

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL WORK SESSION
HELD TUESDAY, SEPTEMBER 6, 2016 AT 6:00 P.M. IN THE COTTONWOOD
HEIGHTS CITY COUNCIL CONFERENCE ROOM LOCATED AT 1265 EAST FORT
UNION BOULEVARD, SUITE 250, COTTONWOOD HEIGHTS, UTAH**

Members Present: Mayor Kelvyn Cullimore, Councilman Scott Bracken, Councilman Mike Shelton, Councilman Tee Tyler

Staff Present: City Manager John Park, Assistant City Manager Bryce Haderlie, City Attorney Shane Topham, City Recorder Paula Melgar, Community and Economic Development Director Brian Berndt, Interim Fire Chief Mike Watson, Finance Director Dean Lundell, Police Chief Robby Russo, Public Works Director Matt Shipp, Public Relations Specialist Dan Metcalf

Excused: Councilman Mike Peterson

The City Council Work Session was called to order at 6:00 p.m.

1. Ribbon Cutting Committee Report.

Mr. Brian Allen thanked the Council for the opportunity to help with the Ribbon Cutting and commended them for their efforts. The plans for the Open House were described. Hosts will be used to escort visitors through the building. The Brighton High School Band will provide music and balloons that will be distributed to children. The Police Department will be asked to present the flag ceremony and recite the Pledge of Allegiance. The Mayor will conduct the event and help guide the event. Josh Wright, a famous pianist, has agreed to come and play for free.

Mr. Allen identified members of the committee and stated that they are a group of long-term residents who have been involved in the City. The speakers were expected to be Mayor Cullimore and the Governor. Mayor Cullimore stressed the importance of staging the event. Various options were discussed.

It was reported that 600 invitations are being prepared for mailing. Signage was also being prepared as well as descriptions of departments. The desire was to have employees present throughout the day for security and to provide assistance. Arrows will be placed on the floor to provide direction to visitors. The event was considered a great opportunity to interact with the public. Police Chief, Robby Russo, stated that his entire staff will be on hand to greet visitors and answer questions. A backup plan was in place in the event of inclement weather.

2. Legislative Update.

Mr. Allen reviewed some of the legislation being proposed which included:

- HB360 dealing with gas taxes and how they will be disbursed.

- Recovery Centers and the tools that can be used to encourage them to locate in more appropriate locations.
- There was an ongoing dispute regarding short-term rentals. Mayor Cullimore reported that Representative Knotwell is most interested in allowing people with owner occupied homes to stay. He understood that the desire is not to have party houses in the middle of residential neighborhoods. He thinks, however, that if someone is occupying a home and they want to rent out a room or a basement where they are in control, they should not be prohibited from doing so. The problem is that the owner or owner occupied means that an occupant must be there 185 days per year. Many cities have made provisions for these types of units that effectively ban them. The Utah League of Cities and Towns is trying to come up with compromise language. The Mayor doubted there would be a bill this year but stated that there could perhaps be one the following year.
- It was reported that in 2015 a helpline was established for mobile home owners. It has been significantly underutilized and is supposed to sunset in 2017. Advocates for the mobile home owners claim that it has not been well advertised, which is why it has not been utilized.
- With regard to public safety, there had been discussion about addressing death benefits for volunteer emergency responders. A bill has also been opened regarding off-duty deployment for law enforcement by private security firms.
- There was discussion about a controlled substance database used by APP. More discussion was presented to tighten the access.
- Legislation was coming forward to address mail in ballots and when they are and are not considered valid.
- Discussions were underway for the public and private use of drones. It was noted that many of the issues involve privacy and safety.
- HB60 and HB362, which deal with transportation funding, were discussed. The bill was based with a less understood provision that gave extra money to certain counties and the cities throughout the state were getting less money than anticipated. There is a structure concept about how to fix it on an ongoing basis. The framework they have established would result in a 17½% increase in funding. Meetings were underway with the Utah League of Cities and Towns, Legislative leadership, the Governor's Office, and others. Some sort of resolution was anticipated. Mayor Cullimore stated that when the original projections were determined the actual was even higher. The increment was taken to over 17½% and allocated back to the counties that were held harmless. The money that has been paid to date will not be recaptured but going forward the funds will be split using the new method. Going forward only three counties will be held harmless.
- The upcoming election was discussed.

3. Public Relations Report.

Public Relations Specialist, Dan Metcalf, reported that the media will be present the following day to report on the City's move and promote the New City Hall and Ribbon Cutting.

A video was shown of the following:

- A 9/2/16 Fox 13 Live at 4:30 p.m. newscast involving a sexual assault investigation on football player Osa Masina.

Mr. Metcalf stated that he will be onsite during the marathon and reporting from the course, taking pictures, and responding when he can on social media. He was doing his best to get the word out on the marathon to keep negative comments to a minimum. He will be vigilant in responding to everything he can on that day. Contingencies such as additional signs have been planned to deal with potential issues.

4. Public Safety Reports.

a. Trail Update Presentation.

Contract City Engineer, Brad Gilson, reported on trail upgrades and stated that the Big Cottonwood Canyon Trail has one segment that needs to be completed. The trail runs from I-215 to the mouth of Big Cottonwood Canyon. The City was given the easements from Beckstrand, Old Mill, Cottonwood Corporate Center, UDOT, Salt Lake County, Doug Shelby, Cabco Development, and Murray City. There are only 130 yards in the last piece of the trail that goes in front of the Moss and Neff properties. They were making headway with the Moss' but pulled back because they ran into issues with the Neff property. The four owners of the Neff property are supportive of the trail concept as long as they are paid handsomely for their entire property of which they are asking \$500,000. The property was estimated to be one acre in size.

The two options were described. Option A involved a trail going through the Moss and Neff properties. The opinion of the Council Members was that it was not a viable option. Option B was to shift the road over five feet for a bike lane. The property would be acquired by dedication. It was noted that the cost would be the same for both options without the property acquisition. If they pursue Option B and go to the other side of the street, Doug Shelby would be the only easement approval that would be needed. It was noted that the property would either need to be acquired or gifted to the City. Mr. Shelby gifted the City a segment of trail in exchange for a fence being put up for his horses.

Mayor Cullimore stated that the grant that was received to complete the trail only covers half of the cost. It was clarified that the grant covers 50% up to \$100,000. The construction estimate for the project was about \$207,000. That assumes no cost for acquisition of property.

Mr. Gilson updated the Council on the Salt Lake Valley Signalization Project and commented on the Traffic Adaptive Control. He stated that what is most unusual is that changes are constantly

being made to signal timing throughout the State. In 2007, the City received funding for a complete traffic timing upgrade. He noted that UDOT has never done a before and after to measure their progress. In lieu of the true Traffic Adaptive Control, UDOT has come up with their own algorithm that helps optimize traffic timing. Mayor Cullimore described the difference between the two. He explained that UDOT preferred the signal optimization. His concern was with how to prove that it worked and measure the success.

Mr. Gilson explained that just over the past few years' technology has come a long way in terms of traffic adaptive controls. Mayor Cullimore reported that from September to November of this year UDOT plans to inventory existing detection equipment and assess additional needs. From November to January they will complete the plans and estimates. From February to April they will obtain approvals for completing the upgrade and then from May to June they will install the detection equipment. In July, they will conduct an intermediate evaluation and in August they will integrate and optimize signal timing. From September to October of 2017 they will conduct an evaluation to see how it is working.

In response to an email received, an upcoming meeting was to be scheduled with UDOT, the Mayor, John Park, Matt Shipp, and Mr. Gilson.

Mayor Cullimore reported that the Forest Service is proposing the imposition of Canyon Fees. The need for the fee was discussed. It was proposed that the fee be charged to everyone who enters the parking area. The Mayor stated that feedback was needed. A comment was made that this is an inefficient way to collect fees since there are numerous trailhead locations in the Canyon. The overhead of the collection would seem to be a major part of the fee. Various methods of collecting fees were identified. Possible options were discussed such as the County potentially providing funds. Mr. Gilson was asked to draft a document expressing the City's opinions.

b. Public Works Update.

Public Works Director, Matt Shipp, reported that during the past week staff has been completing work orders and snow plow routes and training. One item of concern was snow complaints and how to deal with them. A resolution proposal would be forthcoming. They continued to work on a contingency plan for personnel. The trucks that were ordered were on schedule for delivery no later than October 31.

Mr. Shipp stated that they are devoting the full contingency of Public Works staff to moving people this week.

c. Transitioning Public Works.

Mr. Shipp indicated that in three weeks' time work will begin on the footings and foundation for the salt shed. Delivery of the shed itself is expected in mid-October. Once received, it will take a few weeks for the salt shed to go up.

Mr. Shipp stated that the transition is going according to schedule. Utilities to the mobile site will be ready in one or two weeks.

5. Planning and Economic Development Report.

a. Architecture Review Commission Meeting of August 23, 2016.

Economic Development Director, Brian Berndt, reported that there have been a few meetings over the past few weeks. An Architectural Review Commission Meeting was held on August 24 where the apartments/condos at the Canyon Center were discussed. The new owner wants to change the architecture of the building, but the size of the building will remain the same. The changes were brought before the Architectural Review Commission and they approved it with a color change. The new color and any other changes would be discussed at the next Planning Commission.

b. Planning Commission Meeting of August 31, 2016.

At the August 31, meeting the Planning Commission discussed the addition to the Zaferan Restaurant. A public hearing held and the only person that got up and spoke was the person that owns the property to the south, which has the same zoning. A parking analyses will be conducted to verify the occupancy issues with the restaurant. The second item discussed was the daycare business. Neighbors are concerned and have reported nuisances with the property. The Commission proposed that the property be cleaned up before any decision is made.

The third item before the Commission was the Cottonwood Corporate parking. The property owner and the Commission thought that all issues had been mitigated. The parking structure was approved by the Commission that night. The neighbors' questions were answered at the meeting and the additional mitigation necessary to shore up the structure was discussed.

The final item the Planning Commission heard was the presentation for the Fort Union Master Plan.

c. Board of Adjustment Meeting of September 1, 2016.

Mr. Berndt discussed the last Board of Adjustment Meeting in which they discussed the non-conforming building on just west of 2200 East. The deck projects out into the yard and encloses the lower level to create a room. The Board approved the matter.

d. Bites in the Heights.

Mr. Berndt commented on the success of Bites in the Heights. He also announced that Mayor Cullimore ended up being one of the winners. There were several selfies submitted on Twitter, which was most likely the reason for his win. The residents were to take and post pictures of themselves going into or eating at local restaurants to be a winner. The program was a huge success and it was recommended that it be built upon next year.

e. CHED Survey.

Mr. Berndt reported on the business survey sent out a few weeks prior to the meeting. The Mayor listed the following takeaways from the survey:

- The ability to pay online,
- Returning calls within 24 hours,
- Making sure staff is responding in a timely fashion to all needs.

It was mentioned that the current policy is that staff respond to any concerns or questions within 24 hours.

The City submitted the Business-Friendly Initiative to the State but had not yet heard anything back.

Online payment fees and how to address them in the future were discussed.

f. Signage for Schools in the PF Zone.

Councilman Shelton discussed the matter of Ridgecrest Elementary wanting to have an informational sign. A request was made and the City responded by determining that electronic signs are not permitted. Ridgecrest requested a meeting due to them not understanding the policy regarding these types of signs. A meeting was held and Ridgecrest was informed that the current Code prohibits such a sign. It was noted that there are other non-permitted signs that are similar to the one they want. A possible way to permit the signs through conditional use permits was discussed.

Councilman Shelton asked if the City Council would like to change the Code to be more consistent. The City's position was that there is no way to permit an electronic sign. The school thought they were exempt from the current Code and Councilman Shelton wondered if modifying the current Code would be a possible solution. The sign is to be used only for information purposes and not for advertising. Several schools are non-compliant but Ridgecrest wants to build the sign legally. The City determined that the Code would need to be amended to allow for electronic signs. The Council agreed that if the amendment included clean language and had no other issues, it could be approved within one or two months.

Brian Berndt also brought up the idea of a citizen peer review. It could be done by Woody Noxin coming in to look at applications alongside staff. The review process may show areas where staff has fallen short or where confusion existed with previous applications.

6. Public Safety Reports.

a. Unified Fire Authority.

Interim Fire Chief, Mike Watson, reported that he will be out of town so Battalion Chief McBride will serve as the contact during the marathon.

Chief Watson reported that this morning he met with 16 new recruits who began their training today. They will be working with the medical and fire bureaus over the next several weeks. He expects to graduate them close to the Christmas holiday.

1. Report on the UFA Board Meeting.

Chief Watson reported that a great deal of progress had been made on the strategic plan and committee members would be chosen later in the week. A motto, a vision statement, core values, and a mission statement were in place and would go out through the committee to the other employees.

Chief Watson reported that the ad hoc Transition Committee met the previous Friday at Station 124. The next meeting was scheduled for the following day where they will conduct interviews. A new committee was to be formed to work on the process of appointing a new Fire Chief. He expected it to be complete by the first of the year. The process to be followed in appointing a chief was described. The goal was to appoint three qualified finalists to the board who can follow up with executive interviews. The group plans to meet once a week until the position is filled.

Mayor Cullimore reported that the resignation of Carl Hendrickson was accepted. Mr. Hendrickson had been serving as UFA's legal counsel. He will continue to work for 60 days since a 60-day notice was required under his contract. During that period, several things need to be done. The Mayor reported that at the meeting it was agreed that going forward the CFO for the UFA will be accountable to the Board Member over the Finance Committee. The Legal Officer will work under the direction of the Board Member over governance. The HR Director will be accountable to the Board Member over compensation. While they will work together, there will no longer be an ability for the Chief to terminate any of the three who will be overseen by the Board.

The Mayor reported on the audit that is taking place. He stated that progress is being made and the State Auditors called him on a few occasions with questions. Some of the issues may come down to determining whether policy was followed. He noted that staff morale has never been better.

There was discussion on the need to hire a Legal Officer and what they do for UFA. The Mayor commented that they do more for UFSA than for UFA. The question was whether to hire a single person and share the expense between the two agencies or retain two separate people. It was thought that UFA may be better off with contract legal counsel whose services can be used as needed. The Mayor's preference was to use this as an opportunity to separate the UFSA and UFA.

b. Police Department.

Chief Russo reported on the Police Banquet held on August 26th. He also stated that the department are prepared for the upcoming move.

7. City Manager/Assistant City Manager Report.

a. New City Hall Construction Report.

City Manager, John Park, reported that staff was eagerly anticipating the move and working well together. Specific aspects of the move were discussed.

Mr. Park commended City IT Specialist, Chris Robbins, has been working diligently to get the server and phones ready.

Mr. Park reported on the office furniture, available tables and chairs, and was working on issues with the neighbors.

The Mayor and Council recalled that originally trees were shown on a grid next to the patio area to add shade. They commented that the granite has been chipped and needs to be addressed. He noted that boulders will be installed in the next few weeks. Mr. Park stated that the granite chips can be glued back on but he was concerned about water getting inside and how it will look.

b. Community Survey Results.

Assistant City Manager, Bryce Haderlie, led a discussion on the final results of the community survey. There were 177 pages of comments received and categorized, which was helpful. After reading the comments, it appeared to the Mayor that people were willing to pay more in taxes if the funds go toward parks and open space. Mr. Haderlie stressed the importance of analyzing the data and deciding what needs to be done differently. They should also identify what they need to focus more attention on and perhaps conduct another survey if deemed appropriate.

c. Review of Staff Communications.

d. Policy on Public Use of the New City Hall Facilities.

Mr. Haderlie led a discussion on the proposed policy governing the public use of the New City Hall facility. Some of the changes included the following:

- The City Manager would be given the ability to make the final determination on questions regarding policy.
- Rental Category Fees – The Mayor, City Council, and staff discussed fees to be charged for facility use. One suggestion regarding the maintenance of the facility was to make users of the facility return it back to its original condition or be charged a fee. All the cleaning supplies would be furnished and available.

- City agencies holding meetings would not be charged a fee as long as they use the time allotted to them on an interval basis.
- The Council discussed the different categories of use of the building and how much each would cost and the need to better define the categories.
- Those who want to decorate in advance of their allotted block time would be allowed to do so if it was during operating hours and the room is available.
- Competing against other businesses in the community was considered and the City would like to make sure the facility does not compete with other similar businesses. Also, the cost of renting the spaces should be higher for those not in the community trying to rent the space.
- The optional requirement of proof of insurance was discussed and based on capacity and activity. The Mayor recommended that it be at the discretion of the City Manager.
- Inclusion of a deposit waiver was discussed.
- Room capacity limits per room were discussed. It was noted that the occupancy per room limit be included in the policy to make those wishing to use the facilities aware of which room would be appropriate for their event.
- Rental hour block limits. It was noted that typically a two-hour block during business hours and up to a 4-hour block in the evening would work best. The lobby would only be accessed during the evening blocks as part of the facility rental.

Mr. Park asked for additional time to work on the fee schedule and get the Mayor and City Council on board.

8. Mayor/City Council Reports.

The daycare issue was brought up and whether the City was out of line with other cities in terms of its requirement for permitting the daycare if more than six students attend. The daycare was said to have only four students attending now and is not ramping up its student base. Because the daycare is in compliance there would be no enforcement. There was discussion about home occupations for preschool and daycare centers and whether to change the Code to specifically define a home occupancy businesses.

Councilman Shelton asked the rest of the council and staff to address the speed limit on Creek Road. The residents asked that the speed limit be set at 35 mph. The new roads are encouraging motorists to drive at higher speeds and the enforcement of the speed limit has not slowed the traffic. It was determined that Councilman Shelton would research the matter further and bring it back to the Council for discussion at a later date.

a. Wasatch Front Regional Council (WFRC) Transportation Coordination Committee (Trans Com) Meeting.

Mayor Cullimore reported on the Wasatch Front Regional Council (WFRC) and reported on the goals and priorities for fiscal year 2017. They can be viewed online and have been approved by the Council.

The activities and accomplishments report for the WFRC fiscal year 2016 were reviewed. One of the local projects that was funded was a restriping project on 9000 South and I-15 to 700 East, which will create additional lanes.

The Mayor reported that there will be upcoming local meetings to facilitate the 2050 Vision and Regional Transportation Plan updates. Other future projects were discussed as well as how the WFRC works.

Councilman Tyler reported that resident, Stan Rosenweig, brought up the issue of a Park & Ride and bus pullout near his home. He commented that buses never stop there and that UTA has not made that particular bus stop official. Mr. Shipp agreed to follow up with Mr. Rosenweig on the matter.

b. Council of Governments.

Mayor Cullimore reported on the recent Council of Governments (COG) Meeting and requested that someone from the City serve on the Air Quality Committee. It was noted that the City has not submitted a name for participation on the Air Quality Committee.

Fuel tax issues were discussed. The Mayor reported that fiscal year 2016 is a compromise year and everything goes forward in fiscal year 2017. The new formula goes into effect in fiscal year 2017.

The Mayor reported that UTA received a \$20 million TIGER grant that will most likely will not affect the City of Cottonwood Heights.

The Council of Governments also discussed the issue of short-term rentals including tax collection. They also addressed the distribution of Corridor Preservation Funds. Bluffdale finished the Porter Rockwell Boulevard expansion and two projects went to West Jordan. The City of Cottonwood Heights received funding for the widening of the intersection at Fort Union and Highland Drive.

c. CEO Luncheon.

The Mayor reported on the event, which took place on Friday, August 26. Three or four CEOs participated. The main takeaway was that they would like to see better mass transit servicing the Corporate Center.

d. Central Wasatch Commission.

The Mayor indicated that the Central Wasatch Commission is going to need help and he volunteered City staff to provide assistance. An interesting point made at the COG Meeting was that the federal legislation is being leveraged. When the Mountain Corridor was proposed, one of the main points was to address transportation issues, which did not occur. There has been some talk that the legislature wants to see specific progress on that before they approve additional funding. For the current year, they are addressing bus service redesigns.

The Mayor provided an overview of transportation issues that need to be addressed. He stated that the Mountain Accord Final Report provided good details but it will be all about transportation. The suggestion was made that key people meet and come up with ideas for consideration. There was an expectation that there are concrete ideas being discussed. The meetings between now and the legislative session were expected to be significant.

9. Calendar of Events.

Council Member Schedules for the Next Week/ 2016 Calendar:

- a. **September 10 – Big Cottonwood Canyon Marathon.**
- b. **September 14-16 – ULCT Fall Conference.**
- c. **Sept. 17 – Bark in the Park – Mount View Park from 10 a.m. till 1 p.m.**
- d. **September 29 – City Hall Grand Opening & Ribbon Cutting - 4:00 p.m.**
- e. **Oct. 12 – City Council/Historic Commission Meeting; 6:30 p.m. Union Cemetery.**
- f. **October 13 – Youth City Council Annual Dinner, 6:00 p.m. City Hall.**
- g. **December 6 – City Employees Christmas Party.**

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

There was nothing to report. No Closed Meeting was conducted.

11. ADJOURN.

Councilman Tyler moved to adjourn. Councilman Shelton seconded the motion. The motion passed with the unanimous consent of the Council.

The City Council Work Session adjourned at 10:19 p.m.