

1 **MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL BUSINESS MEETING**
2 **HELD TUESDAY, FEBRUARY 13, 2018 AT 7:00 P.M. IN THE COTTONWOOD HEIGHTS**
3 **CITY COUNCIL CONFERENCE ROOM LOCATED AT 2277 EAST BENGAL**
4 **BOULEVARD, COTTONWOOD HEIGHTS, UTAH**
5

6 **Members Present:** Mayor Pro Tempore Mike Shelton, Councilwoman Tali C. Bruce, Councilman
7 Scott Bracken, Councilwoman Christine Watson Mikell
8

9 **Staff Present:** City Manager John Park, Assistant City Manager Bryce Haderlie, City
10 Attorney Shane Topham, Assistant Fire Chief Mike Watson, Community
11 Development Director Brian Berndt, City Recorder Paula Melgar, Finance
12 Director Dean Lundell, Public Works Director Matt Shipp, Public Relations
13 Specialist Dan Metcalf, Police Chief Robby Russo
14

15 **Excused:** Mayor Mike Peterson
16

17 **1.0 WELCOME**
18

19 1.1 In the absence of Mayor Mike Peterson, Mayor Pro Tempore Mike Shelton called the meeting
20 to order at 7:00 p.m. and welcomed those present.
21

22 1.2 The Pledge of Allegiance was led by Boy Scout Alex Russell from Troop 388.
23

24 **2.0 PROCLAMATIONS**
25

26 **2.1 A Proclamation Honoring Todd Etherington, Brighton High School's Swimming Coach**
27 **Who Has Recently Been Honored as the Class 5C Coach of the Year.**
28

29 2.2 Mayor Pro Tem Shelton read a proclamation recognizing Coach Todd Etherington for his
30 influence for excellence in the lives of Brighton High School swimmers. Coach Etherington
31 was recently honored as the Class 5C Coach of the Year. It was reported that Brighton's swim
32 season ended with seven boys and four girls taking State Championships.
33

34 2.3 Coach Etherington described the success of his athletes and stated that it was his hope that
35 they learned to do their very best. He promised his athletes that they will always see results
36 based on the effort they put in. He appreciated the awards but tended to minimize them as he
37 is not the one who does the work. Instead, he views them as a direct result of the students he
38 has the privilege of working with on a daily basis. He expressed his gratitude to those who
39 have been a part of the program.
40

41 2.4 Mayor Pro Tem Shelton remarked that coaches, teachers, and those who devote their time to
42 building up young people change the world. He expressed his gratitude for their efforts.
43

1 **3.0 ACKNOWLEDGEMENTS**

2
3 **3.1 Award Presentation to Assistant Fire Chief, Mike Watson, Who Was Honored During**
4 **the Volunteer Dinner for Excellence as a City Partner.**

5
6 3.2 Mayor Pro Tem Shelton read an acknowledgement honoring Assistant Fire Chief, Mike
7 Watson, for his excellence as a City partner. He stated that he has not met anyone who does
8 not like and respect Chief Watson immediately. He is humble, has genuine concern for all, is
9 sincere, and is a great listener. As Fire Chief, his experience and vast knowledge are
10 unsurpassed, and he channels his gifts to benefit all he comes in contact with. Cottonwood
11 Heights is known for its high standard of public safety and Chief Watson is one of the main
12 reasons behind this reputation. He was part of the original group that created Butlerville Days
13 and the City is better for knowing him.

14
15 3.3 Chief Watson expressed his gratitude for the recognition and found the attention greatly
16 humbling. He had learned so much from his time working in the City and appreciated the
17 trust and opportunities he has been given.

18
19 **4.0 PUBLIC COMMENT**

20
21 **4.1 Accessory Dwelling Units Proposed Ordinance – City Council and Planning**
22 **Commission.**

23
24 4.1.1 Mayor Pro Tem Shelton reported that the Accessory Dwelling Units Proposed Ordinance has
25 been heard several times in various bodies throughout the City and it is now before the City
26 Council.

27
28 4.1.2 Community Development Director, Brian Berndt, reported that the Accessory Dwelling Unit
29 (ADU) is a text amendment that the City Council initiated late last summer. They have
30 participated in five different discussions with the Planning Commission, held a Town Hall
31 Meeting with both the City Council and Planning Commission and have received 32 written
32 comments. During their most recent meeting, the Planning Commission forwarded a positive
33 recommendation to the City Council. They believed the landscape provision requires more
34 work or should be removed, parking is not to be permitted on the front side of the property, a
35 home occupation and ADU may not exist in the same dwelling, and the Landlord Certification
36 Program was acceptable and enables quality review of the ordinance.

37
38 4.1.3 Mayor Pro Tem Shelton opened the public hearing.

39
40 4.1.4 Eric Kraan commented that there should be more thought regarding how the ADU Ordinance
41 will impact the community. Geographically, he believed there are suitable areas as well as
42 areas where this should not be considered. A question was raised regarding enforcement of
43 an approved ADU not being transferrable. He asked that verbiage be added to clarify whether
44 ADU must exist as a separate unit. He believed there was a misconception as to the exact
45 definition of an ADU and asked for clarification.

46
47 4.1.5 Nancy Hardy believed there were many residents with concerns. She asked how they will be
48 addressed. She also asked for clarification as to the purpose of the ADU Ordinance.

- 1
2 4.1.6 Nikki Grace stated that after researching the Wasatch Front Regional Council and Central
3 Wasatch Commission, to which Mayor Peterson has been appointed, she discovered that the
4 ski resorts are stakeholder members. It was her opinion that the resorts would like to have
5 Cottonwood Heights provide inexpensive ADU housing for their low-income workers. She
6 trusted that the Mayor will defend the R-1 neighborhoods from outside interests. She had
7 been in contact with a member of the Wasatch Front Regional Council and believed their
8 worthy-sounding goals had yet to be worked out. She believed the current ADU proposal to
9 R-1 single-family will change the entire City to multi-family. She expressed opposition to the
10 ADU Ordinance and encouraged the Council Members to defend R-1 single-family
11 homeowners throughout the City.
12
- 13 4.1.7 Tad Taylor was opposed to the ADU Ordinance and believed it will result in the decline of
14 property values in his neighborhood. He asked that any Council Members who plan to
15 implement the ADU for personal gain recuse themselves from the vote.
16
- 17 4.1.8 Jin Fredericksen asked if the proposed ordinance will bypass conditional use permits for tiny
18 homes. She believed the ADU draft is lacking detail and will change the zoning from R-1 to
19 multi-family. She remarked that this sends the wrong message to those who are currently in
20 violation and believed there is a conflict of interest with the proposed ordinance and Mayor
21 Pro Tem Shelton, who she believed has a personal interest in it. She commented that those in
22 attendance are trying to maintain the master plan designation of low density.
23
- 24 4.1.9 Mayor Pro Tem Shelton pointed out that he has no interest or intention of having an ADU in
25 his home and concurred that should he intend to do so, he should recuse himself from the vote.
26
- 27 4.1.10 Robert Jacobs expressed gratitude to the Council for their efforts. He believed ‘short-term
28 rental’ is defined by a period of less than six months. He asked what goals and needs of the
29 City are being met by the proposed ADU Ordinance. He expressed opposition to the proposal.
30
- 31 4.1.11 Catherine Petersen asked who is specifically behind the ADU proposal. In determining the
32 number of current ADUs and having attended five meetings, she believed the bigger issue lies
33 with renters and enforcement.
34
- 35 4.1.12 LeAnn Earhart spoke in favor of the proposed ordinance and believed the Planning
36 Commission has done a good job of addressing traffic and parking. She explained that it is a
37 reality that ADUs exist yet there has not been a decline in housing prices or a substantial
38 increase in crime.
39
- 40 **4.2 Public Comment on a City-Initiated Proposal to Amend and Restate Cottonwood**
41 **Heights Code Chapter 19.92 to Utilize an Appeals Hearing Officer in Place of the Board**
42 **of Adjustment (Project #ZTA-18-001).**
43
- 44 4.2.1 Mr. Berndt reported that the proposal involves a text amendment to the existing zoning
45 ordinance to modify language to replace the Board of Adjustment with an Appeals Hearing
46 Officer. The City is uninsured in its land use decisions and with any type of appeal, the issue
47 of cost and potential liability to the City becomes paramount. An Appeals Hearing Officer
48 provides an understanding of the process and ensures that decisions are consistent. There is a

1 cost savings and efficiency as a result. The proposed amendment has been reviewed by the
2 Planning Commission who forwarded a recommendation of approval to the City Council.

3
4 4.2.2 Mayor Pro Tem Shelton opened the public hearing.

5
6 4.2.3 There were no public comments. The public hearing was closed.

7
8 **5.0 CITIZENS COMMENTS**

9
10 5.1 Mike Hansen expressed gratitude to Assistant Chief Watson. He commented that he has made
11 himself available to provide assistance where needed and is a great voice and sounding board.
12 City volunteers log thousands of volunteer hours and Mr. Hansen believed they have the best
13 group in the state. He had considered the idea of the City becoming Idle Free, which is a
14 difficult issue to enforce. After having been involved in emission testing since 1986, he
15 reported that air quality has actually increased over the years, which he believed was largely
16 due to the Environmental Protection Agency (EPA). Mandates and restrictions were
17 described. Mr. Hansen stated that Utah is at high risk for Radon gas and considered it to be
18 as much of an air quality issue as vehicle emissions. He suggested putting a positive spin on
19 these issues through volunteer service.

20
21 5.2 Eric Kraan commented that any efforts to reduce air pollution are worth considering through
22 incentives or penalties. He expressed concern with target fixation and was opposed to
23 additional parking at the mouth of the canyon. Several citizens had asked him how far back
24 the gravel pit would be allowed to go. He believed the ADU Ordinance was not an efficient
25 way to address what is going to be higher density within the Valley and Cottonwood Heights
26 specifically.

27
28 5.3 Councilman Bracken reported that the owner of the gravel pit indicated that they have the
29 right to go significantly farther than they are currently. He did not, however, believe that was
30 their intention.

31
32 5.4 Nancy Hardy commented that there are several significant issues being discussed tonight. She
33 suggested that the New Council Members take more time to receive public input before
34 making decisions.

35
36 **6.0 STANDING MONTHLY REPORTS**

37
38 **6.1 Police Report – Police Support Supervisor, Candie Terry.**

39
40 6.1.1 Police Support Supervisor, Candie Terry, presented the Police Report for the month of January
41 2018. She reported that there were 448 911 calls, 497 on-view, and 851 phone ins. There
42 were 523 Priority 1 calls for service, 396 Priority 2, and 322 Priority 3 calls. Response times
43 for Priority 1 averaged 4:25, Priority 2 averaged 5:41, and Priority 3 averaged 6:07. The Utah
44 Crime Report (UCR) totaled 105 compared to 94 from the previous year. There were 138
45 adult arrests and eight juvenile arrests. 282 citations were issued, eight DUIs, and 89
46 warnings. There were 49 crashes, one with property damage and one with both property
47 damage and injury. A map of thefts throughout the City was reviewed. The safety message
48 included tips regarding dating violence and signs of abuse.

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2 **6.2 Public Works Report – Public Works Director, Matt Shipp.**
3

4 6.2.1 Public Works Director, Matt Shipp, presented the Public Works Report for the month of
5 January and stated that the majority of the work involved snow plowing. They have been
6 briefed on the La Cresta project and the Fort Union and Highland Drive project is somewhat
7 tied in. They will be meeting with UDOT to get a better understanding of the status. The
8 Pavement Study Project continued to move forward. The committee will be making
9 recommendations to the City Council for their review. Mr. Shipp reported that construction
10 on the 2700 East project will begin next summer and include construction in front of the
11 elementary school and the Recreation Center. The roundabout consultant will be selected
12 after the environmental document is finalized.
13

14 **7.0 ACTION ITEMS**

15
16 **7.1 Consideration of Ordinance 290-A Approving Rezone of Realty at 6672 and 6690 South**
17 **Highland Drive from R-1-8 to RO.**
18

19 7.1.1 Mayor Pro Tem Shelton reported that the above Ordinance approves the rezone of property
20 located at 6672 and 6690 South Highland Drive from R-1-8 to RO.
21

22 **7.1.2 MOTION:** Council Member Bruce moved to continue the matter until the next Business
23 Meeting. The motion was seconded by Council Member Mikell. The motion passed with the
24 unanimous consent of the Council.
25

26 **7.2 Consideration of Ordinance 290-D Denying Rezone of Realty at 6672 and 6690 South**
27 **Highland Drive from R-1-8 to RO.**
28

29 7.2.1 *The above item was deemed unnecessary.*
30

31 **7.3 Consideration of Resolution 2018-11 Consideration of Resolution 2017-57 Approving a**
32 **Tentative Amendment to the City’s Budget for the 2017-2018 Fiscal Year and Setting a**
33 **Public Hearing.**
34

35 7.3.1 Mayor Pro Tem Shelton reported that the above Resolution approves a tentative amendment
36 to the City’s budget for the 2017-2018 fiscal year and sets a public hearing for Tuesday,
37 February 27, 2018.
38

39 7.3.2 Finance Director, Dean Lundell, presented the amended budget. He reported that the amended
40 items include a donation to the Police Department for their K-9 program in the amount of
41 \$3,500, reallocation of budget for employees who have moved to a different department where
42 their wages are now being posted, and a grant received by the Police Department in the amount
43 of \$7,000 through the State Forfeiture Program.
44

45 **7.3.3 MOTION:** Council Member Bracken moved to approve Resolution 2018-11. The motion
46 was seconded by Council Member Bruce. Vote on motion: Council Member Mikell-Aye,
47 Council Member Bruce-Aye, Council Member Bracken-Aye, Mayor Pro Tem Shelton-Aye.
48 The motion passed unanimously.

- 1 **7.4 Consideration of Resolution 2018-12 Expressing Opposition to House Bill 135.**
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3 7.4.1 Mayor Pro Tem Shelton reported that the above Resolution expresses opposition to House
4 Bill 135.
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6 **7.4.2 MOTION:** Council Member Bracken moved to continue Resolution 2018-12. The motion
7 was seconded by Council Member Mikell. The motion passed with unanimous consent of the
8 Council.
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10 **8.0 CONSENT CALENDAR**
11
12 **8.1 Approval of Minutes of the January 2, 2018 Elected Officials Swear-In Ceremony**
13 **Meeting and the Work Session of January 16, 2018.**
14
15 **8.1.1 MOTION:** Council Member Bruce moved to approve the Minutes of January 2, 2018 Elected
16 Officials Swear-In Ceremony Meeting and the Work Session of January 16, 2018. The motion
17 was seconded by Council Member Bracken. The motion passed with unanimous consent of
18 the Council.
19
20 **9.0 ADJOURN BUSINESS MEETING AND RECONVENE WORK SESSION**
21
22 **9.1 MOTION:** Council Member Bruce moved to adjourn. The motion was seconded by Council
23 Member Bracken. The motion passed with unanimous consent of the Council.
24
25 9.2 The meeting adjourned at 8:40 p.m.

1 *I hereby certify that the foregoing represents a true, accurate and complete record of the Cottonwood*
2 *Heights City Council Business Meeting held Tuesday, February 13, 2018.*

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10 Teri Forbes
11 T Forbes Group
12 Minutes Secretary
13
14 Minutes approved: February 27, 2018