

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL WORK SESSION  
HELD TUESDAY, NOVEMBER 16, 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 Douglas Petersen

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

**Excused:** Council Member Christine Mikell and Council Member Tali Bruce

**1. Welcome – Mayor Peterson.**

Mayor Mike Peterson called the meeting to order at 5:02 p.m. and welcomed those present.

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

The Business Meeting agenda was reviewed.

Community and Economic Development Director, Mike Johnson, reviewed Ordinance 371 adopting a Parks, Trails, and Open Space Master Plan Element of the General Plan. There was concern over a trail alignment that had been amended. Both the Planning Commission and Open Space Committee were supportive of the changes.

Public Works Director, Matt Shipp, reviewed the Consulting Agreement with T-O Engineering for Storm Water System Services. The contract would include the survey prior to the raising of more than 250 manholes as well as construction management of the project. It would be a lump sum amount that would go toward the investigative phase.

The Affordable Housing Plan was discussed. Mr. Johnson reported that the matter is up for discussion and is the annual update required by the State Legislature.

City Manager, Tim Tingey, reviewed two appointments to the Arts Council.

Mayor Peterson reported that the next item would consider entry into an agreement with Salt Lake County for Tier II ZAP funding in the amount of \$14,000.

City Attorney, Shane Topham indicated that the City became involved in a lawsuit in Federal District Court in October 2021 where three Cottonwood Heights Police Officers were named as defendants. Pursuant to the Governmental Immunity Act, the officers have the right to submit a request to the City for defense and indemnity of actions taken in the course and scope of their job

responsibilities. He requested that the City accept these requests with the reservation of rights and allow the City to review the situation in the course of the lawsuit if it becomes apparent that the actions taken were outside the course and scope of the officers' responsibilities.

A Civil Asset Forfeiture Legal Services Interlocal Agreement with Salt Lake County was next discussed. Mr. Topham reported that the statute governing civil asset forfeiture was recently amended and the change places the burden on the seizing agency to pursue these cases. Other parts of the Code still limit who can pursue the proceedings to the Attorney General and District Attorney's Office. The purpose of the resolution is to approve an Interlocal Agreement between Cottonwood Heights and Salt Lake County on behalf of the Salt Lake District Attorney's Office and the City.

### **3. Staff Reports.**

#### **a. On-Street Parking Permit Petitions Discussion – Economic Development Director, Michael Johnson.**

Mr. Johnson reported that the City has received two separate parking petitions. The first was for the Canyon Centre Parkway. A property rendering was displayed. The request is to largely restrict parking along the frontage of the project with a slight expansion to the north. The rationale for the petition included limited overflow parking with limited room for parking along the driveway. Each of the 17 homes has individual trash and recycling receptacles that are picked up along Canyon Centre Parkway. The petition requests there be a permitted area provided to allow for a consistent location for trash bins on trash collection day. Of the 18 properties, 14 signed the petition which exceeds the 50% requirement to come before the Council. Photos from the petition were presented. The criterion specifies that it must be demonstrated that commuters often use the street frontage for parking, which limits the use of the area. Staff stated that the proposal reasonably complies with the ordinance criteria. The Police Department was opposed to the creation of a parking area largely due to concerns over parking restrictions on public roads and legal concerns with the ordinance in general.

Police Chief, Robby Russo identified the location of the designated parking, which includes a fire hydrant that cannot be parked in front of. He believed that the area poses a safety concern and suggested the curbs be painted red and designated as no parking.

Mr. Johnson indicated that Staff received an amended petition to the Racquet Club Circle petition the previous day that included changes requiring a new hearing. He believed the intent of the petition was to preserve the safety and integrity of the eight impacted properties. Although the petition meets the criteria to schedule a public hearing, it was Staffs opinion that it does not reasonably comply with the Ordinance regarding an existing condition of non-local traffic parking on the street within the petitioned area. The updated petition was expanded and now includes homes along the west side of Racquet Club Drive. Staff had not yet reviewed the amended petition or validated the signatures. The matter was to be reconsidered and scheduled as a new public hearing.

Mr. Tingey suggested that because the applicant has submitted an amended application, the public is made aware that the item will be rescheduled.

**b. Building Code Sprinkler Requirements – Unified Fire Assistant Chief, Riley Pilgrim.**

Unified Fire Assistant Chief, Riley Pilgrim reviewed the recommendation from the Unified Fire Authority (“UFA”) with regard to the proposed change to the Building Ordinance pertaining to Building Code sprinklers and structures that are 10,000 feet or greater. The change would provide an opportunity for the system to catch the fire prior to the arrival of the Fire Department. The various criteria were reviewed. The requirement of sprinklers would provide additional safety and the reduction of property loss as large structures are more complex.

Mr. Tingey raised a question with the matter being considered for the community per resolution. It was confirmed that the matter would need to return to the City Council for final consideration and a Code Amendment.

**c. Letters of Intent for State Surface Transportation Project Funding – Public Works Director, Matt Shipp and Economic Development Director, Michael Johnson.**

Mr. Shipp reviewed the submittal of a Letter of Intent for four projects within the City and the Transportation Improvement Funding (“TIF”) program. The next step includes the Concept Report where a drawing and cost estimates are submitted to the Wasatch Front Regional Council who determines which projects they are willing to fund. If received, the City’s match would be 6.77% of the project cost plus any needed environmental work. Staff recommended submitting two of the four projects with the first being a Hawk signal and pedestrian crossing on Fort Union Boulevard and Nye Drive for Bella Vista Elementary School. The second was the Fort Union Boulevard Project's addition of asphalt for a buffered bike lane. The addition would make the full connection from Wasatch Boulevard to the existing bike lanes along Fort Union Boulevard and a multi-use pedestrian trail. He confirmed that funding would be provided within three to five years. A map of the area was displayed.

**d. Housing Plan Update – Community and Economic Development Director, Michael Johnson.**

Mr. Johnson reviewed the Modern Income Housing Report. The plan requires all cities to adopt an Affordable Housing Master Plan and submit annual updates or progress reports prior to the December 1 deadline to the Wasatch Front Regional Council and the State Department of Workforce Services. Each report is to provide an update of the five-year modern income housing needs. Mr. Johnson explained that the current data is outdated, and the localized census data is not yet available. The total number of occupied rental units in each housing affordability band and actual renter households whose household income falls within each band were to be included. The available data was discussed. Changes were anticipated to the reporting requirements with the upcoming Legislative Session. The updated data would be shared with the Council once it is received. Mr. Johnson stated that the overall projected median income was \$93,000 with the

owner-occupied median income being substantially higher and projected to increase. An update was to be made once the census data is provided.

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

- a. Brighton High School – Full Circle, a Historic Committee Exhibit – November 1-19 (tentative dates) City Hall.
- b. Arts Council Gingerbread Contest – The contest is Now Open and will Run Until December 8, 2021.
- c. City Hall will be closed on November 25 and 26 in observance of the Thanksgiving Holiday.
- d. Holiday Decorating Context – Contest Runs November 26 through December 9, 2021.
- e. Tree Lighting and Sing-Along – Monday, November 29 from 6:00 p.m. to 7:30 p.m. at City Hall.
- f. Virtual Visit with Santa from November 29 through November 30, 2021.
- g. City Hall will Be Closed on December 24, 2021, in observance of the Christmas Holiday.
- h. City Hall will Be closed on December 31, 2021, in observance of New Year's Eve.
- i. Swear-In Ceremony of New City Council Members and Mayor – Monday, January 3, 2022, at 5:00 p.m. in the City Council Chambers.
- j. Mayor Michael J. Peterson's Farewell Reception – Monday, January 3, 2022, at 5:00 p.m. in the Community Room.

**5. Possible Closed Meeting to Discuss Litigation, Property Acquisition and/or the Character and Professional Competence or Physical or Mental Health of an Individual.**

**6. Adjourn City Council Work Session.**

**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 6:22 p.m.

**MINUTES OF THE COTTONWOOD HEIGHTS BOARD OF CANVASSERS MEETING  
HELD TUESDAY, NOVEMBER 16, 2021, AT 6:30 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 Douglas Petersen

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

**Excused:** Council Member Christine Mikell and Council Member Tali Bruce

**1.0 CALL TO ORDER**

Mayor Peterson called the meeting to order at 6:30 p.m.

**2.0 REPORT ELECTION RESULTS**

Mayor Peterson read the Salt Lake County Election Statistics Report for Mayor and Council Districts 3 and 4.

**3.0 CONSIDERATION AND DECLARATION 2021-01 CERTIFYING THE 2021 MUNICIPAL GENERAL ELECTION RESULTS**

Mr. Mike Weichers – Mayor – 4-Year Term  
Mr. Shawn E Newell – Council District 3 – 4-Year Term  
Ms. Ellen Birrell – Council District 4 – 4-Year Term

**MOTION:** Council Member Petersen moved to approve Declaration 2021-01. The motion was seconded by Council Member Bracken. The motion passed with the unanimous consent of the Council.

**4.0 ADJOURN**

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

The meeting adjourned at 6:38 p.m.

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL BUSINESS MEETING  
HELD TUESDAY, NOVEMBER 16, 2021, AT 7:00 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 Douglas Petersen

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

**Excused:** Council Member Christine Mikell and Council Member Tali Bruce

**1.0 WELCOME**

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

**2.0 PLEDGE OF ALLEGIANCE**

The Pledge was led by Council Member Bracken.

**3.0 CITIZEN COMMENTS**

There were no citizen comments.

**4.0 PUBLIC HEARING**

**4.1 On-Street Parking Permit Petition for Canyon Centre Parkway – Introduction by Community and Economic Development Director, Michael Johnson.**

Community and Economic Development Director, Mike Johnson presented the Staff Report and stated that the above request is for consideration of an On-Street Parking Permit Petition for Canyon Centre Parkway. The property is primarily located adjacent to the residential subdivision that is part of the Canyon Centre Project and expands slightly to the north. He reported that the request is to establish a permanent parking area on Canyon Centre Parkway adjacent to the Canyon Centre single-family neighborhood that will serve as a protected area for on-street parking for guests, services, and trash receptacle placement for residents on garbage day.

There are 18 impacted properties, of which 14 signed the petition. This is more than the required 51% to be considered by the City Council. Photos of the property were displayed. Mr. Johnson noted that the petition signatures were validated and found to meet the requirements for public hearing and Council consideration. Staff found that the proposal reasonably complies with the criteria of the Permit Parking Ordinance, which emphasizes and focuses on the presence of

commuter vehicle parking. Granting the request would reasonably resolve the current issue with trash collection and visitor parking limitations in the area and focus specifically on winter parking and ski traffic.

Mr. Johnson explained that the Police Department is opposed to the creation of the proposed permit parking area due to concerns over restricting parking on public roads and legal concerns with the Permit Parking Ordinance in general. The Council is required to receive public comment and render a final decision within 30 days which, will be scheduled for December 14, 2021.

Council Member Bracken asked if this group of homes is eligible for short-term rentals. Mr. Johnson confirmed that they are not.

Mayor Peterson opened the public hearing.

*Robert Trauscht* expressed concern with the opening of the Marriott Hotel and the associated parking of oversized vehicles. He believed those vehicles will require parking along the street, which will further impact their ability to use those spaces.

*Mary Ellen Johnson* reported that when exiting Canyon Centre Parkway, cars park to the right and left of the exit and create a safety hazard by blocking the view. She suggested there be a red curb along Racquet Club Drive that surrounds Canyon Centre Parkway.

*Brad McCleary* reported that he resides on Canyon Centre Parkway and was responsible for submitting the petition. He appreciated the initial striping, but it has since come off and is no longer visible. He expressed concern about there being nowhere to place their garbage receptacles on garbage day.

City Manager, Tim Tingey clarified that the process requires the matter to come back before the City Council for a decision at a future meeting.

Mayor Peterson appreciated Staff identifying parameters set for in the Ordinance and stated that the petition generally meets those conditions. It will be up to the Council to determine if there are any mitigating circumstances. He recognized the challenge of non-residents parking in the area and believed they need to be sensitive to those concerns.

There were no further public comments. Mayor Peterson closed the public hearing.

#### **4.2     On-Street Parking Permit Petition for Racquet Club Circle – Introduction by Community and Economic Development Director, Michael Johnson.**

Mr. Johnson presented the Staff Report and stated that the request is the original petition request for which public notices were sent out. The Staff review was completed, and he confirmed that the request was changed the morning prior to the meeting. It appeared that the purpose was to preserve the safety and integrity of the neighborhood in response to ongoing and future development at the Canyon Centre. Parking along Racquet Club Drive remains an issue but what

they were not able to find in their review is a major commuter parking issue within the majority of the area or Racquet Club Circle.

In Staff's analysis, they found that the majority of the request is on Racquet Club Circle where there does not appear to be a commuter vehicle parking issue. Staff determined that the original request failed to reasonably comply with the Ordinance criteria. The updated petition has substantially expanded the requested area and changed the analysis and scope of the request. The request now includes many of the homes along the west side of Racquet Club Drive. Mr. Johnson reported that a full review has yet to be completed due to the short notice. To allow Staff to complete a review and treat the amended request as a new petition, additional time was required.

Council Bracken reported that the matter is scheduled for January 2022 to allow the New Mayor and City Council to review the request and receive public input.

Mayor Peterson confirmed that the matter will be addressed, and the Council will respond in a timely fashion, especially as ski season approaches.

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

## **5.0 ACTION ITEMS**

### **5.1 Consideration of Ordinance 371 Adopting a Parks, Trails, and Open Space Master Plan Element of the General Plan.**

Mr. Johnson presented the Staff Report and stated that the ordinance involves a City-wide master plan. The plan would allow the City to set goals and recommendations for City leadership and Staff to set policies and future priorities regarding parks, trails, and open space. The ordinance has been through an extensive public input process and has received a positive recommendation from the Planning Commission and the Open Space Committee. The plan is the result of many years of research, work, and public input and sets a vision for parks, trails, and open space within the City.

Council Member Bracken appreciated the changes made to the Little Cottonwood Creek Trail.

**MOTION:** Council Member Bracken moved to approve Ordinance 371. The motion was seconded by Council Member Petersen. The motion passed with the unanimous consent of the Council.

### **5.2 Consideration of Resolution 2021-56 Approving Entry into a Consulting Agreement with T-O Engineers, Inc. for Stormwater System Services.**

Public Works Director, Matt Shipp stated that the above item is for consideration of Phase I of the investigation of the City's Stormwater System and will be funded through the American Rescue Plan Act. He reported that several manholes are covered and without survey data needed to develop a stormwater model. He recommended approval of a Consulting Agreement with T-O



Engineers, Inc. Council Member Bracken noted that approximately 800 manholes have been completed with 200 remaining.

**MOTION:** Council Member Bracken moved to approve Resolution 2021-56. The motion was seconded by Council Member Petersen. The motion passed with the unanimous consent of the Council.

**5.3     Consideration of Resolution 2021-57 Approving an Updated Affordable Housing Plan.**

Mr. Johnson reported that the above resolution involves consideration of an Updated Affordable Housing Plan. The Affordable Housing Master Plan was adopted in 2019 and the City is required to provide an annual update to include community housing information, housing supply, housing demand, median income, and a five-year outlook on rental properties within affordability bands. Those items have been completed and discussed in detail and the implementation of the strategies identified in the original Master Plan has been provided. He confirmed that the plan is required to be submitted by December 1 each year.

Mayor Peterson noted that the data being used is from 2019 and have more accurate data will be provided going forward.

**MOTION:** Council Member Petersen moved to approve Resolution 2021-57. The motion was seconded by Council Member Bracken. The motion passed with the unanimous consent of the Council.

**5.4     Consideration of Resolution 2021-58 Approving Appointments to the Arts Council.**

Mr. Tingey reported that he, Records, Culture, and Human Resources Director, Paula Melgar, and Culture Manager, Ann Eatchel, met with Arts Council Candidates, Amanda Babcock and Ciara Powers. Staff felt that based on their backgrounds and time spent in the community, they will be valuable additions to the Arts Council. Mr. Tingey recommended approval of both appointments. Appreciation was expressed to all who serve on the Arts Council.

**MOTION:** Council Member Petersen moved to approve Resolution 2021-58. The motion was seconded by Council Member Bracken. The motion passed with the unanimous consent of the Council.

**5.5     Consideration of Resolution 2021-59 Approving Entry into an Agreement with Salt Lake County for Tier II ZAP Funding.**

Mayor Peterson reported that the above Resolution is for the City's entry into an agreement with Salt Lake County for Tier II ZAP Funding in the amount of \$14,200 for the Arts Council.

**MOTION:** Council Member Petersen moved to approve Resolution 2021-59. The motion was seconded by Council Member Bracken. The motion passed with the unanimous consent of the Council.

#### **5.6     Consideration of Resolution 2021-60 Accepting Requests for Indemnification.**

City Attorney, Shane Topham reported that a lawsuit was filed in Federal Court against three Cottonwood Heights Police Officers in late October 2021. The lawsuit involved their response to a domestic disturbance in the City in December 2019. Under the Governmental Immunity Act of Utah, City employees who are sued regarding the performance of their job functions have the right to request defense and indemnity from the City. The three officers filed a Request for Defense and Indemnity which the City is required to accept unless the City is certain the officers' actions were outside the course and scope of their employment. He recommended approval of the request with the reservation of rights to the effect that if the City subsequently determines that the officers acted outside the scope of their employment, the City may then withdraw its defense and indemnity in the case.

**MOTION:** Council Member Bracken moved to approve Resolution 2021-60. The motion was seconded by Council Member Petersen. The motion passed with the unanimous consent of the Council.

#### **5.7     Consideration of Resolution 2021-61 Approving Civil Asset Forfeiture Legal Services Interlocal Agreement with Salt Lake County.**

Mr. Topham reported that Federal and State Law allows the government to seek forfeiture of certain assets that are used or are the result of certain criminal enterprises. There is a process for civil forfeiture actions to occur and State law requires the actions be pursued by only the Attorney General or District Attorney's Office. Recently, State law was changed to require the seizing agency to pursue those forfeiture actions. The proposed Resolution would approve an Interlocal Agreement where the City will retain the Salt Lake County District Attorney's Office to pursue forfeiture actions where the City is the seizing agency.

**MOTION:** Council Member Bracken moved to approve Resolution 2021-61. The motion was seconded by Council Member Petersen. The motion passed with the unanimous consent of the Council.

#### **6.0     CONSENT CALENDAR**

The above matter was continued to the next meeting.

#### **7.0     ADJOURN CITY COUNCIL BUSINESS MEETING**

**MOTION:** Council Member Petersen moved to adjourn. The motion was seconded by Council Member Bracken. The motion passed unanimously.

The City Council Meeting adjourned at 7:35 p.m.

*I hereby certify that the foregoing represents a true, accurate, and complete record of the Cottonwood Heights City Council Work Session, Board of Canvassers, and Business Meeting held Tuesday, November 16, 2021.*

Teri Forbes

Teri Forbes  
T Forbes Group  
Minutes Secretary

Minutes Approved: December 14, 2021