

MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL WORK SESSION HELD TUESDAY, JULY 2, 2019 AT 5:00 P.M. IN THE COTTONWOOD HEIGHTS CITY COUNCIL CONFERENCE ROOM LOCATED AT 2277 EAST BENGAL BOULEVARD, COTTONWOOD HEIGHTS, UTAH

Present: Mayor Mike Peterson, Council Member Scott Bracken, Council Member Christine W. Mikell, Council Member Tali Bruce, Council Member Mike Shelton

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, Finance and Administrative Services Director S. Scott Jorges, and Communications Manager Tim Beery

Excused: Public Works Director Matt Shipp, Assistant Police Chief Paul Brenneman, Senior Planner Matt Taylor, City Planner Andrew Hulka

WORK SESSION

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

1.0 Conversion Therapy

Council Member Bruce introduced Troy Williams from Equality Utah. Mr. Williams stated that Equality Utah has been the State's LGBT political advocacy organization for the past 18 years. In 2015, they worked closely with the LDS church to pass protections for LGBT people and four pieces of legislation had been signed since that time. He reported that suicide is the leading cause of death among young people in the State and their community has been particularly concerned as LGBT youth are at a disproportionately higher risk.

Mr. Williams explained that conversion therapy began as physical abusive in the beginning and has transitioned to talk therapy, which can be equally insidious. Studies have shown that children who are subjected to rejecting behaviors associated with conversion therapy show that rates of depression double and suicide attempts triple. These techniques inevitably fail and when they do, the child will feel as if they have failed and fall into despair. After meeting with the LDS church, a strong statement repudiating practices of conversion therapy was issued. They were able to work with Representative Craig Hall and Senator Dan McKay to sponsor the legislation, which ultimately stalled in March. Within the last week, Mr. Williams reported that the Salt Lake County Council passed a resolution unanimously calling on the Legislature and Governor to act. Bill language revisions included a ban on conversion therapy torture and as long as a therapist does not offer or promise a permanent and lasting change. He believed because the State has taken a stand against this type of practice, a powerful message of healing will be sent.

2.0 City Council and Staff Reports

a. Parks, Trails and Open Spaces Committee, and ULCT League Policy Committee – Councilmember Mikell and Melissa Fields, Chair for the Parks, Trails and Opens Spaces Committee.

Melissa Fields, Chair for the Parks Trails and Open Spaces Committee, stated they have been focused on identifying the location for a dog park. Top three spaces would include land acquisitions or a lease. Barbara Gardner and Marty Shyd, an Urban Forester for Riverton City, presented a request for not only a tree ordinance, but an Urban Forester as well. A Tree Preservation Ordinance was also discussed. Ms. Fields described the recent efforts of the committee, which included construction of the Bonneville Shoreline Trail above Cottonwood Heights. It was projected to be completed within three years. Funding through the Water Conservation Fund and possibly the Trust for Public Lands was being considered and they looked forward to participating in the selection of a consultant to find in-neighborhood access east of Cottonwood Heights.

Council Member Mikell added that the Parks Trails and Open Space Committee presently has no budget. She asked about the process should they wish to make a request. City Manager, Tim Tingey explained that the process would be in conjunction with the next Council Retreat to prioritize items. Once established, they would include numbers in the budget proposal.

b. Historic Committee, South Salt Lake Valley Mosquito Abatement, Emergency Planning, and CH Business Association – Council Member Bruce.

Council Member Bruce reported that Max Evans will be resigning from the Historic Committee. The focus is currently on the Butlerville tent, which will spotlight Brighton High School's 50th Anniversary. Applications will be taken for new committee members.

It was reported that South Valley Mosquito Abatement has one confirmed case of Zika from a traveler returning from an affected area. Mosquitos carrying disease will increase as temperatures rise. Research is from the Utah Department of Agriculture, which is currently being dismantled.

The flooding threat was declared by Salt Lake County Flood Control with no reported major flooding in Cottonwood Heights. Public Works will be picking up sandbags on July 8.

Council Member Bruce reported that the next Emergency Management/Neighborhood Watch quarterly training is scheduled for August 8, 2019 at City Hall. Cottonwood Heights Business Association Member, Pat Saltzman will be taking a leave. The Board has been working on a New Strategic Plan and the Superhero Bike Ride was rescheduled to August 9. Bikes and Heights will take place very Monday in August at Mountain View Park.

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

Council Member Shelton reported that the Arts Council musical is scheduled for July 12, 13, 15, 18, 19 and 20.

For convenience, the agreement with Hexagon had been successfully terminated. They were also beginning the replacement process for the Valley Emergency Communications Center Executive Director. The current Director is retiring.

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 the Youth City Council picked up trash along the Big Cottonwood Canyon Trail and their Service Officer is making assignments for the play and Butlerville Days.

Wasatch Front Waste and Recycling has put out an additional recycling survey. Council Member Bracken confirmed that at one point WFWARD was paid for the recycling collected and it now costs 50 to 75% more to take the materials to the landfill. That has now changed and recycling disposal is more per ton than landfill tipping fees. The consensus confirmed that the City is still in support of recycling and projected changes in the way it will be processed in the future.

The Butlerville Days Parade route change will continue down Bengal Boulevard from Smith's. Notifications were discussed.

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 consists of two members who will not be returning, with a possible third. It was necessary for a new Chair, Vice Chair, Secretary, and Treasurer to be elected. The Board agreed to elect the current members for another two-year term and replace those who are no longer in office at the end of the year. Capacity of the Canyons has been a focus. Some members feel the capacity should determine the plans for future development and use. Mayor Peterson indicated that a sub-committee will be created to determine how that will take place. Blake Perez was selected to fill the Deputy Director position. Metering and placing restrictions on vehicles entering the Canyon were discussed.

As a UFA Board Member, Mayor Peterson believed they are one of the most impressive organizations he has ever worked with. He appreciated their format, communication, and transparency. Weighted voting was described.

Mayor Peterson reported that the Council of Governments (“COG”) discussed a variety of information. Transportation funding allocation was reviewed and he pushed for opening the process up to some sort of application.

The Conference of Mayors (“COM”) included discussing best practices, the Chamber of Commerce, and ADUs.

Mayor Peterson emphasized that he has tried to place himself on committees that have funds allocated to anything the City can be involved in. He confirmed that changes will be coming in future newsletters.

3. Review of Business Meeting Agenda – Mayor Mike Peterson.

Mayor Peterson reviewed the Business Meeting agenda.

Community and Economic Development Director, Michael Johnson described the Wasatch Boulevard Master Plan. Speed limits were discussed. He reported that language was modified to ensure that decibel levels are not more than currently allowed.

4. Staff Reports.

a. Facility Use Policy Discussion – Tim Tingey, City Manager.

City Manager, Tim Tingey reviewed the Facility Use Policy and stated that Chief Russo and the Cottonwood Heights Police Department (“CHPD”) have submitted a letter expressing concerns with the alcohol portion of the policy. They recommended against that provision to the Council and felt it required further discussion. He understood the issues and still supported moving it forward for Council consideration.

Council Member Mikell was of the opinion that this is a legislative issue and looked to staff to provide facts and questions where they fall short. She emphasized that they are not looking for someone’s advice and felt it was not the Police Department’s job to provide an opinion. She remarked that feedback would have been appreciated earlier in the process and expressed concern with weighing the facts. Mr. Tingey explained that staff provides recommendations and input, which is part of their role.

Council Member Bruce commented that the Police Department is more than capable of regulating a small group of citizens.

Police Chief, Robby Russo apologized for bringing the department concerns before the Council at a late date and for the lack of involvement earlier in the process. He emphasized that it is his role to express the department’s concerns and the legality of allowing alcohol at City Hall events. He believed it is not good policy to allow underage drinking in a facility managed by the City as civilians will be competing with private industry.

City Attorney, Shane Topham clarified that the decision to go into competition with reception centers was made when the policy was first enacted and was decided upon to allow events to take place in City Hall. He stated that the fundamental decision has been made and commented that government competes with private industry on many different occasions.

Mayor Peterson emphasized that the Police Department had many opportunities to express their concerns previously and suggested that communication be improved so that these discussions take place earlier in the process.

Council Member Bracken was in favor of passing on the changes as proposed and removing the alcohol component until further discussion can take place. A public survey was also recommended. Mayor Peterson was prepared to move forward with the policy.

b. **Planned Development District Ordinance Revision – Consultant Contract – Community & Economic Development Director, Michael Johnson.**

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

Council Member Schedules for the next week - 2019 Calendar:

- a. July 4 – City offices will be closed in observance of the holiday
- b. July 12, 13, 15, 18, 19, 20 – (check website for times) - Little Mermaid performance at Butler Middle School
- c. July 24 - City offices will be closed in observance of the holiday
- d. July 26 – Starting at 4:00 p.m. - Butlerville Days
- e. July 27 – All Day – Butlerville Days
- f. August 13 – Primary Election

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

There was no closed meeting.

7. **Adjourn City Council Work Session.**

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

The Work Session adjourned at 7:02 p.m.

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL BUSINESS MEETING
HELD TUESDAY, JULY 2, 2019 AT 7:06 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, Police Chief Robby Russo, Community and Economic Development Director Michael Johnson, Records Culture and Human Resources Director Paula Melgar, Finance and Administrative Services Director S. Scott Jorges, City Attorney Shane Topham, Assistant Fire Chief Mike Watson, and Public Relations Specialist Tim Beery

Excused: Public Works Director Matt Shipp, Senior Planner Matt Taylor, City Planner Andrew Hulka, and Assistant Police Chief Paul Brenneman

BUSINESS MEETING

1.0 WELCOME/PLEDGE

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

The Pledge of Allegiance was led by City Manager, Tim Tingey.

2.0 ACKNOWLEDGMENTS

2.1 Presentation of New Cottonwood Heights Police Officer Steve Floor – Chief Robby Russo.

Police Chief, Robby Russo introduced New Cottonwood Heights Police Officer Steve Floor. Officer Floor reported that he previously worked with the Salt Lake City Airport Police Department and purchased a home in Cottonwood Heights last October. He is engaged to be married and was excited to be part of the CHPD.

2.2 Presentation of Honorary Colonels – Chief Robby Russo.

Chief Russo introduced the newest CHPD Honorary Colonels, Tim Blair and Michael Doolin.

Michael Doolin is co-owner of Hillside Tire and is an outstanding member of the community. Mr. Doolin reported that he opened for business in 1991 and it has been a pleasure being a part of the City. He appreciated the efforts of the CHPD and their service.

Chief Russo reported that Tim Blair is a resident of District 4 and the owner of two insurance companies. Mr. Blair appreciated the support of the Police Department and their work in the community.

3.0 CITIZEN COMMENTS

Nancy Hardy stated that citizen comments were made regarding the budget shortly before the Council voted and she believed their comments were considered. She suggested there be a question and answer period.

Katherine Peterson asked that there be a greater focus on current citizens.

Jo Clay expressed frustration with the City's website and the ability to find information. She asked that the newsletter include important information regarding decision making.

Tim Hallbeck commented that with users relying on different platforms that the City make meeting agendas available with links to the various documents and information.

Mayor Peterson opened the meeting to public comment regarding the Wasatch Boulevard Master Plan.

Community and Economic Development Director Michael Johnson reviewed the Wasatch Boulevard Master Plan and stated that the role of the Master Plan is similar to that of a City's General Plan. The proposal is a long-range planning document that establishes a clear direction and vision for the future. It is used to guide current and future City leadership in making decisions, setting policies, allocating budget, and requesting funding. The Wasatch Boulevard Master Plan is a long-range area plan for the eastern portion of Cottonwood Heights spans the entire north both boundary of the City including Wasatch Boulevard. The plan also includes connections to adjacent municipalities, ski resorts, and other nearby areas.

The plan sets forth the following seven goals:

1. Preserve and enhance the character and livability of existing residential neighborhoods.
2. Move people through the corridor reliably and safely.
3. Increase travel choices along the Wasatch Boulevard corridor.
4. Enhance opportunities for recreation along the corridor.
5. Preserve and enhance scenic and natural qualities along the corridor.
6. Promote and prioritize sustainable solutions to Wasatch Canyon access at a local and regional scale.

7. Identify potential land uses for new development or redevelopment in the corridor area.

Mr. Johnson stated that the final plan recommendations seek to balance each of the goals in a beneficial way. Examples of varied recommendations were reviewed. The project officially kicked off in August 2017 with an initial Open House in November 2017 to receive general input and feedback. Over 100 comments were received, which were incorporated into the goals and plan. A similar round of feedback was received at a second Open House held in March 2018 to share plan recommendations and potential scenarios. The public input was directly incorporated into the plan and emphasized their influence in the final goals, recommendations, and preferred scenarios.

In early 2018, a project webpage was established to provide public access to the draft master plan followed by three formal public hearings in consideration of a proposed draft master plan document. This culminated in the Commission's unanimous recommendation of approval to the City Council. Although scheduled for final action in October 2018, the Council decided on a few occasions to reschedule the vote to provide additional feedback and incorporate relevant public comments received at UDOT open houses.

The Wasatch Boulevard Master Plan is a publicly responsive, well refined document with goals, objectives, and recommendations resulting from an open and transparent process informed by substantial input and close collaboration with UDOT leadership. City staff and the Planning Commission recommended approval of the document. Staff felt that the plan was an important starting point in establishing and legitimizing a clear vision of the Wasatch Boulevard area that the City can work to achieve on its own and in partnership with critical shareholders.

John Thomas identified himself as the UDOT Project Manager for Wasatch Boulevard. He has also served as a Technical Advisory Committee Member. He appreciated communication with Mayor Peterson and confirmed that UDOT leadership has made a commitment to make Wasatch Boulevard a gateway facility. He believed the Master Plan is key to understanding the needs of the roadway in the community and is broad. It is their intent to take the plan and refine it into a visioning document that places gateway elements in specific locations. A two-step process will be implemented that will include experts from around the country who will conduct three days of baseline assessment and engage the Council, Mayor, and citizens. They will then provide a description of what the corridor will look like as a result of those assessments followed by further refinement of the design. Mr. Thomas confirmed that they have addressed concerns regarding speed through various means but none seemed satisfactory. Traffic engineers suggested the posted speed be 35 MPH and indicated that the issue will continue to be a work in progress.

Council Member Bracken commented that simply changing the signs along Wasatch Boulevard will not completely result in reduced speeds. He asked if geometries or other devices will be added to help drivers comply. Mr. Thomas reported that helpful additions will be included in the design features along with enforcement as it is a commuter route. He emphasized that there will be a need to work together.

Council Member Mikell expressed appreciation to Mr. Thomas and UDOT for listening to the concerns and opinions of the citizens. She encouraged those making comments to use thoughtful consideration and believed they will be proud of what is takes place in the next three to five years.

Ron Schwartz reported that he is an Electrical Engineer and a member of the Cottonwood Heights Amateur Radio Club, which provides emergency communications in emergencies. He expected to be better informed as Wasatch Boulevard is was moving along and hoped for better communication going forward.

Nancy Kuhn, 26-year Cottonwood Heights resident, desired a clear, concise report showcasing the preferred scenario. She commented that the use of bold type would reduce vagueness and confusion of the current document. A decrease in speeds along with bike lanes for increased safety were suggested. Prior to widening, she encouraged a thorough evaluation to ensure that there are no adverse impacts to homeowners. Communication by tuning into a specific radio channel for updates was suggested.

Lynn McAdams expressed concern with traffic along Wasatch Boulevard and believed that making it more convenient to take transit up the canyon and lowering speeds will limit the number of commuters. She suggested that the City also implement a noise ordinance and identified pollution as a concern.

Amelia Ortega supported a lower speed limit and asked that every effort be made to reduce air pollution. She was concerned about environmental issues and animals crossing Wasatch Boulevard. She recommended there be better communication.

Ryan Crandall commented that he had not received any notices regarding the Wasatch Boulevard Master Plan and believes there is a disconnect. He stated that traffic is heavier on weekends and during ski season and suggested the focus be on canyon transportation. He questioned UDOT conveying to six homeowners that they may have eminent domain over their homes, which he considered to be unethical. He encouraged the Council to consider the lives they may be impacting.

Lynn Krauss expressed appreciation to Mr. Thomas for his comments and the time and effort staff have put into the Wasatch Boulevard Master Plan. She believed the document was too large and suggested it only include the preferred scenario. Any additional information should be placed in the appendix.

Deborah Case felt now was an inappropriate time to vote on the proposed ordinance as many were frustrated and confused and felt they had not been heard or represented. She urged the Council to postpone the vote until further notice and consider their actions.

Brian Allen, a 34-year Cottonwood Heights resident, stated that he has stopped biking along Wasatch Boulevard due to safety concerns and believed it is too narrow. He appreciated the citizen input and believed it has enabled UDOT to be more engaged moving forward. He was in favor of the Master Plan and planning responsibly for growth. He applauded the City Council and UDOT for coming together. He found it encouraging that there will be time to have citizen involvement and citizen input to shape the plan in the future.

Jennifer Murphy recommended there be additional law enforcement on snow days for those cutting through Top of the World neighborhood. She appreciated the proposed lower speed limit.

Nancy Hardy asked who is responsible for the placement of the transit center within the gravel pit. She stated that the center closer to Big Cottonwood Canyon will be beneficial to skiers but will have a negative impact on Fort Union Boulevard. She suggested that the transit center be located closer to I-215.

Mayor Peterson confirmed that the Legislature recently allocated \$13 million to assist in property acquisition.

Cindy Mariona identified herself as a realtor and expressed concern with access to surrounding neighborhoods from 8350 South Wasatch Boulevard. She believed that more Park and Ride lots and more effective bus transit to the ski resorts would alleviate congestion issues. Providing public meeting information in the newsletter and City website was also encouraged.

Jo Clay reported that she is a five-year resident of Cottonwood Heights and expressed frustration with the unsafe conditions at the High-T intersection. She gave input regarding the turn through the light and found it difficult to navigate as the lanes are narrow. She felt that she and others in the community are not listened to. She appreciated the way the City Council and UDOT have worked together but remained concerned with an increase in the number of lanes. She found traffic speeds with bicyclists alongside to be extremely unsafe.

There were no further public comments. Mayor Peterson closed the citizen comment.

In response to a question raised, Mr. Johnson stated that the first several pages of the proposed ordinance are an executive summary. It is possible to post the entire plan and then post the executive summary as a separate PDF to create a shorter, more streamlined version.

Mayor Peterson emphasized that hundreds of comments have been received, numerous open houses conducted, and information posted on the City's website. He stated that the City will continue to improve communication and create more transparency on the subject.

Council Member Bracken reported that a new website is being development and will allow for better search results.

Council Member Bruce concurred with the efforts to improve communication and suggested that there be further exploration of additional mediums.

Council Member Mikell reported that after postponing the vote in October 2018, the City Council reached out to Mr. Thomas to discuss short-term and long-term solutions for Wasatch Boulevard. He brought with him engineers who provided information and listened to Council and citizen input. The Council is working to create a more informative newsletter along with a more user-friendly website. She personally has spent hours going through the proposed ordinance and most of her recommendations were incorporated into the document. She welcomed additional citizen input with

respect to improving communication and stated that the Council will continue to find solutions to further enhance the community.

Council Member Shelton agreed that most, if not all, of his suggestions had been incorporated as well and some items that were not. He believed that when creating a document of this type, respect for property rights should remain a priority. The intent was not to diminish the rights of any particular group. Recently, language was changed regarding the concept of a transit hub. If it is located at the mouth of Big Cottonwood Canyon, it will be because the result of working with the private property owners.

Mayor Peterson commented on the City's relationship with UDOT and the potential to implement something with a much more positive impact on the corridor. UDOT has stepped forward and changed their mode of operation because of public input. He believed that the citizens have been heard and going forward, communication will be critical. He emphasized that they are open and receptive to input.

4.0 ACTION ITEMS

4.1 Consideration of Ordinance 328 Approving a Wasatch Boulevard Master Plan Element of the City's General Plan.

Mayor Peterson reported that the above Ordinance approves the Wasatch Boulevard Master Plan Element of the City's General Plan.

MOTION: Council Member Mikell moved to approve Ordinance 328. The motion was seconded by Council Member Bruce. Vote on motion: Council Member Shelton-Aye, Council Member Bracken-Aye, Council Member Mikell-Aye, Council Member Bruce-Aye, Mayor Peterson-Aye. The motion passed unanimously.

4.2 Consideration of Resolution 2019-33 Adopting a Public Property Use Policy.

City Attorney, Shane Topham reported that historically, the Utah Code has made it a crime to misuse public monies but have not been clear about the misuse of public property. The Legislature recently enacted HB-163, which criminalizes and enhances criminal penalties for the misuse of public property. Local governments were invited to enact a policy defining the permissible private use of public property recognizing that the City has employees who are entrusted with City property. He confirmed that the ordinance recognizes that certain non-substantial private use of public property is permissible.

MOTION: Council Member Bracken moved to approve Resolution 2019-33. The motion was seconded by Council Member Shelton. Vote on motion: Council Member Shelton-Aye, Council Member Bracken-Aye, Council Member Mikell-Aye, Council Member Bruce-Aye and Mayor Peterson-Aye. The motion passed unanimously.

4.3 Consideration of Resolution 2019-34 Approving a Consulting Agreement with Landmark Design, Inc. for Analysis of Code Chapter 19.51.

Mr. Johnson explained that the proposal involves a Contract Agreement with Landmark Design, Inc. It is a 2019 Council priority and is reflected in the City’s Administrative Direction Plan to review and make necessary modifications to the Planned Development District (“PDD”) Code. Staff recommended initiating this service to ensure that the work is completed at a high level and in a timely manner. Council Member Bruce was excited the PDD is being revisited prior to utilization at the gravel pit.

MOTION: Council Member Mikell moved to approve Resolution 2019-34 and amend the scope of work set forth on page 1 to include the Council. The motion was seconded by Council Member Shelton. Vote on motion: Council Member Shelton-Aye, Council Member Bracken-Aye, Council Member Mikell-Aye, Council Member Bruce-Aye and Mayor Peterson-Aye. The motion passed unanimously.

5.0 CONSENT CALENDAR

5.1 Approval of the City Council Work Session, CDRA Meeting and Business Meeting Minutes of May 21, 2019

MOTION: Council Member Shelton moved to approve the City Council Work Session, CDRA Meeting and Business Meetings Minutes of May 21, 2019. Council Member Bruce seconded the motion. The motion passed with the unanimous consent of the Council.

6.0 ADJOURN CITY COUNCIL BUSINESS MEETING

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

The meeting adjourned at 8:38 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, July 2, 2019.

Teri Forbes

Teri Forbes
T Forbes Group
Minutes Secretary

Minutes Approved: August 6, 2019