

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL WORK SESSION  
HELD TUESDAY, JULY 6, 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 Douglas Petersen

**Staff Present:** City Manager Tim Tingey, City Attorney Shane Topham, Police Chief Robby Russo, Assistant Fire Chief Riley Pilgrim, Records Culture and Human Resources Director Paula Melgar, Community/Economic Development Director Michael Johnson, Administrative Services Director S. Scott Jorges, Network Administrator Matt Ervin, Public Works Senior Civil Engineer Adam Ginsberg

**Excused:** Council Member Christine Mikell, Public Works Director Matt Shipp

**1. Welcome – Mayor Peterson.**

Mayor Mike Peterson called the meeting to order at 5:00 p.m. and welcomed those present.

**2. Salt Lake City Academy of Music (“SLAM”) – Executive Director, Steve Auerbach.**

SLAM Executive Director, Steve Auerbach, reported that SLAM is a non-profit that was founded in 2019 in response to an unforeseen need for financial aid amongst their participating families. In January 2020 they opened the doors at their state-of-the-art studio in Sugarhouse. SLAM recently reopened following closure due to the pandemic.

Mr. Auerbach explained that SLAM is a music school that provides instruments and instruction to children on a free-to-fee sliding scale based on need. They partner with KRCL Community Radio. The non-profit allows people to receive a tax write-off for donations of unused musical instruments. SLAM is open to any child in the County who wants to study music. Instruction is available in classical music, rock, jazz, bluegrass, country, and more. SLAM instructors are top level in the industry and many are internationally renowned.

Mr. Auerbach reported that they have created a state-of-the-art studio where children of any socioeconomic background can join a community of like-minded peers, with an expert staff and the opportunity to develop their craft and confidence. Mr. Auerbach became involved in music instruction in 2005 when he became the first national hire for School of Rock, opening five schools in the Western United States. He described some of the alumni of the school and commented that their students end up doing a variety of things after they leave. From 2009 to 2019, he ran Music Garage, a music program in Salt Lake County. Students performed in over 20 festival shows each year, including the Deer Valley Amphitheatre and other large venues around the State.

He noted that *City Weekly* recognized Music Garage in 2014. They still have the same team as they did back then, and the only change had been to make the school a non-profit.

Mr. Auerbach introduced their team of instructors and discussed their backgrounds. They pay their instructors using grants and other community resources. The school programs include lessons, performance, recording, and touring for each of the genres they offer. He stated that they are hopeful that next summer they can take the students to the West Coast for a tour of festivals and venue shows.

Mr. Auerbach noted that there many testimonials on their website. They play all of the big festivals, including the Utah Blues Festival, July 4<sup>th</sup> fireworks events, and the Deer Valley Amphitheatre. He reiterated that SLAM provides many opportunities for children in a safe and inclusive environment for all participants.

Mayor Peterson stated that he would refer Mr. Auerbach to the City Arts Council in order to allow the opportunity for them to collaborate. Mayor Peterson asked about the source of SLAM's funding. Mr. Auerbach stated that they receive funding through the Zoo, Arts and Parks Program, Salt Lake City Arts Council, and various public and private foundations. Mayor Peterson complimented SLAM for highlighting the importance of the arts.

Corey Daigle resides in Cottonwood Heights with his wife and two daughters and agreed with Mayor Peterson's comments regarding the importance of music to young children. He stated that he sees an opportunity in Cottonwood Heights and globally to improve access to music learning for children and SLAM fills that void. His daughters joined SLAM earlier this year and he noted that the instructors really care about the students. It is exciting to see the children perform after such a short amount of time and to see the confidence that they gain in doing so. He sees the development of confidence and empowerment to youth just as important as teaching children how to play music. Mr. Daigle stressed the importance of these types of programs and stated that if there is an opportunity to increase the visibility, awareness, and access to programs like SLAM, it can only help the community.

Mayor Peterson commented that this program has had one of the highest ratings on the Zoo, Arts, and Parks Board and they want to connect SLAM with the Arts Council to look for opportunities to enhance the program in Cottonwood Heights.

### **3. Review of Business Meeting Agenda.**

Mayor Peterson reviewed the agenda for the Business Meeting. Police Chief, Robby Russo, reported that the persons receiving promotions are not present. There was agreement to delay the announcements until they can attend and be recognized in person.

Mayor Peterson reported that a Government Finance Officers' Association Budget Presentation Award would be introduced by City Manager, Tim Tingey. Mayor Peterson noted that it is a great acknowledgment of the efforts made in the budget process.

Mr. Tingey commented on the experience of Jonathan Ebbeler, who was being considered for an appointment to the Planning Commission. He noted that Mr. Ebbeler also has work experience related to trails that would be valuable to the Planning Commission. It was confirmed that Mr. Ebbeler would represent District Two.

Mr. Tingey reported that Agenda Item 6.4 addresses an outdoor recreation grant for \$150,000 from the State of Utah to go toward the Ferguson Park and Trailhead project.

It was confirmed that Agenda Item 6.5 seeks approval of a bid for roadway improvements in the amount of \$800,000. The project is part of the five-year plan and involves road reconstruction on Alpen Way as well as the Racquet Club Drive area.

Mr. Tingey reported that he interviewed Jessica Despain, who has been appointed to the Historic Committee. He stated that she will be a valuable asset to the community, as she will bring passion to the position through her social media experience and other skills.

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

##### **a. 2300 East Rezone Discussion – Community and Economic Development Director, Michael Johnson.**

Community and Economic Development Director, Michael Johnson, reported that the above item involves two separate applications that will be presented jointly for consideration. The application involves a land use change and a zone map amendment at 7432 South/2300 East. This parcel was part of a larger property that was recently subdivided. This individual parcel now fronts 2300 East and does not extend back to the west. The current zoning of the parcel is R-1-8 and is the only property along 2300 East that is zoned R-1-8. The request seeks to amend the land use map from residential low-density to residential medium-density, which would, in turn, allow a zone change from R-1-8 (single-family residential) to R-2-8 (multi-family residential no larger than a two-family dwelling).

Mr. Johnson displayed the Council a map of the surrounding area that is already zoned R-2-8. The subject property was zoned R-1-8 because it had been consolidated with other parcels over the years. When the application was first initiated, the subject parcel was not a stand-alone parcel. The subdivision process was completed to allow for the rezone. It was noted that the rezone does not impact the larger parcel to the west.

Mr. Johnson reiterated that the current land use is residential low-density. Due to the land use of the larger parcel, it was connected to before the subdivision. The proposal brings the land use in line with the rest of the parcels along 2300 East. Mr. Johnson reported that when the application was made prior to the subdivision, the parcel was 1.7 acres in size. He presented a history of the parcel to the Commission and noted that maps from 2004 showed that there were four separate parcels in a different configuration. The original 2005 Cottonwood Heights Zoning Map showed the entire corridor as R-2-8. As the parcels were consolidated over the years, they took the zoning designation of the larger piece, which was R-1-8.

Mr. Johnson stated that the proposed zone change is in line with the zoning along that corridor, as well as with the original zoning map. While the R-2-8 zone allows the standard two-family residential, a single-family home could still be built on the parcel. The applicant stated that his intent was to build a twin home on the smaller parcel. Staff recommended approval of the

application noting that the Planning Commission voted unanimously to recommend approval of both the amendment to the land use map and the zoning change. Comments were received prior to the Planning Commission Meeting from those with concerns over high-density housing. However, after clarification was provided regarding the R-2-8 zone, the comments shared were largely positive. Mayor Peterson reported that the properties directly to the south and north are zoned R-2-8 and many of the parcels contain duplexes or twin homes. Mr. Johnson noted that there are twin homes across the street from the subject property.

Council Member Bracken commented that this specific parcel was discussed extensively during the General Plan creation process. He noted that when the subdivision was sought, he felt that it made sense to rezone this smaller parcel to match the other uses along the street. It was confirmed by Mr. Johnson that the difference between R-1 and R-2 is from low-density residential to medium-density residential. He also confirmed that this is a one-lot subdivision.

Council Member Petersen asked if there was any public concern expressed regarding the proposed change. Mr. Johnson noted that there were a few concerns expressed but stated that some of the concerns were based on confusion with what was being proposed. At the public hearing, however, many neighbors expressed support.

Mayor Peterson commented that the proposed use fits the existing area.

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

Mayor Peterson reported that Accessory Dwelling Units (“ADU”) have previously been discussed by the Council and now that the Legislature has passed legislation, it is back before the Council to consider adoption of an ordinance with parameters. Mr. Johnson reported that in the last Legislative session, House Bill 82 was introduced to amend the Building Code, with the biggest change being to allow ADUs as a permitted use in single-family residential areas throughout the State. The language in the proposed ordinance largely mirrors the State Bill.

The bill, which will take effect on October 1, 2021, defines Internal ADUs (“IADU”) as permitted uses in all single-family zones statewide. Mr. Johnson reported that municipalities may adopt local ordinances governing IADU’s, but the local ordinance must comply with State law. The bill strictly limits the local authority to prohibit and regulate IADUs, which are defined as ADUs built into the footprint of the primary structure for the purpose of long-term rental. This bill does not involve ADUs that are separate from the primary residential structure.

Mr. Johnson clarified that the IADU must be within the footprint of the dwelling at the time the request comes in to build an ADU. He reiterated that local authority is strictly limited, and a city or municipality may not establish restrictions or requirements for the construction or use of an IADU that conflict with State law. He reported that cities may not restrict the size of the dwelling unit, the total lot size, or the street frontage presence on the property. IADUs still must comply with applicable building, health, and fire codes. The bill also requires egress windows to be updated to comply with applicable codes.

Mr. Johnson listed permitted local regulations, including requiring a permit or license, requiring owner-occupancy, prohibiting multiple utility meters, and requiring ADU design in a manner consistent with single-family dwellings. He noted, however, that there is another piece of legislation that prohibits cities from imposing design standards on single-family dwellings.

Mr. Johnson also stated that the legislation states that cities could only require one additional off-street parking space. He noted that this was a major issue during the Council's prior discussions. The City ordinance previously considered proposed two off-street parking stalls in addition to the two required for a single-family home.

Council Member Petersen added that the legislation originally proposed did not have an additional off-street parking element. Mayor Peterson added that a legislative representative interviewed the City and the off-street parking requirement was something that the City supported.

Mayor Peterson inquired as to whether the City could require that the one off-street parking space not be in tandem. Mr. Johnson opined that it was likely that the City could not require that but noted that they would reach out for clarification of this issue. Mayor Peterson expressed his position that if the off-street parking is tandem, the owner could park their cars in the garage and then not allow parking on the driveway. Council Member Petersen noted the issue with stacked parking.

Mayor Peterson commented that Sandy City prohibits tandem parking. He emphasized that the language of the ordinance previously proposed was excellent but a problem arises when the City forces vehicles to park on the roadway, which is historically the biggest complaint made by residents. Council Member Petersen cautioned that parking enforcement could be an issue and opined that the fines should be increased for those out of compliance. Mr. Johnson stated that the bill allows a city to hold a lien on a property found to be in violation and revoke an owner's right to operate an IADU.

Mr. Johnson clarified that if any element of the prior proposed ordinance is included on the list of approved regulations, it may remain in the ordinance. Regulations not allowed by this legislation would have to be removed from the proposed ordinance. Mr. Johnson noted that the Council could still address detached ADUs, which are not impacted by this legislation. Mayor Peterson expressed that the proposed ordinance regarding detached ADUs must still address the parking concerns. Mr. Johnson opined that the City could impose stricter parking requirements on detached ADUs than they could with IADUs.

Mr. Johnson stated that the legislation allows a city to prohibit IADUs on lots less than 6,000 square feet, noting this contradicts a prior provision in the legislation that prohibits such a restriction. He added that the City could record a Notice of ADU against the property title. Mr. Johnson highlighted a provision in the legislation that makes it illegal for private Homeowners Associations to proactively or retroactively enforce or restrict ADUs. In response to a comment, he stated that public relations efforts would be helpful to make the provisions of the ordinance known to the community.

Mr. Johnson indicated that they recommend using the previous ordinance as a starting point and remove the provisions no longer allowed under this new legislation. Since the legislation becomes effective October 1, 2021, the ordinance should be in place by that date. They will present this to the Planning Commission in July and August and bring it back to the Council in early Fall.

Mayor Peterson requested that Mr. Johnson provide further information on the parking issue, as it presents the biggest area of concern. Council Member Petersen reiterated his thoughts that they would not be able to restrict the tandem parking but it should be looked into. It was noted that addressing the parking protects the neighborhoods.

c. **Ferguson Park Design Discussion - Community and Economic Development Director, Michael Johnson and Public Works Senior Engineer, Adam Ginsberg.**

Mr. Johnson showed the Council the 60% design drawing that reflects a design that is substantially complete. What remains to be completed is the design for utilities, the civil engineering plans, and the construction plans. They are seeking feedback from the Council and other committees on the design drawings, and based on the feedback, they will proceed with the final construction plans. Public comment will also be received. Mr. Johnson explained that they are technically two projects based on two different funding sources. One project is the parking lot and restroom and the other is the park and signage. He presented to the Council a site plan showing both projects. He noted that one of the recommendations of the Bonneville Shoreline Trail Master Plan was to eliminate the non-ADA parking at the trailhead once the full parking lot is in place.

Mr. Johnson reported that the parking area includes a double-sided, perpendicular parking area with a turnaround. It also includes a restroom facility. Currently, the design contemplates approximately 65 parking stalls, however, it would likely include approximately 55 parking stalls when completed. This is a significant improvement from the current parking area that has 11 stalls. In the short term, they will restrict parking in the current parking stalls by installing landscaping over the area. He presented the site plan for the park and noted that the site is fairly narrow and constrained with a steep hillside just east of the pathway. The design theme contemplates leaving the site as natural as possible to match the aesthetic of the hillside and the natural landscape in the area. The green space noted on the plan is natural brush and native plants.

Mayor Peterson commented that the park area is fairly small. It was confirmed that it is less than 2.5 acres in size, much of it being steep hillside. Mr. Johnson commented that the dog park is more rugged and not fenced in. It was clarified that it would not be referred to as a dog park, but rather designated an “off-leash area.”

Mr. Johnson commented that the off-leash area would be a great complimentary use to those who are taking their dogs to the trail. He highlighted an asphalt ADA compliance path that loops the area, along with another loop that is comprised of crushed limestone. He also highlighted the picnic benches and small pavilions. The plan also includes trash receptacles and a drinking fountain close to the double-gated entry.

Mayor Peterson confirmed that the Landscape Plan is largely native. It does not call for planting grass, which obviates the need for irrigation. Mr. Johnson clarified that there might be some drip systems installed for the new trees and shrubs. Mayor Peterson suggested that the trees be matched to what already exists in the area. Council Member Petersen inquired about access to the trailhead. Mr. Johnson showed the access on the plan from the parking area to the sidewalk to the trailhead and stated that required ADA parking will remain.

Mr. Johnson stated that fencing at the entry and other areas around the park is proposed to be a split-rail wooden fence with horizontal slats and mesh. Because of the steep hillside and thick vegetation, a black chain link fence with privacy slats is proposed for the steep hillside. He confirmed that the type of fencing is open for discussion. Mayor Peterson commented that the type of fencing proposed for the off-leash area is commonly used in other similar settings and is natural-looking. He supported the black vinyl design for the hillside but was not sure of the privacy slats. Council Member Petersen commented that the chain link fence is a safety feature. It was noted that the cost of rail fencing approximates the cost of chain link fencing.

Mr. Johnson reported that some of the comments from staff and the Open Space Committee suggested ensuring that there are sufficient trash receptacles. Mayor Peterson suggested installing a small dumpster in the parking lot. Mr. Johnson noted that there is an opportunity to plant some pollinator species within the natural landscaping. The plan also calls for relocating the drinking fountain to shorten the waterline. Mr. Johnson noted that the double gate entry controls park entry and that the restrooms would probably not be seasonally locked unless the Council decides otherwise. Mayor Peterson suggested consideration be given to keeping the restrooms open all year and noted that they will need to discuss the plowing of the parking lot in the winter months. It was confirmed that the parking lot will be plowed. Mayor Peterson commented that the lack of restrooms is one of the highest concerns in the foothills.

Mr. Johnson described the upcoming timeline and reported that the Parks, Trails, and Open Space Committee likes the plan. The Architectural Review Commission (“ARC”) is required to review this plan since the project is located in the Gateway District. Thereafter, they are planning to hold a neighborhood open house. Mr. Tingey added that they are awaiting the County’s feedback. He commented that the County representatives were surprised at the progress of the project and have inquired as to whether the City would be looking to amend the agreement with the County. The project must be substantially complete by the end of 2021.

In response to an inquiry regarding bus access in the parking lot, Mr. Johnson stated that they met with the Utah Transit Authority (“UTA”) who indicated that they generally do not pull into parking lots and would like to stay on the shoulder of Wasatch Boulevard if they decide to put a stop there. It was clarified that the design accommodates the potential Utah Department of Transportation (“UDOT”) improvements on Wasatch Boulevard. The parking lot will be raised above the future sidewalk on Wasatch Boulevard by approximately seven feet and surrounded by a retaining wall. An Americans with Disabilities Act (“ADA”) ramp will go down to the road.

Mayor Peterson asked about the type of retaining wall to be used. It was noted that the design of the wall had not yet been finalized but they have looked at concrete. Mayor Peterson commented

that a concrete retaining wall would not be very complementary to a park-like setting. He mentioned tagging as a potential problem.

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

**a. July 9-17, 2021 – Matilda, The Musical – Butler Middle School Theater.**

Council Member Petersen commented that the Facebook page includes updated cast information. It was noted that this is a wonderful production and the Arts Council was praised for their work in putting it on.

**b. July 19-24 – Butlerville Days.**

Mayor Peterson reported that the parade will take place on July 23, 2021, at 11:00 a.m. All Council Members planned to participate in the parade. Council Member Bracken stated that the reason the carnival would not take place this year was due to the uncertainty surrounding COVID-19. He further commented that there are still a number of events to enjoy.

**MOTION:** Council Member Bracken moved to adjourn the Work Session and move into Closed Session. The motion was seconded by Council Member Bruce. The motion passed with the unanimous consent of the Council.

The City Council was in a closed session from 6:10 p.m. to 6:49 p.m.

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

**MOTION:** Council Member Bracken moved to close the Closed Meeting and resume the Work Session. The motion was seconded by Council Member Bruce. The motion passed with the unanimous consent of the Council.

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

**MOTION:** Council Member Bracken moved to 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 6:49 p.m.



**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL BUSINESS MEETING  
HELD TUESDAY, JULY 6, 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 Douglas Petersen

**Staff Present:** City Manager Tim Tingey, City Attorney Shane Topham, Police Chief Robby Russo, Assistant Fire Chief Riley Pilgrim, Records Culture and Human Resources Director Paula Melgar, Community/Economic Development Director Michael Johnson, Administrative Services Director S. Scott Jurges, Network Administrator Matt Ervin, Public Works Senior Civil Engineer Adam Ginsberg

**Excused:** Council Member Christine Mikell, Public Works Director Matt Shipp

**1.0 WELCOME**

Mayor Peterson called the meeting to order and welcomed those present.

**2.0 PLEDGE AND ACKNOWLEDGEMENTS**

Council Member Douglas Petersen led the Pledge.

**3.0 ACKNOWLEDGEMENT**

**3.1 Sergeants Promotional Announcement – Chief Russo.**

The above agenda item was passed to allow the persons to be recognized to be present.

**3.2 Government Finance Officers Association (“GFOA”) Distinguished Budget Presentation Award for the 2020/2021 Budget – Finance and Administrative Services Director, Scott Jurges.**

City Manager, Tim Tingey acknowledged the City’s Finance and Administrative Services Department, Scott Jurges, and all City departments for their efforts in the budget process. He stated that the collaborative efforts within the City, as well as going above and beyond in analyzing comparisons with other cities shows how effective and efficient the City is in the budget process. Mr. Tingey stated that receiving the award from the GFOA is the highest form of recognition in government budgeting. The budget document was reviewed by a panel of independent reviewers as a policy document, a financial plan and operations guide, and a communication device. The City’s budget met all of the standards necessary to receive the award. Additionally, the GFOA stated that the award recipients have “pioneered efforts to improve the quality of budgeting and provide an excellent example for other governments throughout North America.” Mr. Tingey expressed gratitude for the efforts of each department, especially Mr. Jurges and staff.

Mayor Peterson expressed appreciation for the efforts of Mr. Jurgens and staff, especially with the extra work performed this year to provide an analysis comparing costs with other municipalities. Mr. Jurgens reported that this is the eighth consecutive year they have received the award. They will begin working on the full budget book for the recently adopted budget, which will be submitted later this year. He fully expects the City to receive its ninth award for this budget.

Council Member Bruce congratulated Mr. Jurgens and expressed appreciation to Mr. Tingey for hiring Mr. Jurgens. She noted that Mr. Tingey has repeatedly made good hires that have been tremendous assets to the City. She further commented that despite the good work, they continue to let down constituents on the issue of transparency. She campaigned on a promise to get a level of budget transparency that her constituents requested; yet they have approved four budgets in a row without that level of transparency, which indicates to her that something is being hidden. She does not fault the Finance Director, as he does not demand the level of details that she and her constituents seek. Her business accountant is also an award-winning accountant and requires that she provide an accurate cost of goods sold, and those are details that she would like to know to help her make prudent decisions.

On behalf of her constituents, Council Member Bruce stated that she has asked the City to provide details on exactly how much of its IT costs go toward the Police Department versus Public Works or office staff. She would also like to know what costs for Human Resources and equipment go toward the Police versus other departments. She has been asking for operational details that the City has refused to provide. These details are essential for the residents to make informed decisions about how their tax dollars are being spent. Council Member Bruce reiterated that this is not the fault of staff but it continues to be an intentional decision by “Councilmen” to obscure those important details about the City’s spending. She has and will continue to push for transparency for her constituents.

Council Member Petersen thanked Mr. Jurgens and his staff for the work they do. He noted that restaurants and cities have different accounting techniques and Mr. Jurgens has been amazing at what he has done for the City and appreciates the transparency.

Mr. Tingey reiterated that he has been involved in government for 24 years and expressed appreciation for the budget process. Cottonwood Heights’ budget process is transparent and collaborative. The detailed budget documents provide the information that people want to see.

Council Member Bracken responded that the accusations toward “Councilmen” as sexist and patently false.

Council Member Bruce stated that the type of accounting and itemization was a legislative decision.

Mayor Peterson added that to increase the participation of the Council in the budget process, they followed the UFA model and created budget committees. Two Council Members sit on the Budget Committee and two Council Members sit on the Benefits and Compensation Committee. Every Council Member has every opportunity to ask any questions they might have about the budget. While he appreciates the position of Council Member Bruce, Mayor Peterson strongly disagreed

and noted that she has been very complimentary about the process. He further stated that Council Member Bruce brought in a Certified Public Accountant who complimented the City on its governmental accounting.

Mayor Peterson stressed that there has been no attempt whatsoever by himself or anyone on the Council to maliciously try to hide any information.

Council Member Bruce pointed out that she provided an itemized list of 32 questions to Mr. Tingey, who brought it to the City Council for approval of the significant staff time needed to respond. She stated that none of her questions were answered.

Mayor Peterson again thanked Mr. Jurgens and expressed his respect for the independent reviewers of the budget who gave it great reviews.

#### **4.0 CITIZEN COMMENTS**

*Tim Hallbeck* stated that total transparency is exactly that. If any Council Member requests information from the City Manager or any other department it should be provided without question. They should not respond that it would take too much time or effort. He stated that he made comments on May 1 about a Council Member's position on defunding the police and there had been no confirmation of that position, so he apologized for those comments. Mr. Hallbeck thanked those who worked on the fireworks ban and stated that the ban worked. He noted that the cooperation of the citizenry of Cottonwood Heights was fantastic. He requested that the City consider allowing fireworks on Pioneer Day if a weather event happens that would make it safe.

Mayor Peterson thanked the residents, stating that voluntary compliance with the fireworks ban was overwhelming.

Maile Evans reported that several residents wanted to address parking issues that were discussed in a prior meeting. Recognizing that legislation and ordinances take time, she expressed that the comments regarding the decisions being made are somewhat generic. She reported that in her neighborhood, there is a home that is renting rooms and a basement. With each room, there is a separate vehicle. She stated that the parking would not comply with the ADU requirements. She inquired as to whether there was a way to have rental units have something other than the generic form and enforce it better so that there would not be so many resident complaints. Ms. Evans stated that in situations involving larger families, it is much easier to reach out to neighbors regarding parking. It is more difficult with renters and becomes a hazard not only on the street but for the neighbors themselves.

Ms. Evans stated that residents would like a bike lane ordinance. There is no state law that prevents vehicles from parking in a bike lane. Several municipalities, with the exception of Midvale, have ordinances. She highlighted the area from 3500 East down to Bengal Boulevard where 12 cars were parked on both sides of the street, which does not leave enough room for bikes. She also highlighted 2300 East which has several cars parked in the bike lane.

Ms. Evans addressed the Stormwater Fee and stated that several residents have requested that it start lower and increase over time.

*Runar Boman* reported that he resides in District Three and also wanted to focus his comments on bike lanes and road conditions. He is an avid road cyclist and encounters vehicles parked in the bike lanes. It is disconcerting to have to move into the roadway when vehicles are passing him at 45 MPH. He requested that stenciled bicycles markings be put on downhill roads that signify that the cyclist can ride in the roadway.

Mr. Boman also addressed the poor condition of the road at 2300 East at the bottom of the hill. The roadway is very rough, especially for cyclists. He recalled that it was resurfaced three years ago and they just laid down a layer of chip seal without rolling it out. He noted a resolution on the agenda to discuss road improvements and asked whether this road could be addressed in that discussion.

There was no further citizen comment. Mayor Peterson closed citizen comments.

## **5.0 PUBLIC COMMENT**

### **5.1 7432 South 2300 East Land Use Amendment Rezone.**

Community and Economic Development Director, Michael Johnson, reported that the above item involves two applications. One application seeks a Land Use Map amendment, and the other seeks a zone change. The Land Use Amendment seeks to change a parcel from residential low-density to residential medium-density, which corresponds with the zone change from R-1-8 (single-family residential) to R-2-8 (up to two-family residential). He reported that the parcel being proposed for rezone was part of a larger two-acre parcel that was recently subdivided. The request is only for the subdivided parcel that fronts 2300 East.

Mr. Johnson stated that the context of the area is important, as the zoning along 2300 East is R-2-8, with existing twin homes and duplexes. The General Plan designation for the parcel was residential low density, and they seek to change it to residential medium density so that it matches the re-zone. Mr. Johnson summarized the history of the parcel and noted the numerous lot changes and consolidations over the years that explain why this small parcel is zoned single-family residential. Before the recent subdivision, there was a single parcel measuring 1.72 acres containing a single-family home and some agricultural use. In the late 1990s, this parcel consisted of four different parcels that have been consolidated over time.

Prior to incorporation, the zoning designation along the parcel was R-2-8. He opined that when the lots were consolidated, there was no record of the consolidation going through a City process and the parcel likely took on the attributes of the larger parcel and became single-family residential. Mr. Johnson explained that R-2-8 allows for single-family homes as well as multi-family, up to two-family dwellings. Conditional uses in the R-1-8 and R-2-8 zones are largely the same. He stated that staff recommended approval, given the context of the area and the unique history of the parcel. The Planning Commission took public comment in early June 2021 and unanimously recommended approval of both applications.

In response to an inquiry from Council Member Bracken regarding conditional uses, Mr. Johnson expressed his understanding that the conditional uses are the same. Additionally, the medium-density designation does not include anything more than R-2. Council Member Bracken stated he would like to know what potentially could happen in the future with this rezone, as there was significant debate over this parcel when they were preparing the General Plan. He commented that the work done by the applicant to subdivide this parcel from the other makes the application a more acceptable request.

Mayor Peterson added that this parcel is .198-acre in size, which would limit any potential conditional uses. He added that the surrounding zones fits in the R-2-8 zone along that roadway.

Council Member Petersen asked about concerns raised about these applications. Mr. Johnson stated that they received some comments expressing concerns about high density, which they clarified by showing that this was not a rezone for the entire parcel, and only a single-family or two-family dwelling would be allowed.

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

## **6.0 ACTION ITEMS**

### **6.1 Consideration of Ordinance 361-A – Approving a General Plan Amendment for .196 Acres of Real Property at 7432 South 2300 East from Residential Low Density to Residential Medium Density.**

**MOTION:** Council Member Bruce moved to approve Ordinance 361-A approving a General Plan Amendment for .196 acres of real property at 7432 South 2300 East. The motion was seconded by Council Member Bracken. Vote on motion: Council Member Bracken-Aye, Council Member Bruce-Aye, Council Member Petersen-Aye, Mayor Mike Peterson-Aye. The motion passed unanimously.

### **6.2 Consideration of Ordinance 362-A – Approving the Rezone of .916 Acres of Real Property Located at 7432 South 2300 East from R-1-8 (Residential Single-Family) to R-2-8 (Residential Multi-Family) and Amending the Zoning Map.**

**MOTION:** Council Member Petersen moved to approve Ordinance 362-A approving the rezone of .916 acres of real property located at 7432 South 2300 East. The motion was seconded by Council Member Bruce. Vote on motion: Council Member Bracken-Aye, Council Member Bruce-Aye, Council Member Petersen-Aye, Mayor Mike Peterson-Aye. The motion passed unanimously.

**6.3 Consideration of Resolution 2021-34 Approving an Appointment to the Planning Commission.**

Mayor Peterson reported that the above resolution appoints Jonathan Ebbeler to the Planning Commission. He stated that Mr. Ebbeler seems well qualified and will be a great fit for the Planning Commission.

Council Member Bruce expressed her appreciation for the quality individuals that lend their experience to the City and agreed that Mr. Ebbeler will be a tremendous asset.

Mr. Ebbeler reported that he is originally from California and moved to Cottonwood Heights from Maryland where he served as a Vice-Mayor, Council Member, and the Architectural Review Commission. He negotiated the largest land development deal in the beltway in the District of Columbia that was transformational for the county. Mr. Ebbeler expressed his appreciation to the Mayor and Council for their service.

**MOTION:** Council Member Bruce moved to Adopt Resolution 2021-34 approving an appointment to the Planning Commission. The motion was seconded by Council Member Petersen. Vote on motion: Council Member Bracken-Aye, Council Member Bruce-Aye, Council Member Petersen-Aye, Mayor Mike Peterson-Aye. The motion passed unanimously.

**6.4 Consideration of Resolution 2021-35 Approving an Agreement with GOED for an Outdoor Recreation Infrastructure Grant.**

Mayor Peterson reported that the above resolution approves an agreement with GOED for a \$150,000 grant that will assist the City in the shared trailhead and parking off of Wasatch Boulevard. Mr. Johnson stated that the grant is through the State Office of Outdoor Recreation, which funds outdoor recreation projects of significant regional importance.

**MOTION:** Council Member Petersen moved to Approve Resolution 2021-35 approving an agreement with GOED for an Outdoor Recreation Infrastructure Grant. The motion was seconded by Council Member Bracken. Vote on motion: Council Member Bracken-Aye, Council Member Bruce-Aye, Council Member Petersen-Aye, Mayor Mike Peterson-Aye. The motion passed unanimously.

**6.5 Consideration of Resolution 2021-36 Approving and Ratifying a Bid and Awarding a Construction Contract for the City-Wide Roadway Improvement Project.**

Mayor Peterson reported that the above project is part of the City's five-year road improvement plan. He confirmed that the bid is for \$832,000 and represents an important piece of the five-year plan.

**MOTION:** Council Member Bruce moved to approve Resolution 2021-36 approving and ratifying a bid and awarding a construction contract for the City-Wide Roadway Improvement Project. The motion was seconded by Council Member Petersen. Vote on motion: Council

Member Bracken-Aye, Council Member Bruce-Aye, Council Member Petersen-Aye, Mayor Mike Peterson-Aye. The motion passed unanimously.

**6.6     Consideration of Resolution 2021-37 Approving an Appointment to the Historic Committee.**

Mayor Peterson reported that Jessica Despain has been nominated to the Historic Committee. The resolution also confirms the status of the other members of the Committee. Mr. Tingey stated that they had the opportunity to meet with Ms. Despain, who is excited about the appointment. She has skills that will add value to the Committee, including graphic design, marketing, and social media. He added that Ms. Despain is a lifelong resident of Cottonwood Heights and he recommended approval of the appointment.

Mayor Peterson thanked all committee members who serve in the City noting that they are volunteers who contribute to the quality of life that makes Cottonwood Heights a great place to live.

Council Member Bruce stated that as the liaison to the Historic Committee, they are excited to welcome Ms. Despain.

**MOTION:** Council Member Bruce moved to Approve Resolution 2021-37 approving an appointment to the Historic Committee. The motion was seconded by Council Member Petersen. Vote on motion: Council Member Bracken-Aye, Council Member Bruce-Aye, Council Member Petersen-Aye, Mayor Mike Peterson-Aye. The motion passed unanimously.

**7.0     CONSENT CALENDAR**

**7.1     Approval of the City Council Work Session and Business Meeting Minutes for June 15, 2021; and Approval of the June 21, 2021, City Council Special Business Meeting Minutes.**

**MOTION:** Council Member Petersen moved to approve the City Council Work Session and Business Meeting Minutes for June 15, 2021, and the June 21, 2021, City Council Special Meeting Minutes. The motion was seconded by Council Member Bruce. Vote on motion: Council Member Bracken-Aye, Council Member Bruce-Aye, Council Member Petersen-Aye, Mayor Mike Peterson-Aye. The motion passed unanimously.

**8.0     ADJOURN CITY COUNCIL BUSINESS MEETING.**

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

The meeting adjourned at 7:47 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, July 6, 2021.*

Teri Forbes

Teri Forbes  
T Forbes Group  
Minutes Secretary

Minutes Approved: July 20, 2021.