

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL WORK SESSION  
HELD TUESDAY, FEBRUARY 15, 2022, AT 4:00 P.M. IN THE COTTONWOOD  
HEIGHTS CITY COUNCIL WORK ROOM LOCATED AT 2277 EAST BENGAL  
BOULEVARD**

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

**Staff Present:** City Manager Tim Tingey, City Attorney Shane Topham, Records Culture and Human Resources Director Paula Melgar, Culture and Human Resources Culture Manager Ann Eatchel, Community and Economic Development Director Michael Johnson, Community and Economic Development Senior Planner Andrew Hulka, Finance and Administrative Services Director Scott Jurgens, Public Works Director Matt Shipp, Police Chief Robby Russo, Assistant Fire Chief Riley Pilgrim, Community and Economic Development Associate Planner/Sustainability Analyst Samantha DeSeelhorst

**1. Welcome – Mayor Weichers.**

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

**2. Hillside Plaza Preliminary Discussion – Logan Johnson, Project Manager for Wright Development Group.**

Mayor Weichers introduced the Hillside Plaza discussion and the Wright Development Group.

Logan Johnson, Project Manager for Wright Development Group, presented the Hillside Plaza project and stated that since joining Wright Development in 2018, they have transitioned into residential development while continuing with ongoing commercial development. The subject property was placed under contract in 2021 with a focused perspective of having a grocer onsite. He indicated that they had difficulty acquiring a grocery user and stated that it is no longer driving the layout. An onsite neighborhood meeting was held in December with approximately 70 in attendance. A survey that allowed attendees to share feedback was provided. Mr. Johnson stated that the results reflected overwhelming support for a town center at the proposed location that will be similar to the one in the City of Holladay with restaurants and retail shopping. Upscale apartments were preferred with a split of vertical mixed-use or horizontal mixed-use with an emphasis on height being restricted to one story.

Mr. Johnson presented a rendering of the proposed layout. Elements taken from the survey results included bringing the building mass away from the rear end of the property and increased setbacks. They believed that establishing a good atmosphere with local tenants and multi-modal transportation options was critical in attracting successful retail tenants while creating a truly usable plaza space. The hybrid center corridor would include generous sidewalks along the storefront with clear access and parking with the potential of closing it off to provide a festival

mode and allow for different tenants and food trucks. He reported that there is a Utah Transit Authority (“UTA”) bus stop they intend to incorporate into the site with a dedicated drop lane and access into the plaza space with the potential for bike lanes. The emergency access was described.

Mr. Johnson reported that the plan will provide enhancements to the area by framing the street and enhancing the pedestrian experience through wider sidewalks and bike lanes. The developers were open to activating the space with retail uses but had concerns about clear parking.

Council Member Birrell stated that the 2017 Fort Union Master Plan did not reflect opposition to the mixed-use development, but she believed it should encourage residents to park and patronize the plaza. She explained that there appeared to be no store, shop or restaurant frontages onto Ft. Union Blvd. Having a four-story wall facing Ft. Union runs counter to the Ft Union Master Plan to create a “Main Street” feeling.

Mr. Johnson was of the understanding the plaza space is the critical element and reiterated that the plans include a wider sidewalk, bike lanes along Fort Union Boulevard, and a nearby bus stop to allow for ease of access into the plaza while attracting patrons with retail uses in a calmer environment. It was confirmed that the building height would be four stories or 50 feet with a three-story parking structure. The intent was to have a grocer anchor, but they believed they may experience difficulty with the existing parking. Mr. Johnson stated that potential tenants have not been approached as it is difficult to present a plan until they have a solid sense of what the City would like to see. He emphasized that the project is mixed-use and considered depth, visibility, access, and parking to be critical to its success.

Grading issues were discussed. Mr. Johnson reported the grade drop will be addressed in the building to avoid negatively impacting the pedestrian and Americans with Disabilities Act (“ADA”) access. Mr. Tingey emphasized the importance of providing clarity to both the City and adjacent residence regarding streetscape and façade elements as well as height implications along the south side.

Council Member Petersen expressed with ingress and egress. Mr. Johnson stated that access will require review by the City Engineer. The Tier II Zone allows up to 35 units per acre and the square footage will depend on the breakdown of different residential options. Council Member Birrell asked if Wright Development has considered any other innovative ways to meet the needs of the City while appealing to the general public rather than only the affluent. She stated they are finding that residents desire more transit and active transportation, traffic calming, and better air quality. She also suggested that the developer consider including a senior center or other public services that are multi-generational.

Mayor Weichers thanked Mr. Johnson for his presentation and believed the proposed project could be a central location that draws residents together.

Community and Economic Development Director, Mike Johnson, stated no formal application has been submitted and no detailed discussion has taken place. The Planned Development District (“PDD”) process will move forward after the application process.

### **3. Review of Business Meeting Agenda – Mayor Weichers.**

Mayor Weichers reviewed the Business Meeting agenda.

The first legislative item involved consideration of Ordinance 375, amending Code Section 8.32.050 concerning animals left in vehicles. Police Chief, Robby Russo, stated that the amendment will enhance existing language allowing emergency responders to enter a vehicle when an animal is in distress or neglected.

The next agenda item involved consideration of Resolution 2022-13, approving the disposal of unclaimed property or former evidence. Chief Russo stated that this item includes the disposal of weapons or firearms that have been turned into the Police Department or awarded to the Police Department by the courts. The firearms cannot be returned to the original owner and are sold to reputable licensed dealers.

Chief Russo stated Resolution 2022-14 involves the declaration of surplus of City-owned line cars that are available for use should a police vehicle break down or be involved in an accident. Proceeds were to be returned to the City and added to the Police Department budget in an effort to purchase vehicles that would be otherwise returned to Ken Garff and placed back in the fleet.

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

#### **a. Wasatch Boulevard Master Plan Executive Summary Discussion – City Manager, Tim Tingey, Community, and Economic Development Director, Michael Johnson, and Public Work Director, Matt Shipp.**

Mr. Johnson presented an overview of the Wasatch Boulevard Master Plan Executive Summary and stated that the plan was adopted in July 2019. It was funded partially through the City with a substantial amount coming from the Wasatch Front Regional Council (“WFRC”). It is a comprehensive Master Plan and details topics such as land use recreation development and the Wasatch Boulevard portion of the City while making goals and recommendations for a preferred scenario of the City. The Executive Summary is verbatim the first 10 or 12 pages of the plan. The plan has been utilized from the land use perspective for the northern gravel pit, public trail connections, public parking, all of which were directly influenced by the Wasatch Master Plan through the development review process. Mr. Johnson reported that the plan assisted with the procurement of funding for the 26 acres of land purchased and preserved by the mouth of Little Cottonwood Canyon, procurement of grants of Ferguson Park, and used in day-to-day discussions regarding parcels along Wasatch Boulevard. Roadway design, speed limits, aesthetics, and safety are included.

Mr. Johnson reported that the City has been clear and unified in messages provided to the Utah Department of Transportation (“UDOT”) and has utilized the Wasatch Plan and its recommendations as a basis for those recommendations. He stated that UDOT directly references the plan in Chapter 2 of its formal Environmental Impact Statement (“EIS”) document stating they will work with Cottonwood Heights to implement the goals of the plan and develop corridor aesthetics to preserve and enhance the scenic and natural qualities. UDOT EIS officials previously

stated on record a commitment to work toward a lower speed limit of 35 MPH in a 2019 City Council Meeting. A signed letter with a commitment to collaborate with the City on roadway design and aesthetics was provided.

Staff cautioned against amending the plan as it would require a formal land use process and formal plan amendment. In its role as a Master Plan, it has worked very effectively. Mr. Johnson recommended that if the Council is interested in restating its position or a stronger position on the EIS, a better solution could include a Council resolution that builds on the foundation in the Wasatch Master Plan with desired stipulations. A resolution would leave the plan in place as opposed to returning back to the plan and changing it. Mr. Tingey confirmed they would move forward quickly and a resolution would be prepared.

Council Member Birrell stated that it was clear from the open house in 2019 that those in attendance were interested in the 2.6 miles of Wasatch Boulevard from Fort Union Boulevard through the residential area of Cottonwood Heights. Concern with the design creating bottlenecks and opposed additional lanes along Wasatch Boulevard was expressed. She pointed out that the Council is not focused on denying benefits to the Wasatch Boulevard Master Plan but is present on behalf of the residents who live nearby who have tremendous ingress and egress problems as well as safety issues. She believed this should be treated as emergency health and public safety problem and questioned whether the level of service and convenience of motorists are more important than the injurious and level of fatalities growing on the Utah roads.

A prepared statement in support of safer, cost-effective, non-build out alternatives to address traffic congestion and the 2019 Cottonwood Heights Wasatch Master Plan and Salt Lake County's General Plan was presented. Council Member Birrell stated that survival rates for both pedestrian and car collisions increase when vehicles travel at speeds greater than 35 MPH with UDOT's current preference including a total of six-lane width. The multi-use path only being located along the east side with no sidewalk on the west side creates a fracturing of community and believed there must be crosswalks for citizens to access groceries, Golden Hills Park, and schools. Slow speeds with heightened active transit will create a foundation for economic growth, improve air quality, public health, safety, and enhance the quality of life. More active transportation will provide health benefits with nearly 57% of Utah adults being overweight and 200,000 Utahns having diabetes with health care costs exceeding \$700,000 million annually. She emphasized that numerous items could appear in a resolution with the assistance of City Attorney, Shane Topham. She opposed the current road design which is a highway design that lacks traffic calming of either the north or south ends of the 2.6-mile SR-210. She asked that the Council consider a resolution while working with Salt Lake County, the WFRC, UDOT, and UTA to support the Mid-Valley Active Transportation Plan. She recommended the implementation of a Cottonwood Heights Mobility Improvement Committee focused on pedestrian needs and locations for crosswalks and protected bike lanes while serving as an advisor to Staff.

Mr. Tingey explained if the Council moves forward with a collaborative effort, additional time to work through a resolution would be required. Mayor Weichers appreciated the concerns identified and it was the consensus of the Council that a speed reduction was desired.

Council Member Bracken stated that Wasatch Boulevard is not the same as originally designed and was favorable to addressing the speed concerns. He believed that UDOT should be able to redesignate Wasatch Boulevard as a 35 MPH to 40 MPH zone. Council Member Petersen agreed to work in partnership with UDOT to mitigate concerns.

Mr. Tingey clarified that it was the desire of the Council to create a resolution to be brought back before the City Council in two weeks for consideration with a more narrow focus related to speed design.

**b. Chapter 14 Road Design Speed Discussion - City Manager, Tim Tingey, Community, and Economic Development Director, Michael Johnson, and Public Work Director, Matt Shipp.**

Public Works Director, Matt Shipp, presented the Staff Report and stated there has been discussion regarding the removal of Chapter 14.12.090 of the Code detailing road design speed. He noted that the numbers are based on an American Association of State Highway and Transportation Officials (“AASHTO”) design standard that is used when working with road design. The Code details design speeds and covers everything from local roads to collectors and arterials. He explained when addressing Wasatch Boulevard, it is important to understand it is a UDOT road who by State Statute is responsible for the design or any roads under their purview. He emphasized that changing the Code will not change UDOT’s standards but when lowering design speeds, the road design determines the speed and starts with the desired speed or forcing a driver to comply with that speed. After reviewing AASHTO standards, he believed they have found a way to lower the design speed standard by considering the functional classification of the roads being discussed and making designations. In context, it considers the downtown urban core area which means the City can take the design standard of 40 MPH and lower it to a range of comfort. Mr. Shipp explained that rather than eliminating the AASHTO standards without having something to replace them, he would prefer returning to the Council with contextual designations of the City roads at which time he will make design speed recommendations.

Council Member Birrell expressed gratitude to Mr. Shipp and Senior Engineer, Adam Ginsberg, for their efforts and time in addressing her concerns.

**c. Water Conservation Ordinance Discussion – Community and Economic Development Associate Planner/Sustainability Analyst, Samantha DeSeelhorst.**

Community and Economic Development Associate Planner/Sustainability Analyst, Samantha DeSeelhorst, reported that water efficiency is a focused concern with the current shortage in Utah estimated at the second to fifth driest state in the nation. She stated that it is anticipated that the population will double by 2055. Water is a complex issue and landscaping is a focus with the intent to conserve water. It was anticipated that two-thirds of the culinary or potable drinking water is used toward landscaping and people often water more than is needed. The incorporation of conservative landscaping practices was encouraged.

Ms. DeSeelhorst stated that there have been multiple bills in the current legislative session as well as a coordinated action plan for water coming from Governor Cox in cooperation with the Governor's office, Planning and Budget, the Division of Natural Resources, the Division of Environmental Quality, and the Department of Agriculture and Food. With multiple chapters in the Governor's plan, one priority was to expand incentive programs to encourage residents to voluntarily trade turf for landscaping. The bulk of Cottonwood Heights is served by Salt Lake City Public Utilities for water with the umbrella district over Salt Lake City Public Utilities is Central Utah Water Conservancy District ("CWC"). She explained to facilitate the Governor's call to expand incentives, CWC began offering the incentives to Cottonwood Heights in August 2021 for qualifying residents. To remain eligible, adoption of standards for new construction only is required. Participating cities were listed. Ms. DeSeelhorst reported that efficiently designed irrigation includes metrics, mulch, and ensuring that beds are 50% covered with plants ensuring lush and efficient landscapes. Lawn should not be placed in park strips or narrow spots or steep slopes. A lawn maximum of 35% was introduced for new construction with 20% for multi-family and commercial with the exception of active recreation areas and parks.

The final area of standard care is related to landscape design using local scape principles relying on open gathering space, hardscape for gathering areas, and paths, with an understanding of the need for flexibility. A landscape design rendering was displayed. Ms. DeSeelhorst stated that they previously presented the ordinance update to the Planning Commission who was supportive and forwarded a unanimous recommendation of approval.

Mayor Weichers expressed gratitude to Ms. DeSeelhorst for her efforts.

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

- a. **City Hall will be Closed Monday, February 21, 2022, in Observance of President's Day.**
- b. **General Plan Open House – Tuesday, March 8, 2022, from 5:30 p.m. to 7:30 p.m. at City Hall.**
- c. **Cottonwood Heights Arts Council Willy Wonka Musical Auditions – March 11-12, 2022, at City Hall.**
- d. **Cottonwood Heights Butlerville Days – July 28-30, 2022 (Volunteers and Sponsors needed. For more information, visit [Bultervilledays.com](http://Bultervilledays.com) or call Ann Eatchel at 801-550-8225).**

Mayor Weichers noted that the legislative update is scheduled for Thursday, February 17 at 9:00 a.m.

## **6. 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 Newell moved to close the Work Session and open a Closed Session. The motion was seconded by Council Member Birrell. The motion passed with the unanimous consent of the Council.

The City Council was in Closed Meeting from 6:00 p.m. to 6:23 p.m.

**MOTION:** At 6:23 p.m., Council Member Bracken moved to close the Closed Meeting to start the City Council Business meeting and resume the Closed Meeting after the conclusion of the Business Meeting.

**MOTION:** At 7:07 p.m. Council Member Bracken moved to adjourn the Business Meeting, return to the Work Session, and resume the close meeting.

The City Council resumed the close meeting at 7:13 p.m.

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

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

The Work Session adjourned at 7:38 p.m.

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL BUSINESS MEETING  
HELD TUESDAY, FEBRUARY 15, 2022, AT 7:00 P.M. IN THE COTTONWOOD  
HEIGHTS CITY COUNCIL CHAMBERS LOCATED AT 2277 EAST BENGAL  
BOULEVARD**

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

**Staff Present:** City Manager Tim Tingey, City Attorney Shane Topham, Records Culture and Human Resources Director Paula Melgar, Culture and Human Resources Culture Manager Ann Eatchel, Community and Economic Development Director Michael Johnson, Community and Economic Development Senior Planner Andrew Hulka, Finance and Administrative Services Director Scott Jurgens, Public Works Director Matt Shipp, Police Chief Robby Russo, Assistant Fire Chief Riley Pilgrim, Community and Economic Development Associate Planner/Sustainability Analyst Samantha DeSeelhorst.

**1.0 WELCOME**

Mayor Mike Weichers called the meeting to order at 6:31 p.m.

**2.0 PLEDGE OF ALLEGIANCE**

The Pledge was led by Council Member Birrell.

**3.0 CITIZEN COMMENTS**

*Randy Whitehead* gave his address as 2363 Cinnabar Lane and stated that he started a non-profit organization, CH Neighbor Assist, which assists residents with needs they may have. He expressed concern with the proposed Hillside Plaza Project and believed that with 350 apartments, the traffic will increase greatly on already stressed streets. He was not opposed to development but believed that the proposal presented will not work and will not be the gathering place as proposed. Vehicle noise was of concern.

*Leslie Kovach* identified herself as a resident of Cottonwood Heights and listed existing residential streets connected to Wasatch Boulevard. She emphasized that all are asking the City Council to provide walking and biking neighborhood access and increased safety. Divided highways and road calming were requested. She commented that there is frequent speeding from Wasatch Boulevard to Danish Road. She encouraged the City to provide a vital option to slow traffic with no sidewalks.

*Nancy Hardy* stated that there is a need for sidewalks and bike paths along Wasatch Boulevard. She asked if there is a potential to construct both separate from the road. A color-coded Salt Lake County Bike Lane Map was displayed.



*Andrew Smith*, a Salt Lake City resident, provided information regarding the proposed 634-acre gravel pit to be located three miles from the mouth of Parleys Canyon. He was present on behalf of the Save Parleys organization. The group was created to bring public awareness to the project. They believe the proposal will cause problems with air quality, water, and watershed. He stated that Salt Lake County is already proposing to make amendments to the uses for Forestry and Recreation. He encouraged the Council to inform the residents and welcomed input.

City Manager, Tim Tingey, confirmed that the information referenced by Mr. Smith was forwarded to the City Council for their review.

#### **4.0 PUBLIC COMMENT**

##### **4.1 Water Conservation Ordinance – Introduction by Community and Economic Development Associate Planner/Sustainability Analyst, Samantha DeSeelhorst.**

Community and Economic Development Associate Planner and Sustainability Analyst, Samantha DeSeelhorst, presented the Staff Report and stated that Governor Cox has identified water conservation priorities and made a call to expand incentive programs. The program encourages citizens to voluntarily update their yards to use less lawn. The “Flip the Strip” and “Local States Rewards” programs have historically only been available to households that are certified Jordan Valley Water Conservancy District, whose territory Cottonwood Heights is not a part of. To facilitate the State level request for expanded incentive eligibility, Central Water Conservancy District (“CWCD”) which is the service over Salt Lake City Public Utilities, began offering the incentives to all households in the County summer of 2021. She explained that eligibility is dependent on the City’s adoption of water conservation landscape standards applicable to new construction. Although requirements are for new construction, improvements for remodels and yard projects were encouraged. Efficient use of irrigation was discussed. She stated that a lawn maximum of 35% per single-family residential and 20% for multi-family commercial projects were included with the exclusions of park or recreation amenities. A rendering of an acceptable landscape was displayed.

Mayor Weichers opened the public hearing.

*Rick Malloy* CWCD Water Conservation Manager, stated that it is their main goal to ensure water well into the future. He stated that it is the highest priority in municipal areas. He reported that water waste is double what the municipal user should use and emphasized that the best way to curb the waste is by reducing the amount of lawn. 50% plant coverage in areas outside of lawn was encouraged.

*Tim Hallbeck* stated he has not been present at recent meetings due to work and told several jokes.

## **5.0     ACTION ITEMS**

### **5.1     Consideration of Ordinance 375 Amending Code Section 8.32.050 Concerning Animals in Vehicles.**

Mayor Weichers stated that the above ordinance is a request to amend Ordinance 375 Code Section 8.32.050 to, among other things, enhance protections for animals left in vehicles.

**MOTION:** Council Member Bracken moved to approve Ordinance 375. The motion was seconded by Council Member Petersen. Vote on motion: Council Member Petersen-Aye, Council Member Bracken-Aye, Council Member Newell-Aye, Council Member Birrell-Aye, Mayor Weichers-Aye. The motion passed unanimously.

### **5.2     Consideration of Resolution No. 2022-13 – Approving Disposal of Unclaimed Property or Former Evidence.**

Police Chief, Robby Russo stated that the above resolution involves approval or disposal of unclaimed property or former evidence. Firearms are removed from the Evidence Room when a case has been adjudicated and the court has appropriated the weapons to the department. Weapons can also be surrendered by citizens who no longer wish to have them in their home. He explained the proposed resolution authorizes the release of the weapons as listed and have them transported to licensed arms dealers and return the proceeds to the General Fund. Other surplus items are taken into evidence are often unable to be returned to the original owner and may include bikes or tools. Those items are distributed to T&T Auction who disposes of the items. The proceeds are returned to the General Fund.

**MOTION:** Council Member Petersen moved to approve Resolution 2022-13. The motion was seconded by Council Member Newell. Vote on motion: Council Member Petersen-Aye, Council Member Bracken-Aye, Council Member Newell-Aye, Council Member Birrell-Aye, Mayor Weichers-Aye. The motion passed unanimously.

### **5.3     Consideration of Resolution No. 2022-14 Declaring Certain Property Surplus.**

Chief Russo stated that the above resolution declares certain property surplus and includes a Dodge Charger that has been stripped back to its original color with no markings or equipment. Several vehicles are maintained as a line vehicle should the need arise for a vehicle by the department. The surplus vehicle would be sold with the funds being returned to the City. The department then requests it be reappropriated to the budget. This would allow the department to acquire vehicles scheduled to be returned to Ken Garff to be placed in the line fleet.

**MOTION:** Council Member Birrell moved to approve Resolution 2022-14. The motion was seconded by Council Member Bracken. Vote on motion: Council Member Petersen-Aye, Council Member Bracken-Aye, Council Member Newell-Aye, Council Member Birrell-Aye, Mayor Weichers-Aye. The motion passed unanimously.

## **6.0     CONSENT CALENDAR**

### **6.1     Approval of the City Council Work Session and Business Meeting Minutes for February 1, 2022, and Legislative Work Session Minutes for February 3, 2022.**

**MOTION:** Council Member Petersen moved to approve the City Council Work Session and Business Meeting Minutes of February 1, 2022, and Legislative Work Session Minutes of February 3, 2022. The motion was seconded by Council Member Birrell. The motion passed with the unanimous consent of the Council.

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

**MOTION:** Council Member Bracken moved to adjourn the Business Meeting, reconvene the Work Session, and resume the Closed Meeting. The motion was seconded by Council Member Petersen. The motion passed with the unanimous consent of the Council.

The City Council Meeting adjourned at 7:07 p.m.

The City Council resumed the closed meeting at 7:13 p.m.

*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, February 15, 2022.*

Paula Melgar

City Recorder

Minutes Approved: March 1, 2022