

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL WORK SESSION HELD TUESDAY, MARCH 19, 2019 AT 5:03 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, Council Member Christine Mikell

**Staff Present:** City Manager Tim Tingey, 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 Jurges, Public Relations Specialist Dan Metcalf

**Others:** Scott Stevenson Pinetop Engineering, LLC

**WORK SESSION**

Mayor Peterson called the meeting to order at 5:03 p.m. and welcomed those present.

**1.0 Traffic Adaptive Presentation – Scott Stevenson with Pinetop Engineering, LLC.**

Scott Stevenson from Pinetop Engineering, LLC presented a Traffic Adaptive Report and described how key improvements function and their benefits. The first item discussed was the improvement of vehicle, pedestrian, and bicycle detection. Mr. Stevenson confirmed that it is working well. He believed some radar would be an additional benefit. Radars were discussed. Once the detection is upgraded, they will be able to make improvements to the basic signal timing parameters. Travel time was reduced by three minutes across the corridors which will save citizens \$2.2 million annually.

Council Member Bracken confirmed that there had been a 6% increase in people going green who were not previously.

Public Works Director, Matt Shipp, stated that the project included a lot of prior data collection that could be compared to the new results. UDOT took charge of the project and the City partnered with them in terms of some of the metrics they wanted measured. The three-minute reduction was impressive and will be beneficial for the future.

**2.0 Review of Business Agenda**

Mayor Peterson reviewed the business meeting agenda.

Mr. Johnson reported that Ordinance 318 includes a change to allow construction of a two-family dwelling. He confirmed that short-term rentals are not allowed. A fault line runs through the property and there is only one place a structure can be built. Rental property enforcement was discussed at length.

The budget amendment was next reviewed.

### **3.0 City Council and Staff Reports.**

#### **a. Parks, Trails and Open Spaces Committee and ULCT League Policy Committee.**

Melissa Fields, Chair of the Parks Trails and Open Space Committee was introduced. She works for *Park City Magazine* and brings great depth and experience to the committee. Ms. Fields reported that the committee meets monthly and have established their vision statement. Three areas of focus include:

- i. The creation of a Dog Park.
- ii. Crestwood Park with the intent to work with Salt Lake County.
- iii. Completion of the Bonneville Short Line Trail above Cottonwood Heights.

Other activities they have been engaged in involved listening to proposals and working with the community. The committee consists of 15 people with a huge depth of knowledge.

Mayor Peterson emphasized the growing interest in dog parks and the participation and discussions taking place.

Council Member Mikell presented the Utah League of Cities and Towns (ULCT) Policy Committee report and stated it was a successful session. She expressed concern with the tax reform and was opposed to the way it has been marketed.

#### **b. Historic Committee, So. SL Valley Mosquito Abatement, Emergency Planning, and CH Business Association – Council Member Bruce.**

Council Member Bruce stated that the Historic Committee will put out a survey at the beginning of the year asking members what they would like to prioritize. Mayor Peterson attended in her place. The Mayor explained that they were asked to prioritize goals for the upcoming year. The vice-chair has been working with the State Archiving Department on a way to archive historical documents within the City.

Mosquito abatement issues were next discussed. Council Member Bruce stated that a Stanford scientist created beneficial abatement tools that include a cell phone app that can determine the type of mosquito by its buzz. Fold up microscopes and a handheld centrifuge are used to detect malaria.

Emergency Planning was next discussed. Public Works Director, Matt Shipp, described flooding preparation and confirmed that staff will be available on Wednesday afternoons where residents can come and easily load and pack.

Council Member Bruce reviewed the Cottonwood Heights Business Association and stated that May 17 will be the Super Hero Bike Ride. She confirmed that networking events will take place monthly.

c. **Arts Council and Valley Emergency Communications Center – Council Member Shelton.**

Council Member Shelton reported that the Arts Council is preparing for the musical and hosting a series of other events. He expressed difficulty with hiring a Director. He also stated that VECC was awarded a contract for Records Management and Computer Dispatch and that the vendor has failed to perform. They have since canceled the contract, which they spent several million dollars on. The likelihood of getting much of that money back will be difficult. They are continuing to explore ideas and options for finding the best County-wide records management and dispatch systems. Solutions were discussed.

d. **Youth City Council, Wasatch Front Waste and Recycling District Board, Butlerville Days Committee and CH2 Board – Council Member Bracken.**

Council Member Bracken reported that he was unable to attend the CH2 Board meeting but it continues to be a good place to share information.

The Butlerville Days Committee is pursuing a new parade route west down Bengal Boulevard and possibly a different start time.

Wasatch Front Waste and Recycling District Board issues were next reviewed. Council Member Bracken reported that the transfer station situation has not been determined and budgeting will be considered.

The Youth Council recently completed the annual trip to the Association of Youth Council Leadership Conference. Mayor Peterson reported that he was able to attend the conference and was impressed with the quality of youth in the City.

e. **Central Wasatch Commission, Conference of Mayors, Council of Governments, UFA Board, and UFA Finance Committee – Mayor Peterson.**

Mayor Peterson reported that the Central Wasatch Commission meets monthly and includes 10 members who represent two million people. The initiative is to implement the results of the Mountain Accord. As a City, Cottonwood Heights contributes \$50,000 per year and the committee is trying to formalize what criteria will set contributions. He believed their involvement is valuable due to the City's location, UDOT, and trailheads.

The Council next discussed the Conference of Mayors. Mayor Peterson reported that the primary issue was sales tax.

Mayor Peterson reported that he serves on the Council of Governments (COG), the TRAC Committee, ZAP Tier 2 Committee, COG Public Boards Committee (which modifies and preserves roads), the Cultural Facilities Support Program (which allocates to cultural facilities throughout the Valley), and the Unified Fire Authority Board. He noted that fire school is approaching and he encouraged all to participate.

#### **4.0 Staff Reports.**

##### **a. City Council Meetings Format – City Manager Tim Tingey.**

City Manager, Tim Tingey, proposed the Monthly Department Reports be presented quarterly during the Business Session but still provide the monthly report to the Council Members in writing and post it on the City's website. He proposed that media reports be provided on a weekly basis rather than during the Business Meeting. He recommended that public hearings and decisions on non-controversial land use items where there is unanimous support from the Planning Commission and a recommendation with limited public concern and public input be made during the same business meeting. It was also suggested that board and committee reports be presented quarterly and school district reports be given during the summer months due to conflicting weekly meeting times.

##### **b. Accessory Dwelling Units (ADU's) Ordinance - Community & Economic Development Director Michael Johnson.**

Mr. Tingey requested that the ADU ordinance be brought up for a vote and believed they need a decision one way or the other. There has been a great deal of mixed public input. He confirmed that enforcement will be different if approved in some form and described options for individuals.

Mr. Johnson reviewed the parking allowance for the proposed ADU ordinance. Bedroom requirements were also discussed. He believed that allowing for a maximum of two bedrooms would be a way to functionally limit occupancy.

Mayor Peterson expressed concern with the common concern of parking on the street. He was in favor of the conditional use process and preferred to see off-street parking that is not in tandem with what is existing.

Council Member Bracken preferred the two-bedroom requirement rather than total square footage.

Council Member Shelton was opposed to anything that excludes a particular homeowner. He agreed that a set of prohibitions must be in place. If the Safety Code cannot be met, it should not be permitted. Parking was discussed.

Mayor Peterson explained ADUs that include parking pads that are used regularly and consistently make an application more palatable.

Council Member Mikell remarked that in her neighborhood, there is a covenant that disallows ADUs. She struggled with passing an ADU in a part of her district where they are not allowed. She agreed with Mayor Peterson and felt there should be a Conditional Use Permit as part of the process

and people should be aware of impacts that may impact them. Enforcement issues were discussed at length.

**5.0 Review of Calendars and Upcoming Events.**

Council Member Schedules for the next week - 2019 Calendar:

- a. March 1-30 – Photography Show @ City Hall
- b. March 25 and 26 – 6:00 p.m. to 9:00 p.m. – Little Mermaid auditions @ City Hall (Callbacks March 30 – times TBA)
- c. March 28 – 6:00 p.m. – Photography Show @ City Hall - Open House
- d. April 13 – 9:00 a.m. – Cottonwood Heights Shakeout @ Rec. Center
- 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. April 22 – 7:30 p.m. – Masterworks Concerts – Butler Middle School

**6.0 ADJOURN CITY COUNCIL WORK SESSION**

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

The Work Session adjourned at 7:05 p.m.

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL BUSINESS MEETING  
HELD TUESDAY, MARCH 19, 2019 AT 7:10 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 Bruce, Council Member Mikell

**Staff Present:** City Manager Tim Tingey, 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 Jurges, Public Relations Specialist Dan Metcalf

**BUSINESS MEETING**

**1.0 WELCOME/PLEDGE**

Mayor Peterson called the meeting to order at 7:10 p.m. and welcomed those present.

The Pledge of Allegiance was led by Boy Scout Ben Turner from Troop 3577.

**2.0 PUBLIC HEARING**

**2.1 Amendment to 2018-2019 Budget for Cottonwood Heights – Finance and Administrative Services Director, Scott Jurges.**

Finance and Administrative Services Director, Scott Jurges, reported that the first adjustment was to the reallocation as they have reorganized their departments. The next item added \$50,000 to cover the severance payout incurred during the year. IT server storage replacement totaled \$45,000 and was a much-needed update. Overtime in the Police Department had been reimbursed. He explained that the City receives revenue and there is no net impact on the organization to make that adjustment.

Road striping was moved from the General Fund to the Capital Improvements Fund. ZAP grants were budgeted into the current year's budget. It was not intended to be utilized until the next fiscal year and will be pulled out to eliminate it from being mistaken for available funds.

The Cottonwood Heights Arts Council carry-forward was next described. It was reported that the Brighton High School retention pond had to be relocated and the City will pay the contractor to take care of the issue at a cost of \$45,000. He confirmed that the re-budget of road striping will be moved from the General Fund to the Capital Improvements Fund where they would like to have it budgeted moving forward.

Mayor Peterson asked why the \$50,000 severance cannot come out of the Deferred Compensation Account. Mr. Jurges explained that the Deferred Compensation is a balance sheet account and not an expense account and involves reservation of the fund balance. Due to that classification, it is not authorized to be spent and must be appropriated as an expense.

Mayor Peterson opened the public hearing. There were no public comments. The public hearing was closed.

### **3.0 CITIZEN COMMENT**

Nancy Hardy asked that the date of important items being voted on be changed until all Council Members can be present to vote.

Ellen Mears expressed her opposition to the Accessory Dwelling Unit (ADU) Ordinance as are other residents of Golden Hills. She asked how they are to cope with the increases the ADU ordinance will permit. She expressed concern with plowing and parking along the street. Approving the ADU will increase traffic, pollution, and health concerns. She urged the Council to deny the ordinance.

Gigi Jones expressed concern with the proposed trailheads mentioned in the Wasatch Boulevard Master Plan, especially those near Kings Hill Drive and Kings Hill Place. She opposed the lack of parking and encouraged the City to acquire the property listed for sale at the end of the street. Council Member Mikell confirmed that Ms. Jones' concerns are exactly what the Parks Trails and Open Spaces Committee are considering currently. She invited her to participate on the committee. Community and Economic Development Director, Michael Johnson, indicated that notes from the Park, Trails and Open Space Committee meetings are posted online.

Lynn Krauss had looked at the disposal of unclaimed property and evidence and encouraged the donation of the bicycles to the bicycle collective.

Robert Jacobs believed it was possible to work out an ordinance where ADUs can be implemented and still preserve single-family low-density characteristics of the R-1 neighborhoods. He encouraged the Council Members to take their time and implement a good ordinance rather than the one that is proposed.

Ryan Isaac trusted the City to protect residents who oppose the proposed project located at 7559-7571 South Prospector Drive being used as a ski rental. He noted that the rental duplexes are not in compliance and result in multiple calls to the Police Department due to extensive issues. In addition, they are not conducive to a family neighborhood. He found it offensive that the issue had been put to rest and has come back to the Council again. He urged the Council to oppose the proposal.

Matt Lipstrom expressed concern with the proposed duplex and stated that the property owner told him he plans to sell one-half of his property and live in the other half. Mr. Lipstrom believed that another rental property would devalue his property and encouraged the Council to deny the proposal.

Council Member Bracken explained that any land use decision goes to the Planning Commission first for recommendation to the Council. The City Council then reviews the proposal and makes a decision.

Lynn Krauss asked for clarification on the rebuild time of an existing duplex. Mayor Peterson confirmed that the property owner has one year to rebuild what was previously existing.

Eddy Wright was frustrated with the ADU ordinance and believed it is breaking up her neighborhood. She questioned why there is not a City standard. She did not believe they should be responsible for helping residents find housing. She emphasized that housing is the responsibility of the community and the State and opposed the ADU ordinance.

#### **4.0 STANDING MONTHLY REPORTS**

##### **4.1 Monthly Finance Report – Finance and Administrative Services Director Scott Jurges.**

Finance and Administrative Services Director, Scott Jurges, presented the Finance Report for the month of February and stated that the budget is \$6,241,000 for sales tax with 50.92% having been received. The Municipal Energy Tax budget was reported at \$2,070,596, which is slightly behind after receiving seven months of revenue. The Class C Road Fund reflected that they were much closer to budget than in the past two years.

The General Fund expenditure trend was next discussed. Mr. Jurges explained that the total budget for expenses is \$16,852,663. They are 66.67% through the year and have spent 65.81% of the budget. Payroll was slightly ahead which was primarily due to the payout of severance. It was noted that benefits were slightly under budget partially due to turnover. Public Safety and Public Works were trending slightly under budget.

##### **4.2 Unified Fire Report – Assistant Chief Mike Watson.**

Assistant Fire Chief, Mike Watson, presented the Unified Fire Report for the month of February and reported that Station 110 came in 7<sup>th</sup> position and Station 116 came in 13<sup>th</sup>. There were 133 medical calls received for both stations. Station 110 received 110 calls, 83 of which were medical and 27 were fire. Station 116 had 65 total calls of which 50 were medical and 15 were fire. Top medical calls included falls, traffic accidents, and sick person calls. Top fire calls included alarms, flooding/hydrant, and public assists. Station 110 received 45 Advanced Life Support (ALS) calls, of which 37 resulted in transports. There were 38 Basic Life Support (BLS) calls, of which two were transports. Station 116 reported 26 total transports of which 24 were ALS and 2 were BLS. The safety message involved earthquake preparedness.

#### **5.0 ACTION ITEMS**

##### **5.1 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 considers a General Plan Amendment for real property located at 7559-7571 South Prospector Drive from low-density residential to medium-density residential.

Mr. Johnson presented the staff report and stated that it was prepared a few meetings ago when the matter was originally brought to the Council for public comment. He reviewed the Code reference for restoration and reconstruction of damaged buildings that are non-complying and confirmed that if non-voluntarily destroyed, a structure may be restored to the occupancy or use that existed at the time of the damage or destruction may be continued or resumed. If voluntarily damaged or redeveloped, any non-conforming structure must comply with the Code that is in place. With respect to the proposal, the zone map changes the ordinance on the property, but it is the policy of the City that the land use designation and zone use designation be compatible. Property layout was detailed. The current zoning is R-1-8 and the proposed property is R-2-8, which would allow for a two-family structure per 8,000 square-foot legal building lot. There are steep slopes with a fault line running through the lot. He felt that given the geologic and geographic constraints on the lot, they would ultimately have one unit per acre. With the zone change, they would have two units per acre, which is still low density. Mr. Johnson reported that the Planning Commission took public comment and based on their deliberation, recommended denial 5-to-1 out of concern with spot zoning and that the new zone seemed out of context with the rest of the area. Another concern was with future use as a short-term rental. Regardless of whether it is a single-family home, short-term rentals are not allowed. He confirmed that voluntary redevelopment of surrounding property is still required to be single-family residential.

Council Member Bracken asked if there was an application in process to consolidate these lots. Mr. Johnson responded that the application is pending the outcome of the current process.

**MOTION:** Council Member Mikell moved to deny 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. The motion was seconded by Council Member Bruce.

Council Member Bracken expressed concern with the lot not being consolidated and preferred a larger, more general plan be in place.

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

**5.2 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) and Amending the Zoning Map.**

Mayor Peterson explained this the above item was void due to denial of Ordinance 318.

**5.3 Consideration of Ordinance 320 Approving an Amendment to the 2018-2019 Budget.**

Mayor Peterson reported that the above ordinance approves an amendment to the 2018-2019 budget.

**MOTION:** Council Member Bracken moved to approve Ordinance 320. The motion was seconded by Council Member Bruce. Vote on motion: Council Member Bracken-Aye, Council Member Shelton-Aye, Council Member Bruce-Aye, Council Member Mikell-Aye, Mayor Peterson-Aye. The motion passed unanimously.

**5.4 Consideration of Resolution 2019-17 Approving Disposal of Unclaimed Property and Former Evidence.**

Mayor Peterson reported that the above Resolution approves the disposal of unclaimed property and former evidence.

Chief Robby Russo reported this the resolution involves property in evidence that has been lost, stolen, or otherwise seized and is ready for disposal. The law allows them to appropriate it back to their use and they have chosen never to do that. In this case, they are asking that the property be sold at auction and the funds returned to the City. The donation process was described.

**MOTION:** Council Member Shelton moved to approve Resolution 2019-17. The motion was seconded by Council Member Mikell. Vote on motion: Council Member Bracken-Aye, Council Member Shelton-Aye, Council Member Bruce-Aye, Council Member Mikell-Aye, Mayor Peterson-Aye. The motion passed unanimously.

**5.5 Consideration of Resolution 2019-18 Approving an Interlocal Agreement with Salt Lake County for Municipal Election Services.**

Mayor Peterson reported that the above Resolution approves an Interlocal Agreement with Salt Lake County for municipal election services.

**MOTION:** Council Member Mikell moved to approve Resolution 2019-18. The motion was seconded by Council Member Bruce. Vote on motion: Council Member Bracken-Aye, Council Member Shelton-Aye, Council Member Bruce-Aye, Council Member Mikell-Aye, Mayor Peterson-Aye. The motion passed unanimously.

**6.0 CONSENT CALENDAR**

**6.1 Approval of the City Council Meeting Minutes for February 19, 2019.**

**MOTION:** Council Member Shelton moved to approve the Business Meeting Minutes for February 19, 2019. The motion was seconded by Council Member Bruce. The motion passed with the unanimous consent of the Council.

**7.0 ADJOURN CITY COUNCIL BUSINESS MEETING.**

**MOTION:** Council Member Bruce moved to adjourn the Business Meeting. The motion was seconded by Council Member Mikell. The motion passed with the unanimous consent of the Council.

The meeting adjourned at 8:19 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, March 19, 2019.*

Teri Forbes

Teri Forbes  
T Forbes Group  
Minutes Secretary

Minutes Approved: April 16, 2019