

1 **MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL BUSINESS MEETING**  
2 **HELD TUESDAY, MAY 22, 2018 AT 7:00 P.M. IN THE COTTONWOOD HEIGHTS CITY**  
3 **COUNCIL CONFERENCE ROOM LOCATED AT 2277 EAST BENGAL BOULEVARD,**  
4 **COTTONWOOD HEIGHTS, UTAH**  
5

6 **Members Present:** Mayor Mike Peterson, Council Member Mike Shelton, Council Member Scott  
7 Bracken, Council Member Tali Bruce, Council Member Christine Mikell  
8

9 **Staff Present:** City Manager John Park, Assistant City Manager Bryce Haderlie, City  
10 Attorney W. Shane Topham, Police Chief Robby Russo, Assistant Fire Chief  
11 Mike Watson, Public Works Director Matt Shipp, Finance Director Van Tran,  
12 Public Relations Specialist Dan Metcalf, Senior Planner Michael Johnson, City  
13 Planner Andrew Hulka  
14

15 **1.0 WELCOME**  
16

17 1.1 Mayor Mike Peterson called the meeting to order at 7:00 p.m.  
18

19 1.2 The Pledge of Allegiance was led by Council Member Mikell.  
20

21 **2.0 CITIZEN COMMENTS**  
22

23 2.1 Jin Fredericksen stated that she believed because the PDD Code has been modified within the  
24 year and is now being modified for a developer, it sends the message that the City's codes are  
25 very fluid. She suggested citizens be given more rights regarding density.  
26

27 2.2 Tim Hallbeck questioned the maximum number of allowed miniature goats and pigs. He also  
28 equated higher density with higher crime.  
29

30 2.3 Nancy Hardy asked if developers could somehow keep their development within the character  
31 of Cottonwood Heights and used Creek Road as an example. If Accessory Dwelling Unit  
32 Ordinance (ADU) goes forward, she believed it should start small.  
33

34 2.4 Dan Hodgson had heard that there is consideration underway to do away with the Cottonwood  
35 Heights Police Department and return to the Unified Police Department (UPD) and expressed  
36 strong opposition to doing so. He encouraged the Council to find a way to keep the current  
37 Police Department.  
38

39 2.5 Lynne Kraus reminded the Council of the General Land Use Map Amendment she mentioned  
40 previously regarding Fort Union between 2700 East and Pippen Drive being changed back to  
41 low density residential. She remarked that tax increases are an easy out to handling budget  
42 issues.  
43

44 2.6 Eric Kraan thanked the Council for striping Honeywood Cove and completing the new arrows.  
45

46 2.7 Ericka Waiss expressed opposition to the proposed miniature goat ordinance and considered  
47 them to be a nuisance. She commented that they are classified as farm animals for a reason.  
48 She noted that goats strip all vegetation and destroy properties.

1  
2 **3.0 PUBLIC COMMENT**

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4 **3.1 Proposed Amendments to Title 12- Subdivisions.**

5  
6 3.1.1 City Planner, Mike Johnson, presented the staff report and stated that the amendments to Title  
7 12 was made as a unanimous positive recommendation to the City Council. There are no  
8 proposed changes to the ordinance and involves a general process of dividing land. The  
9 proposed changes were merely clean up and include correcting grammar, consolidating  
10 definitions, and updating terminology. The requirements were codified to install bicycle lanes.  
11

12 3.1.2 Mayor Peterson opened the public hearing. There were no public comments. The public  
13 hearing was closed.  
14

15 **3.2 Planned Resolution Encouraging Salt Lake County to Institute a .25% Local Option**  
16 **General Sales Tax Dedicated to Transportation as Authorized by Senate Bill 136.**  
17

18 3.2.1 City Manager, John Park, presented the staff report and stated that the above resolution  
19 dedicates .25% to transportation. They are discussing only the portion that implements a .25%  
20 local option general sales tax to fund transportation. Under the Bill, that is the amount  
21 authorized by the Legislature. It will raise approximately \$58 million County-wide and after  
22 July 1, 2018, the disbursement will return to how it was voted on previously and will give 40%  
23 to cities. If the County does not take action prior to July 1, 2020, any individual city may  
24 impose the same tax and split it with UTA. They expect to receive \$122,000 annually for much  
25 needed transportation maintenance after the upcoming fiscal year.  
26

27 3.2.2 Eric Kraan expressed opposition to the resolution. Although he favored much of the language  
28 in it, he found it alarming that the State of Utah is shouldering the cost of economic  
29 development. He found it to be aggressive in nature and reminded the Council that the PDD  
30 is intended to promote affordability in the City. By increasing the cost of living, those they  
31 intend to accommodate will be displaced and left with a denser and still unaffordable  
32 community.  
33

34 3.2.3 Lynne Krauss was on the fence with the resolution for the tax increase but not that the voters  
35 have opposed it. She urged the Council to listen to the citizens and stated that 3,274 voted in  
36 favor of the increase and 3,947 voting against.  
37

38 3.2.4 Frank Overfelt asked for specifics regarding what the increase will be used for and what  
39 happens if the tax does not pass.  
40

41 3.2.5 Mr. Park stated that the City receives transportation funds through Class C Road funds, which  
42 are the typical gas tax fund with limitations, and an alternate type of transportation.  
43

44 3.2.6 Jared Thomas commented that this item will be adopted prior to July 2019 and that all funding  
45 will go to the County. Mayor Peterson confirmed that the County will receive a windfall for  
46 the rest of the year, which equates to approximately 25%.  
47

1 **3.3 Proposed “Idle Free” Ordinance.**

2  
3 3.3.1 Mr. Park presented the staff report and that stated the proposed Idle Free Ordinance will be  
4 included in Title 9 adding a new chapter entitled *Idling Vehicles*, which would be a one-page  
5 ordinance. Exceptions to idling included traffic conditions, refrigeration units, loading and  
6 unloading lifts, turbo charged heavy-duty vehicles, the health and safety of a driver and  
7 passengers including Police K-9 service animals, and operating window defrosters. The  
8 definitions were reviewed. Mr. Park remarked that it is not intended to be heavy handed and  
9 warnings will be given before a citation is issued.

10  
11 3.3.2 Eric Kraan expressed gratitude to the Council for taking on this item and did not agree with the  
12 exceptions. He suggested removing window defrosting from the language.

13  
14 3.3.3 Dee Rowland was thrilled that the item was on the agenda and encouraged the Council to vote  
15 in the affirmative.

16  
17 3.3.4 Ken Garner indicated that he is an Engineer by profession and believed there are very few  
18 ordinances the government passes that are as easy to follow as this. There are 186 hazardous  
19 chemicals put into the air every day, especially in diesel fuel and gasoline, and he encouraged  
20 an agreed upon standard. As an electrical engineer, batteries and starters will not wear out  
21 from simply starting a car and he encouraged the Council’s support of the proposed ordinance.

22  
23 3.3.5 Jenny Navarro stated was previously in attendance to encourage the City’s implementation of  
24 an Idle Free Ordinance. She expressed appreciation to the Council for their action and for those  
25 present in support of the item. She explained that new car technology has eliminated the need  
26 to warm up cars by idling and studies show that idling more than 30 seconds wastes gas and  
27 produces more toxins than restarting an engine. She believed that education is key and has not  
28 been effective up to this point. She noted that many are still idling their vehicles and the  
29 ordinance needs to be enforced. She encouraged the police officers help educate the  
30 community. As smoking in public is prohibited because it endangers others, individuals should  
31 not be allowed to let their cars engines idle. 31 states have new idling laws and eight cities  
32 have done the same in our area.

33  
34 3.3.6 Diane Burke reported that she has been a nurse and educator for over 30 years and believed it  
35 is critical to reduce the exposure to pollutants. She expressed her support for the proposed  
36 ordinance.

37  
38 3.3.7 Rebecca Allen was supportive of the Idle Free Ordinance and stated that there is a lot of  
39 information available on the internet. For every 10 minutes an engine is turned off, one pound  
40 of carbon dioxide is released. Restarting a car does not burn more fuel than leaving it idling  
41 and turning of engines off protects wear and tear which translates to a few dollars at the gas  
42 pump. She did not understand all of the technical terms, but is a mom who believes in raising  
43 healthy, educated, kind children and community outreach and change. She expressed her  
44 support of the Idle Free Ordinance.

45  
46 3.3.8 Ashley Miller identified herself as the Policy Director for a local non-profit air quality  
47 advocacy group called Breathe Utah and is a member of the State Air Quality Advisory Board.  
48 She expressed support for the proposed Ordinance and urged the Council to strike the

1 exemption for window defrosting. She explained a lot of practical changes rely on behavior  
2 and the ordinances must be educational in nature. She recommended that during the cold  
3 winter months that drivers scrape instead of melt ice on windshields, which is much more  
4 efficient.

5  
6 3.3.9 Diana Schaffer commented that rather than an ordinance, she would propose a proclamation  
7 allowing residents to remind each other not to idle vehicles because to protect their health. She  
8 suggested a downloadable and printable document be distributed and placed on windshields.  
9 She asked the City to find a way to discourage idling and encourage air quality improvement  
10 efforts that are more measurable. If the City moves forward with the proposed ordinance, she  
11 asked that officers not be allowed to approach residents in conjunction with enforcement.

12  
13 3.3.10 Cindy Boyer supported the proposed ordinance and encouraged the City to continue moving  
14 forward. She agreed with removal of the defrosting exemption and use of ice scrapers.

15  
16 3.3.11 John Kennington commented that this is principally an air quality issue and believed it is  
17 substantial along the Wasatch Front and is one of the negative aspects of living here. He  
18 expressed support for the ordinance and stated that idling is a common practice. He considered  
19 it to be a climate change and fuel efficiency issue.

20  
21 3.3.12 Frank Overfelt stated that the City does not need an ordinance to replace common sense and is  
22 a big brother issue instead.

23  
24 3.3.13 Erica Weiss was not opposed to the proposed ordinance and agreed with Mr. Overfelt that it  
25 is a big brother issue. She believed it could potentially cause a lot of contention with citizens  
26 and the Police Department.

27  
28 3.3.14 Jin Fredericksen expressed support for the proposed ordinance and believed everyone should  
29 do their part.

30  
31 3.3.15 Carolyn Wold expressed support for the proposed ordinance and believed that enforcement is  
32 necessary.

## 33 34 **4.0 PUBLIC HEARING**

### 35 36 **4.1 Proposed Vacation of Certain Public Right-of-Way.**

37  
38 4.1.1 Mayor Peterson stated that the public hearing includes the proposed vacation of a certain public  
39 right-of-way along the east side of the City.

40  
41 4.1.2 Mr. Park presented the staff report and stated that it also includes an Exchange Agreement on  
42 the property. He noted that the exchange is the reason the City wishes to vacate the property.  
43 A map was displayed and reviewed. The subject property is located at the corner of Mineshaft  
44 and Prospector and was inherited when the City was incorporated. In order for the City to  
45 vacate the property, a public hearing is required for the change to take place. The second parcel  
46 is owned by Mr. Franks and is located on the corner of Mineshaft and Big Cottonwood.  
47 Owning property at the bottom allows more options when considering future development in  
48 the City.

1 4.1.3 Mayor Peterson opened the public hearing.

2  
3 4.1.4 Jin Frederickson asked why the City does not just sell him the lot and eliminate the vacation of  
4 the right-of-way.

5  
6 4.1.5 Mayor Peterson remarked that if they have someone willing to give the City a parcel that is  
7 more than twice the value and is in an area that potentially has a much greater use, the vacation  
8 would be the more reasonable route.

9  
10 4.1.6 Alan Waiss asked if the property located at the bottom of the canyon is sloped.

11  
12 4.1.7 Carolyn Wold was in favor of the vacation as Mr. Frank maintains the property and the property  
13 is an extension of his yard.

14  
15 4.1.8 There were no further comments. The public hearing was closed.

16  
17 **5.0 STANDING MONTHLY REPORTS**

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19 **5.1 Unified Fire Report – Assistant Chief, Mike Watson.**

20  
21 5.1.1 Assistant Chief, Mike Watson, presented the monthly Unified Fire Report for March 2018  
22 and stated that Station 110 finished in the 8th position. Station 116 finished in the 14<sup>th</sup>  
23 position. Station 110 closed with 107 total calls, 86 of which were medical and 21 were fire.  
24 Station 116 closed with 72 total calls, 55 of which were medical and 17 were fire. Top  
25 categories included falls and traffic accidents with alarms being the top fire call. Station 110  
26 had 39 Advanced Life Support (ALS) calls, of which 19 resulted in transport and 47 Basic  
27 Life Support (BLS) calls, of which 24 resulted in transport. Station 116 closed with 24 total  
28 transports, 16 of which were ALS transports and eight BLS transports.

29  
30 5.1.2 The customer service report included two station tours at Station 110. Station 116 participated  
31 in the Great Shakeout exercise. The safety message was a summer kickoff and an emphasis  
32 on campfire safety, barbecues, and general fire safety. In general, fire hazards begin in the  
33 southern part of the state and work northward. Usually, threats begin late August to September  
34 and sometimes even early November. The biggest threat with the terrain above Cottonwood  
35 Heights is that the fires are difficult to stop.

36  
37 **6.0 ACTION ITEMS**

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39 **6.1 Consideration of Ordinance 295 Vacating Certain Public Right-of-Way.**

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41 6.1.1 Mayor Peterson reported that the above ordinance approves the vacation of certain public  
42 rights-of-way.

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44 **6.1.2 MOTION:** Council Member Shelton moved to approve Ordinance 295. Council Member  
45 Bruce seconded the motion. Vote on motion: Council Member Shelton–Aye, Council  
46 Member Bracken–Aye, Council Member Mikell–Aye, Council Member Bruce–Aye, Mayor  
47 Peterson–Aye. The motion passed unanimously.

1 **6.2 Consideration of Ordinance 296 Amending Table 1 of Section 19.51.060(A), Cottonwood**  
2 **Heights Code, Concerning Residential Density in Tier 2 Projects.**  
3

4 6.2.1 Mayor Peterson reported the above ordinance amends Table 1 of Section 19.51.060(A)  
5 pertaining to residential density in Tier 2 Projects.  
6

7 **6.2.2 MOTION:** Council Member Bracken moved to approve Ordinance 296. The motion was  
8 seconded by Council Member Shelton.  
9

10 6.2.3 Council Member Bruce asked that neighbors be allowed to speak.  
11

12 6.2.4 Mr. Johnson summarized this is a City-wide text amendment that has no impact on any  
13 property on the ground currently. The matter was not noticed to specific properties because  
14 it is not specific to a property. Notice was posted online and on the State website per State  
15 procedures. The Planning Commission hearing was held and has been through the Planning  
16 Commission process and not been recommended to the City Council. Should a developer  
17 come before the City wishing to utilize the PDD, the process will start all over again and  
18 proper notice will be given.  
19

20 6.2.5 Council Member Mikell asked for clarification regarding the process of changing density from  
21 25 units to 35 units. Mr. Johnson stated that when the PDD text was drafted, they selected the  
22 average density of the Tier 2 areas. The potential for Tier 2 includes major intersections  
23 throughout the City and Fort Union. Staff came up with 25 after a UTA publication of transit-  
24 oriented publication that stated that in suburban core developments, 25 units per acre is the  
25 minimum needed to support transit service. At that time, the mixed-use ordinance only  
26 allowed 16 residential units per acre. The mixed-use ordinance restricts building heights more  
27 than Tier 2 PDD areas so now they have a mixed-use that allows more density in smaller  
28 buildings. Given the legislative control and previous changes to the mixed-use ordinance  
29 elsewhere in the City, the recommendation was to support the applicant's proposed text  
30 amendment. Legislative authority was reviewed.  
31

32 6.2.6 City Attorney, Shane Topham, confirmed that the zone was created so that the City controls  
33 the end product. The Code is drafted and the process has been formulated so that the City  
34 ends up with an approved finished product that the Planning Commission and City Council  
35 are comfortable with as opposed to going through a Conditional Use process where there is  
36 uncertainty.  
37

38 **6.2.7 Vote on Motion:** Council Member Shelton-Aye, Council Member Bracken-Aye, Council  
39 Member Bruce-Nay, Council Member Mikell-Nay, Mayor Peterson-Aye. The motion passed  
40 3-to-2.  
41

42 **6.3 Consideration of Ordinance 297 Amending Title 8, Animals, Concerning the Keeping of**  
43 **“Miniature” Goats and “Miniature” Pigs as Pets.**  
44

45 6.3.1 Mayor Peterson reported that the above ordinance amends Title 8, Animals, and addresses the  
46 keeping of miniature goats and miniature pigs as pets.  
47

- 1 6.3.2 Council Member Bruce felt that the proposed ordinance provides some benefit to those  
2 wishing to have these types of exotic pets, however, she suggested it be strictly enforced.  
3
- 4 **6.3.3 MOTION:** Council Member Bracken moved to deny Ordinance 297. The motion died for  
5 lack of a second.  
6
- 7 **6.3.4 MOTION:** Council Member Bruce moved to table Ordinance 297 for further discussion.  
8 The motion died for lack of a second.  
9
- 10 **6.4 Consideration of Resolution 2018-30 Declaring Certain Property Surplus and**  
11 **Approving Entry into an Exchange Agreement Concerning Such Property.**  
12
- 13 6.4.1 Mayor Peterson reported that the above resolution declares certain property surplus and  
14 approves entry into an Exchange Agreement concerning such property.  
15
- 16 **6.4.2 MOTION:** Council Member Shelton moved to approve Resolution 2018-30. Council  
17 Member Bracken seconded the motion. Vote on motion: Council Member Shelton–Aye,  
18 Council Member Bracken–Aye, Council Member Mikell–Aye, Council Member Bruce–Aye,  
19 Mayor Peterson–Aye. The motion passed unanimously.  
20
- 21 **7.0 CONSENT CALENDAR**  
22
- 23 **7.1 Approval of the City Council Work Session Minutes of April 10, 17, 24 and May 1, 8, 15**  
24 **of 2018.**  
25
- 26 **7.2 MOTION:** Council Member Shelton moved to approve the minutes of City Council Work  
27 Session of April 10, 17, 24 and May 1, 8, 15 of 2018. The motion was seconded by Council  
28 Member Bruce. The motion passed with the unanimous consent of the Council.  
29
- 30 **8.0 ADJOURN BUSINESS MEETING AND RECONVENE WORK SESSION.**  
31
- 32 **8.1 MOTION:** Council Member Bracken moved to adjourn the Business Meeting. The motion  
33 was seconded by Council Member Shelton. The motion passed unanimously.  
34
- 35 8.2 The meeting adjourned at 8:53 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, May 22, 2018.*

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