements within the City, transportation comes at an excessive cost. She appreciated the Council’s effort to support and advance the effort to obtain future funding for the City.

MOTION: Council Member Birrell moved to APPROVE Resolution 2024-24. Council Member Newell seconded the motion. Vote: Council Member Holton-Yes, Council Member Hyland-Yes, Council Member Newell-Yes, Council Member Birrell-Yes, and Mayor Weichers-Yes. The motion passed unanimously.

7.6 Consideration of Resolution 2024-25 Encouraging Salt Lake County to Impose the Optional .2% Sales and Use Tax to Enhance Transportation Funding. (By this Resolution, the Council will Encourage Salt Lake County to Impose the Optional .2% Sales and Use Tax Authorized by the Utah Legislature in its 2024 General Session to Enhance Funding for Transportation Projects).

Mayor Weichers reported that the above item was consideration of Resolution 2024-25 encouraging Salt Lake County to impose the optional .2% Sales and Use Tax to enhance transportation funding. Council Member Birrell stated that while generally, she is fiscally conservative and concerned about higher taxes, she has come to understand transportation is demanding and has taken a toll when roadways are not properly maintained at the proper speeds. She expressed support for the Resolution.

Council Member Hyland stated a Sales Tax burden is not borne by just the residents, but visitors of Cottonwood Heights as well. Those visitors will be contributing to the impact they have on the roads. She felt that when a tax has a specific use, she was willing to move forward with the Resolution.

MOTION: Council Member Birrell moved to APPROVE Resolution 2024-25. Council Member Hyland seconded the motion. Vote: Council Member Holton-No, Council Member Hyland-Yes, Council Member Newell-Yes, Council Member Birrell-Yes, and Mayor Weichers-Yes. The motion passed 4-to-1.

8.0 CONSENT CALENDAR

8.1 Approval of the Minutes of the City Council Work Session and Business Meeting Minutes of March 19, 2024.

The above item was not voted on.

9.0 ADJOURN CITY COUNCIL BUSINESS MEETING.

MOTION: Council Member Holton moved to ADJOURN. The motion was seconded by Council Member Newell. The motion passed with the unanimous consent of the Council.

The City Council Meeting adjourned at 7:56 PM.

I hereby certify that the foregoing represents a true, accurate, and complete record of the Cottonwood Heights City Council Work Session and Business Meeting held Tuesday, April 2, 2024.

Teri Forbes

Teri Forbes
T Forbes Group
Minutes Secretary

Minutes Approved: May 7, 2024.