

MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL WORK SESSION HELD TUESDAY, FEBRUARY 19, 2019 AT 5:05 P.M. IN THE COTTONWOOD HEIGHTS CITY COUNCIL CONFERENCE ROOM LOCATED AT 2277 EAST BENGAL BOULEVARD, COTTONWOOD HEIGHTS, UTAH

Members Present: Mayor Mike Peterson, Council Member Mike Shelton, Council Member Scott Bracken, Council Member Tali Bruce (via teleconference)

Staff Present: City Attorney W. Shane Topham, Police Chief Robby Russo, Assistant Fire Chief Mike Watson, Records Culture and Human Resources Director Paula Melgar, Community and Economic Development Director Michael Johnson, Public Works Director Matt Shipp, Finance and Administrative Services Director S. Scott Jurgess, Public Relations Specialist Dan Metcalf

Excused: Council Member Christine Mikell and City Manager Tim Tingey

WORK SESSION

Mayor Peterson called the meeting to order and welcomed those present. He noted that Council Member Bruce was participating via teleconference.

1.0 Review of Business Meeting Agenda – Mayor Mike Peterson

Mayor Peterson reviewed the Business Meeting Agenda.

Community and Development Director, Mike Johnson, reviewed the Walsh property proposal and stated that they have two main points of concern. The first involved the commercial use of the mixed-use units and verifying that a commercial use was taking place. The second pertained to public open space. Staff had worked with the applicant and their team to refine the language in the ordinance and to better reflect those concerns in the plan. Trail connectivity issues were reviewed. They are now required to construct the trail to a width of six feet wide. Property details were discussed.

2.0 Mountainview Park Pavilion Rental Policy – Ben Hill, Executive Director of the Cottonwood Heights Park & Recreation Service Area.

Mayor Peterson reported that the City contracts with the Special Taxing District to handle reservations and management of the parks. Ben Hill, Executive Director of the Cottonwoods Heights Park and Recreation Service Area, confirmed that citizens have priority for reservations of the parks and pavilions. With the other pavilions they manage, reservations are online and open to the public. Mountain View Park reservations must be made in person to prove residency. He reported that from January 1 to March 31, residents can to make reservations for any date throughout the summer. Online reservations can be made beginning April 1. The possibility of having two rentals at the same time was discussed.

City Attorney, Shane Topham, believed that the restricted use of the pavilion stems from City taxpayers bearing the brunt of the cost.

3.0 City Council and Staff Reports

a. Electric Charging Stations at City Hall – Public Works Director, Matt Shipp.

Public Works Director, Matt Shipp, summarized a previous discussion regarding electric charging stations at City Hall. Staff met with Rocky Mountain Power who suggested they work with Verdeck and Hunt Electric. Rocky Mountain Power offers a rebate of \$4,000. It was recently discovered that when City Hall was built, a charging station and conduit were run to the north side parking lot. The estimated cost is approximately \$28,000 to install two stations with four chargers. If each station is used eight hours per day, the estimated cost would be \$135 per month per nozzle.

b. Solar Assessment contract with Spectrum Engineering – Public Works Director, Matt Shipp.

Mr. Shipp stated that Spectrum Engineering is the company that completed the original work on the building. The Feasibility Study allows the review of the building to determine how much solar will be needed. The study would provide a cost analysis, payback cost, and provide other information needed to proceed. Cost issues were reviewed.

c. New website Recommendation – Paula Melgar and Dan Metcalf.

Public Relations Specialist, Dan Metcalf, stated that the City has contracted with a provider who creates websites for government and local websites using a scoring process. The website changes were expected to be completed by June 2019. Once the contract is signed, the Design Committee will begin its review. Website features were described.

Records Culture and Human Resources Director, Paula Melgar, stated that the design is user-friendly with a high overall satisfaction rating.

d. Decorum in Public Meetings.

Mayor Peterson expressed the need for communication to share insight from meetings attended throughout the week. Going forward, Mr. Tingey will include a quarterly agenda item to brief the Council on the various committees the City is involved in.

4.0 Review of Calendars and Upcoming Events

Council Member Schedules for the next week - 2019 Calendar:

- a. April 22 – 7:30 p.m. – Masterworks Concerts – Butler Middle School
- b. March 1-30 – Photography Show @ City Hall
- c. March 15 – 7:00 p.m. – Rocky Mountain Strings Concert @ Butler Middle School

- d. March 28 – 6:00 p.m. to 8:00 p.m. – Photography Show Open House
- e. April 19 – 7:00 p.m. to 9:00 p.m. – Teen Easter Party @ Rec. Center
- f. April 20 – 10:00 a.m. – Easter Egg Hunt @ Butler Middle School
- g. March 25-26 – Little Mermaid auditions

5.0 Closed Meeting to Discuss Litigation, Property Acquisition and/or the Character and Professional Competence or Physical or Mental Health of an Individual Security Procedures – Assistant Chief Paul Brenneman.

The above matter was continued to the March 5th City Council Meeting.

6.0 ADJOURN CITY COUNCIL WORK SESSION

MOTION: Council Member Shelton moved to adjourn the Work Meeting. The motion was seconded by Council Member Bracken. The motion passed with the unanimous consent of the Council.

The Work Session adjourned at 5:57 p.m.

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL BUSINESS MEETING
HELD TUESDAY, FEBRUARY 19, 2019 AT 7:00 P.M. IN THE COTTONWOOD HEIGHTS
CITY COUNCIL CONFERENCE ROOM LOCATED AT 2277 EAST BENGAL
BOULEVARD, COTTONWOOD HEIGHTS, UTAH**

Members Present: Mayor Mike Peterson, Council Member Mike Shelton, Council Member Scott Bracken

Staff Present: City Attorney W. Shane Topham, Police Chief Robby Russo, Assistant Fire Chief Mike Watson, Records Culture and Human Resources Director Paula Melgar, Community and Economic Development Director Michael Johnson, Public Works Director Matt Shipp, Finance and Administrative Services Director S. Scott Jurgess, Public Relations Specialist Dan Metcalf

Excused: Council Member Christine Mikell, Council Member Bruce, City Manager Tim Tingey

BUSINESS MEETING

1.0 WELCOME/PLEDGE

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

The Pledge of Allegiance was led by Council Member Shelton.

2.0 CITIZEN COMMENTS

Tim Hallbeck offered his support for Ordinance 319-A and the applicant.

Theresa Reich addressed the Walsh property and encouraged the Council to postpone a vote until the full Council is present. She stated that there are several aspects including pedestrian, transportation, and traffic safety issues that have not been addressed. She noted that the points of egress were never addressed in the traffic report and the safety of the residents was never addressed for emergency evacuation. She urged the Council to deny the request.

Edie Wright, a Kings Hill Drive resident, presented a report that included the geological study of the Wasatch Fault. She suggested the area not be considered for ADUs and described the surrounding properties. She encouraged the Council to reject the proposal.

Robert Jacobs commented that there are several improvements that can be made to the current ADU ordinance. He encouraged the Council to reject the proposal. He believed that if they plan to allow two families to live in a single home in an R-1 zoned area, it should be called a duplex.

Eric Kraan expressed concern with growth and walkability and identified the need for bike lane improvements. He asked if those living where the PDD will be approved are walking to schools and local businesses.

David Walsh thanked the Council Members for their consideration of the development proposal made by ICO and stated that they are eager to move forward. He represents the 11 members of the Walsh family who are the owners of the property. The surrounding landscape has changed dramatically and he believed there is ample precedent for their proposal to be approved. The property has been designated for long term use as residential high-density housing according to the Cottonwood Heights Long Term Land Use Plan. Surrounding high-density developments have been deemed appropriate by prior approval bodies. ICO has created a plan to accommodate neighborhood and City feedback. Mr. Walsh believed there was no legal basis for the proposal to be denied and comments made do not include any legal objection addressing why the request should not be approved. He encouraged the Council to uphold their property rights and recognize the concessions made by ICO. He noted that they have made over 15 major changes and conducted 60 City and neighborhood meetings.

Nancy Hardy agreed that the ordinance needs to be updated and reflect the concerns of the citizens. She asked if the existing City Code addresses life safety issues and if the City Council vote represents the majority of Cottonwood Heights or just those who support the ADU.

Susan Reeves stated that a City is not static and expressed concern with the increase in traffic that the ICO development would create. Because of the impact, she encouraged the Council to oppose the proposal.

Deborah Case stated that the choices made set a precedent for future laws and development of the City. She believed that the intent of the laws should be taken into consideration. The desire of the PDD is to create a flourishing environment that benefits the community and not just big business. She supported the right kind of growth that benefits the community as a whole. She noted that zoning restrictions were created to protect the integrity of the City. She was opposed to businesses using the PDD as a loophole to circumvent the law. She expressed her opposition to the proposed.

Jared Crocker expressed support for the developers' right to pursue their livelihood but believed the ICO proposal was too large. He stated that it does not comply with the ordinance under which it was proposed. He believed the PDD was used to build a larger and more profitable development. In the end, the proposal is for a large apartment complex, which would set a terrible precedent. Approval would transform the PDD into hazardous legislation. He urged the Council to deny the request.

3.0 STANDING MONTHLY REPORTS

3.1 Monthly Financial Report – Finance and Administrative Services Director Scott Jurgess.

Finance and Administrative Services Director, Scott Jurgess, presented the Finance Report for the month of January. He reported that the Municipal Energy Tax is slightly higher during winter months due to an increase in natural gas use. The Class C Road Funds change drastically between collection periods and is based on lane miles and population. Generally, the budget is doing well compared to the previous year and adoption of the new budget in August 2018. Benefits and payroll totals were trending ahead of budget. The majority of real property taxes had been collected and were nearly at

budget with sales taxes slightly behind. Mr. Jurgess reported that Class C Road funds are 64% collected and slightly under budget. General government expenditures were reviewed.

3.2 Unified Fire Report – Assistant Fire Chief, Mike Watson.

Assistant Fire Chief, Mike Watson, presented the Fire Report for January and stated that the staffing count was included. Station 110 finished in 7th position and Station 116 finished 15th. Both stations combined received 47 fire calls and 135 medical calls. Station 110 closed with 124 total calls, 94 of which were medical and 30 fire. Station 116 closed with 58 total calls, 41 of which were medical calls. Medical calls by type included falls, sick person, and unknown or man down. Fire calls by type included alarms, flooding/hydrant/public assist, and lines down. Station 110 received 47 Advanced Life Support (ALS) calls, of which 39 resulted in transport and had 47 Basic Life Support (BLS) calls, of which 14 resulted in transport. Station 116 closed with 27 total transports, 25 of which were ALS and 2 BLS. The safety message addressed autonomous vehicles.

4.0 ACTION ITEMS

4.1 Consideration of Ordinance 316-A Approving Enactment of Chapter 19.77, “Accessory Dwelling Units.”

OR

Consideration of Ordinance 316-D Denying Enactment of Chapter 19.77, “Accessory Dwelling Units.”

Mayor Peterson reported that the above Ordinance approves or denies the enactment of Chapter 19.77 Accessory Dwelling Units (ADU). The City has been studying ADUs over the past year with mixed support.

Mayor Peterson believed the ADU Ordinance is appropriate and something the City needs and desires. He stated that there is value in having ADUs in the City. They have tried to draft an ordinance that protects neighborhood values. He had concern with a few minor items centered around the parking issue and verbiage. He recommended there be further discussion to mitigate the parking.

Council Member Shelton stated that the ADU ordinance has been the subject of community meetings, Planning Commission review, staff recommendation, and a large amount of public feedback. He expressed support for the way the ordinance is written as do staff and the Planning Commission.

MOTION: Council Member Bracken moved to continue Ordinance 316 to the next Business Meeting. The motion was seconded by Mayor Mike Peterson. Vote on motion: Council Member Bracken-Aye, Council Member Shelton-Nay, Mayor Peterson-Aye. The motion failed due to lack of a unanimous vote.

City Attorney, Shane Topham, explained that in order for a motion to pass, three votes are required. Should the motion fail, the item would be eligible to be addressed at a future meeting.

MOTION: Council Member Shelton moved to approve Ordinance 316-A. The motion died for lack of a second.

4.2 Consideration of Ordinance 317-A Approving Enactment of PDD-1 (Walsh) Zone; Approving the Re-zone of 5.9 Acres of Real Property Located at 6784 South 1300 East from R-1-8 (Single Family Residential) to PDD-1 (Walsh), and Amending the Zoning Map.

OR

Consideration of Ordinance 317-D Denying Enactment of PDD-1 (Walsh) Zone and Denying the Re-zone of 5.9 Acres of Real Property Located at 6784 South 1300 East from R-1-8 (Single Family Residential) to PDD-1 (Walsh).

Mayor Peterson reported that the above Ordinance approves or denies enactment of PDD-1 Walsh Zone approving a re-zone of 5.9 acres located at 6784 South 1300 East from R-1-8 to PDD-1 and amending the zoning map.

MOTION: Council Member Bracken moved to approve Ordinance 317-A. The motion was seconded by Council Member Shelton.

Council Member Bracken stated that Mr. Walsh reported in 2005 when they adopted the General Plan, that this particular parcel was slated for multi-family development. With that being the long-term plan, he believed they should conform to that. The immediate neighbor to the east has higher density and height while others in the vicinity are similar. The traffic study was completed and included 1300 East, which resulted in it not reaching a point of failure. Council Member Bracken referenced the General Plan and the standard rezoning practice compared to what has been provided by ICO and saw a difference in the setbacks from 10 to 20 feet up to 50 to 75 feet. This allowed the buildings to be moved away from the single-family residences. Preservation of trees and construction of the trail provides the potential for a significant public attraction. He commented that it meets the PDD, does not set a precedent for future applicants, and meets the intent of the ordinance.

Council Member Shelton recognized that this is a difficult issue and that neighboring residents are passionate about the situation. Although sympathetic to issues raised and ideas brought forward, there is an important set of ideas that as the land use authority they are bound to live by. Planning is an area where the land use authority is required to live with the standard set in the past. Once a decision is made and an ordinance is created, that framework binds the land use authority in terms of what must be done. He agreed with Mr. Walsh's statement that the proposed development application complies with the standards set. If a land use application complies with the standards, the land use authority has the obligation to approve the request. Council Member Shelton stated that to his knowledge, the applicant has complied with every requirement with regard to the standards set forth in the ordinance. They learned through the process of the PDD ordinance, that there are

some things they would do differently if they had the opportunity. The ordinance is not perfect and can be refined over time. He appreciated the applicant's effort to come into compliance.

Mayor Peterson stated that as the land use authority, certain standards are set and the applicant has met and exceeded those standards. He appreciated their efforts and agreed that they do not need or desire compact high-density development in the City. He commented that there are areas, such as this one, that may be appropriate if well planned. The Mayor was aware of the challenges and will watch carefully as the project progresses to ensure that commitments are kept with respect to access, parking, traffic, trees, and trails. As the land use authority, the applicant has met the standards based on the ordinance and the City Council is bound to grant approval based on those standards.

Vote on motion: Council Member Bracken-Aye, Council Member Shelton-Aye, Mayor Peterson-Aye. The motion passed unanimously.

4.3 Consideration of Ordinance 318-A Approving a General Plan Amendment for Real Property Located at 7559-7571 South Prospector Drive from Low-Density Residential to Medium Density Residential.

OR

Consideration of Ordinance 318-D Denying a General Plan Amendment for Real Property Located at 7559-7571 South Prospector Drive from Low-Density Residential to Medium Density Residential.

Mayor Peterson reported that the above Ordinance approves or denies a General Plan Amendment for real property located at 7559-7571 South Prospector Drive from low-density residential to medium-density residential.

Community and Economic Development Director, Michael Johnson, explained that the request is separated into two action items. The first is the General Plan Land Use Amendment and the second is the actual zone change. Mr. Topham confirmed that the rezone can only be considered if the General Plan Amendment is approved.

MOTION: Council Member Shelton moved to approve Ordinance 318-A. The motion was seconded by Mayor Peterson.

Council Member Bracken remarked that the issue is challenging. He understood the hesitancy and the applicant's argument for keeping the overall density the same. He also understood that were the entire area to be developed, it is R-1 and should be broader than it is currently.

Vote on motion: Council Member Bracken-Nay, Council Member Shelton-Aye, Mayor Peterson-Aye. The motion failed due to lack of a unanimous vote.

4.4 Consideration of Ordinance 319-A Approving the Re-zone of Real Property Located at 7559-7571 South Prospector Drive from R-1-8 (Single Family Residential) to R-2-8 (Residential Multi-Family) and Amending the Zoning Map.

OR

Consideration of Ordinance 319-D Denying the Re-zone of Real Property Located at 7559-7571 South Prospector Drive from R-1-8 (Single Family Residential) to R-2-8 (Residential Multi-Family).

The above item was not considered due to failure of the motion on Action Item 4.3.

4.5 Consideration of Resolution 2019-12 Approving Entry into an Independent Contractor Agreement with Spectrum Engineers, Inc. for a Feasibility Study.

Mayor Peterson reported that the above Resolution approves entry into an Independent Contract Agreement with Spectrum Engineers, Inc. for a feasibility study at a cost of \$3,500 to study the issue of solar panels on City Hall.

MOTION: Council Member Bracken moved to approve Resolution 2019-12. The motion was seconded by Council Member Shelton. Vote on motion: Council Member Bracken-Aye, Council Member Shelton-Aye, Mayor Peterson-Aye. The motion passed unanimously.

4.6 Consideration of Resolution 2019-13 Approving and Ratifying Acceptance of a Bid and Awarding a Contract to D.R.D. Paving L.L.C. (Big Cottonwood Canyon Gap Trail & Roadway Construction Project).

Mayor Peterson reported that the above Resolution approves and ratifies acceptance of a bid and awarding a contract to DRD Paving, LLC for the Big Cottonwood Canyon Trail in the amount of \$189,000.

MOTION: Council Member Shelton moved to approve Resolution 2019-13. The motion was seconded by Council Member Bracken. Vote on motion: Council Member Bracken-Aye, Council Member Shelton-Aye, Mayor Peterson-Aye. The motion passed unanimously.

4.7 Consideration of Resolutions 2019-14 Approving a Grant Agreement with the State of Utah.

Mayor Peterson reported that the above Resolution approves a Grant Agreement with the State of Utah for the Arts Council in the amount of \$2,750.

MOTION: Council Member Shelton moved to approve Resolution 2019-14. The motion was seconded by Council Member Bracken. Vote on motion: Council Member Bracken-Aye, Council Member Shelton-Aye, Mayor Peterson-Aye. The motion passed unanimously.

5.0 CONSENT CALENDAR

5.1 Approval of the City Council Meeting Minutes for January 8 and January 22, 2019.

MOTION: Council Member Bracken moved to approve the Business Meeting minutes for January 8 and January 22, 2019. The motion was seconded by Council Member Shelton. The motion passed with the unanimous consent of the Council.

6.0 ADJOURN CITY COUNCIL BUSINESS MEETING.

MOTION: Council Member Shelton moved to adjourn the Business Meeting. The motion was seconded by Council Member Bracken. Vote on motion: Council Member Bracken-Aye, Council Member Shelton-Aye, Mayor Peterson-Aye. The motion passed unanimously.

The meeting adjourned at 8:30 p.m.

I hereby certify that the foregoing represents a true, accurate and complete record of the Cottonwood Heights City Council Business Meeting held Tuesday, February 19, 2019.

Teri Forbes

Teri Forbes
T Forbes Group
Minutes Secretary
Minutes Approved: March 19, 2019