

MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL WORK SESSION HELD TUESDAY, SEPTEMBER 17, 2019 AT 5:00 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 Scott Bracken, Council Member Tali Bruce, Council Member Christine Mikell, Council Member Mike Shelton

Staff Present: City Manager Tim Tingey, Police Chief Robby Russo, Public Works Director Matt Shipp, Community and Economic Development Director Michael Johnson, Records, Culture and Human Resources Director Paula Melgar - City Recorder, Finance and Administrative Services Director S. Scott Jorges, City Attorney W. Shane Topham, Assistant Fire Chief Mike Watson, Public Relations Specialist Tim Beery, Senior Planner Matt Taylor, City Planner Andrew Hulka, Assistant Police Chief Paul Brenneman

WORK SESSION

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

1.0 Central Wasatch Commission (“CWC”) Report – Ralph Becker, CWC Executive Director.

Central Wasatch Commission Executive Director, Ralph Becker reviewed short-term transportation issues and stated that they are working with UDOT on the Cottonwood Canyons Transportations Action Plan (“CCTAP”). Funding is through all of the local governmental entities in and immediately adjacent to the Central Wasatch Front and Back. Mr. Becker reported that the CWC grew out of Mountain Accord and they are currently on their fourth draft of the federal legislation. As they have revised the draft, it has gone out for public review. They are now at the end of the comment periods on the most recent draft with the objective being to get recommendations to the CWC at its October 7, 2019 meeting. Mr. Becker noted that a previous version was adopted in November of 2018 and the current iteration reflects those comments. The general response had been positive and the changes have been well received.

Mr. Becker explained that land exchanges for the most part closely reflect what came out of Mountain Accord. Alta Ski Lifts decided last year to not move forward with their land exchange proposal and pulled out of the Accord. As a policy, they generally do not accept split estate lands and the draft explicitly authorizes the Forest Service to accept split estate lands. Acceptable land issues were discussed.

The environmental impact study was next reviewed. Ms. Becker explained that the CCTAP process is scheduled to be completed in early 2021. The major focus is determining what can be done this upcoming winter and the following. A list of items being worked on was referenced. Requiring snow tires for all vehicles traveling up the Canyon was discussed as well as coming into compliance without creating additional congestion.

Council Member Mikell emphasized that with enforcement, drivers and rental car companies will be forced to come into compliance. She expressed her support and was confident that the community will be behind this action.

Mr. Becker stated that UDOT has hired a full-time employee to work specifically on canyon communication issues. Car rental agencies have a very powerful lobby on the hill and it is not a coincidence that this policy item is toward the top of the list. The CWC is focused on utilizing local governments interested in trying to solve this issue. Mass transit is an enormous key in solving some of the congestion issues. Buses are operating at 50% capacity due to congestion. It was suggested that if they had an escort to bypass congestion points, it would make an enormous difference in how much service can be delivered.

Working toward getting people on transit or reducing single-occupant use was key. Mr. Becker remarked that tolling must go through an Environmental Impact Study (“EIS”) and will require facility improvements near the mouth of the Canyons. UDOT is taking the lead and conducting a complete analysis of tolling options and whether they are feasible for Big and Little Cottonwood Canyons. The goal is not to make money but to incentivize people into taking transit or carpooling, thereby alleviating congestion. He pointed out that if Big Cottonwood Canyon was a national park, it would be the third-largest in the county. It is their goal to solve issues today to ensure better use in the future.

Communication with UDOT was encouraged. It was confirmed that State law prohibits buses from providing exterior ski storage. Interior bus design was discussed.

2.0 Review of Business Meeting Agenda – Mayor Mike Peterson.

Mayor Peterson reviewed the upcoming Business Meeting agenda.

3.0 City Council and Staff Reports.

a. Storm Water Master Plan Update – Public Works Director Matt Shipp.

Public Works Director, Matt Shipp reviewed the Storm Water Master Plan update and stated that it includes impact fees to ensure that they are up to date and include a user fee.

b. Outdoor Lighting – Senior Planner, Matt Taylor (for Consideration on October 15, 2019).

City Manager, Tim Tingey reviewed outdoor lighting issues and stated that they are requesting additional direction from the Council regarding the residential portion.

Senior Planner, Matt Taylor described the Outdoor Lighting Plan where the key issue is the Applicability section. He confirmed that it will apply to all new construction with the exception of Single-Family Residential. It would also apply to additions and an increase of land use by 25% or

more or interior remodels affecting 50% or more of a structure. As drafted, any property east of Wasatch Boulevard will have half the allowable lighting.

Mr. Taylor explained that total site illumination is limited to one-foot candle per square foot. Single-Family Lighting Plan requirements were described. It was noted that most changes are marginal and will be similar to any other lighting plan. Full cut-off lighting design was addressed.

Mayor Peterson stated that they want to require an advisory of new construction and did not believe it was onerous. When an application is made, he emphasized the importance of the applicant comprehending the standard.

Council Member Shelton expressed opposition to doing an interior remodel and having to scrap the outdoor lighting.

Council Member Mikell supported requiring new residences have full cut off fixtures.

Language clarifying the applicability of interior and exterior lighting requirements was discussed at length.

Mr. Tingey stated that they plan to bring the matter forward for consideration at the October 15 meeting. He confirmed that changes can be made and reviewed prior to that date.

c. **Wasatch Front Regional Council Funding Programs – Community and Economic Development Director Michael Johnson and Public Works Director Matt Shipp.**

Community and Economic Development Director, Mike Johnson provided an introduction for the Wasatch Front Regional Council (“WFRC”) Funding Program and reported that they are the regional transportation planning organization. The WFRC administers a number of grants, many of which come from federal funding sources. There are four grant programs that have Letters of Intent due within the week. The letters are preliminary statements expressing interest. Mr. Johnson explained that once they are past this phase of the project, they will present the prioritized project prior to submitting a full application. The various projects were described.

Mr. Shipp addressed the intersection at Highland Drive and Bengal Boulevard. He stated that in the afternoons, traffic is backed up east of Bengal Boulevard for those trying to turn left along Highland Drive. It is their intent to upgrade the intersection with double left turns on through lanes as well as a widening to accommodate bike traffic. A dedicated turn signal will also be included. The intent is to improve safety and the flow of traffic.

The proposed improvements to the intersection of Bengal Boulevard and 3500 East were next discussed. The improvements include a roundabout as staff receives consistent complaints of cars running the stop sign. Pedestrian improvements were also proposed. Mr. Johnson confirmed that the projects fit under STP and CMAC.

The next program reviewed was the Transportation Alternatives Program (TAP) for construction and planning of bicycle and pedestrian facilities. An update to the Bike and Trails Master Plan will be based on updating standards to comply with the current County classification and terminology as well as how they reference bike lanes. The concept requires analysis in order to determine maintenance implications. Exploring creative solutions was suggested.

The transportation land use connection was next addressed, which is locally funded and available immediately. Mr. Johnson indicated that they provide planning assistance to help communities achieve goals, specifically planning for growth and change. This is where they came up with the Wasatch Gravel Pit Study, Wasatch Boulevard Master Plan, Fort Union Boulevard Master Plan, and last year they applied for the General Plan funding, which was declined. Staff was proposing to revise any development ordinances that would help to directly implement the results of this plan and other plans funded previously by the program.

Mr. Shipp confirmed that Danish Road was recently placed on the Overall County Plan for Arterial Roads. The cost of updating the road width, right-of-way, and sidewalk was estimated at \$10 to \$15 million.

Mayor Peterson continued the Work Session to begin the Business Meeting at 6:58 p.m.

The City Council resumed the City Council Work Session at 7:51 p.m.

4.0 Review of Calendars and Upcoming Events

Council Member Schedules for the next week - 2019 Calendar:

- a. September 21st – 10:00 a.m. to 1:00 p.m. – Bark in the Park at Mountain View Park.
- b. September 21st – 8:00 a.m. to 11:00 a.m. – Station 110 Firehouse Breakfast - Open House and Pancake Breakfast.
- c. September 27th – 11:30 a.m. – CHBA: Everything You Need to Know Luncheon, City Hall Community Room (\$20 sign up on-line).
- d. September 27th – 5:00 p.m. – CHBA Ribbon Cutting for F45 Training at 3418 East 7800 South (next to Smith's Shopping Center).
- e. October 1st through the 31st – Art Show Reception at City Hall.
- f. October 3rd – 7:00 p.m. to 9:00 p.m. – Art Show Awards at City Hall.
- g. October 7th – 6:30 p.m. – Townhall Meeting: Impact of Canyons on Wasatch Boulevard.
- h. October 8th – 6:00 p.m. – Youth City Council Dinner with the Mayor, City Council and Department Heads.
- i. October 10th – 6:30 p.m. to 8:30 p.m. – Meet the Candidates Night at City Hall.
- j. October 12th – 7:00 p.m. – Rhythm in the Heights at Butler Middle School.
- k. October 25th – Monster Mash at the CWHRC.
- l. October 31st – 3:00 p.m. through 5:00 p.m. – Trunk or Treat at the City Hall Parking Lot.
- m. November – Donations for Road Home – Drop Off at City Hall.
- n. November 5th – General Election.
- o. December 2nd – Light the Heights at City Hall.

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

MOTION: Council Member Bracken moved to close the Work Session and open the Closed Session for the discussion of discussing personnel items and potential litigation. The motion was seconded by Council Member Bruce. The motion passed with the unanimous consent of the Council.

The Work Session closed at 8:04 p.m.

6.0 Adjourn City Council Work Session

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

The meeting adjourned at 8:47 p.m.

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL BUSINESS MEETING
HELD TUESDAY, SEPTEMBER 17, 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, Council Member Tali Bruce, Council Member Christine Mikell

Staff Present: City Manager Tim Tingey, Police Chief Robby Russo, Public Works Director Matt Shipp, Community and Economic Development Director Michael Johnson, Records, Culture and Human Resources Director Paula Melgar - City Recorder, Finance and Administrative Services Director S. Scott Jorges, City Attorney W. Shane Topham, Assistant Fire Chief Mike Watson, Public Relations Specialist Tim Beery, Senior Planner Matt Taylor, City Planner Andrew Hulka, 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 PROCLAMATIONS AND RECOGNITIONS

2.1 Unified Fire Authority (UFA) will award Officer Polly Harris and Officer Brayden Phelps with Lifesaving Awards - UFA

Chief Watson introduced Medical Division Chief, Jay Torgerson. Chief Torgerson commented that he had had the pleasure of working for approximately five years for Cottonwood Heights and appreciated the opportunity. He expressed gratitude for the City's police officers when they arrive on the scene. In March 2018, the crew at Station 110 responded to a call on Fort Union Boulevard to the report of a full arrest. The information received was they were responding to a 16-year-old young man. He explained that if CPR is started and initiated within two minutes of going down, it doubles the chance of survival. When they arrived, a young man was found who had been accidentally electrocuted. The four officers on scene rotated fully into what the crews were doing and provided effective CPR. There was a positive outcome and the victim was transported and medical personnel were able to restore his heartbeat on scene. Chief Torgerson expressed gratitude for the officers and their life-saving efforts.

Officers Polly Harris and Brayden Phelps were introduced.

Officer Harris reported that she has been an officer in Cottonwood Heights for 11 years and having spent five years with the University of Utah. She now works as a School Resource Officer at Brighton High School.

Officer Brayden Phelps commented that he has been with Cottonwood Heights for nearly three years and loves it.

2.2 Proclamation 2019-07 Recognizing the Brighton High School Boys Soccer Team State Championship – Mayor Peterson.

The above item was postponed.

2.3 Proclamation 2019-08 Recognizing the Baha’i Community Day in Cottonwood Heights – Mayor Peterson.

Mayor Peterson recognized the Baha’i Community Day in Cottonwood Heights and was impressed with the service they render. They have provided service to officers and public safety fire fighters as well as in other areas of the City.

A representative of Baha’i Community Day reported that she has served as Correspondence Secretary for the past three years. She has been able to meet with Community and Economic Development Director, Mike Johnson for guidance and help. They believe that prayer and service go hand-in-hand. Virtue classes are offered and they teach from a young age how to be of service to humanity. Junior Ute programs are also offered. Their emphasis is to teach and reinforce good human beings. They are celebrating the bicentennial of the birth of the Bahauallah. His ministry lasted nine years and he was born in the southern part of Iran.

Mayor Peterson read a Proclamation recognizing the Baha’i Community promoting unity, peace, and justice. October 22, 2019, marks the 202nd anniversary of the Baha’i faith founder who brought a message of human dignity and oneness. The Baha’i of Cottonwood Heights is commemorating the 202nd anniversary along with Baha’i across the United States and around the world. Cottonwood Heights declared Tuesday, October 22, 2019 as Baha’i Community Day in the City recognizing the anniversary of the birth of Bahauallah and urging all to resolve on this day to promote in themselves and their relations with others those qualities and attributes that will help bring about the recognition the oneness of humanity to embrace diversity and work for unity in the local community, country, and in the world.

2.4 Beautification Awards - Presented by Mayor and City Council.

The above item was postponed.

3.0 CITIZEN COMMENTS

Lynn Krauss asked that the Council listen to the previous Planning Commission Meeting regarding two condominium developments along Fort Union Boulevard. She read comments from the meeting stating that the intent of the incorporation of the City was to gain control over land use within the

City and wanting new neighbors but keeping development sensible. The comments resonated with her because they are the same as have been made over the last 15 years. She believed the City has missed the mark with the Fort Union Master Plan and it is being used to increase height, density, reduce setbacks, and comments are not being heard with respect to approving variances.

Tim Hallbeck commented that feedback he received from the past agendas included comments that they were not given enough time to review items. He asked if there was a way to outline discussion items in advance similar to meeting agenda action items. Council Member Bracken suggested Mr. Hallbeck look through the Work Session agenda items as an indicator of matters that will at some point be on the Business Session agendas.

Rex Leetham, a Scottish Drive resident, indicated that he experienced a flood on August 8 caused by the storm system's inability to handle the water runoff. The water built up in the street which created a lake. The water entered his yard breaking windows and filling his basement with 33,000 gallons of water. Travelers Insurance was provided with as much information as possible. Communication had been sporadic. Mr. Leetham's main concern was that Travelers Insurance will not speak to other Scottish Drive residents who have lived there 20 to 25 years and have witnessed the flooding firsthand. Travelers denied his claim but were happy to offer a \$7,000 courtesy payment if he would relieve the City of any liability. Mr. Leetham stated that his claim currently stands at \$91,000. He believed the \$7,000 settlement is not fair or right. He asked the Council and staff to address this issue on his behalf.

Mayor Peterson was empathetic to Mr. Leetham's frustrations. As a municipality, the City goes through the insurance company and at this point must legally allow them to complete their due diligence. The City had not yet received a final resolution. Mr. Leetham reported that he spoke with the insurance company and asked if they were willing to speak with any of his witnesses or residents on Scottish Drive. He was told that was not pertinent to his claim. He believed it was pertinent since this was one-time weather event that has been going on for 20 years. He asked for a fair investigation.

Gary McGee gave his address as 3502 East Big Rock Lane, adjacent to the Giverny project. He expressed concern with Wasatch Boulevard and noticed it was on the agenda for restriping. He believed the developers were responsible for the asphalt work, paving, and striping. Much of what was striped has worn away and without the stripes, motorists drive close to the road and do not pay attention to turning left into Giverny. He asked that when the striping takes place that they are one of the first to be taken care of. Mr. Shipp confirmed that restriping is on the plan and they are required to complete it within 45 days of starting the project.

4.0 ACTION ITEMS

4.1 Consideration of Resolution 2019-52 Approving a Grant Agreement with the State of Utah for the 2019 Arts and Museums Division Grant.

Mayor Peterson reported the above Resolution approves a Grant Agreement with the State of Utah for the 2019 Arts and Museums Division Grant.

MOTION: Council Member Shelton moved to approve Resolution 2019-52. 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 2019-53 Accepting a Bid and Approving a Construction Contract with Kilgore Contracting for the 3000 East Overlay Project.

Mayor Peterson reported that the above Resolution accepts a bid and approves a construction contract with Kilgore Contracting for the 3000 East Overlay Project in the amount of \$223,162. It was noted that 3000 East is owned by the City of Holladay and Cottonwood Heights. He appreciated the collaboration of the City of Holladay.

MOTION: Council Member Bracken moved to approve Resolution 2019-53. 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.

4.3 Consideration of Resolution 2019-54 Accepting a Bid and Approving a Construction Contract with M & M Asphalt Services, Inc. for the 2019 Asphalt Crack Seal Project.

Mayor Peterson reported that the above Resolution accepts a bid and approves a Construction Contract with M&M Asphalt Services, Inc. for the 2019 Asphalt Crack Seal Project.

MOTION: Council Member Bruce moved to approve Resolution 2019-54. 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, Mayor Peterson-Aye. The motion passed unanimously.

4.4 Consideration of Resolution 2019-55 Accepting a Bid and Approving a Construction Contract with Peck Striping, Inc. for the 2019 City-Wide Striping Project.

Mayor Peterson reported that the above Resolution accepts a bid and approves a Construction Contract with Peck Striping, Inc. for the 2019 City-Wide Striping Project in the amount of \$109,197.

MOTION: Council Member Bracken moved to approve Resolution 2019-55. The motion was seconded by Council Member Mikell. Vote on motion: Council Member Shelton-Aye, Council Member Bracken-Aye, Council Member Mikell, Council Member Bruce-Aye, Mayor Peterson-Aye. The motion passed unanimously.

4.5 Consideration of Resolution 2019-56 Accepting a Bid and Approving a Construction Contract with D.R.D. Paving, LLC. for the Mountain Estates Sump Project.

Mayor Peterson reported that the above Resolution accepts a bid and approves a construction contract with D.R.D. Paving, LLC. for the Mountain Estates Sump Project for \$39,686. The project includes stormwater remediation that comes off a street that has been dumping into Memorial Estates, which is now being developed.

MOTION: Council Member Shelton moved to approve Resolution 2019-56. The motion was seconded by Council Member Mikell. Vote on motion: Council Member Shelton-Aye, Council Member Bracken-Aye, Council Member Mikell, Council Member Bruce-Aye, Mayor Peterson-Aye. The motion passed unanimously.

4.6 Consideration of Resolution 2019-57 Approving Appointments to the City's Historic Committee.

Mayor Peterson reported that the above Resolution approves the City Manager's appointment of Paul Brenner to the City's Historic Committee and Jim Kitches as the Chair Pro Tem of the Historic Committee. Mr. Tingey stated that they were able to interview Paul Brenner. They were excited to have him on board and appreciated his willingness to serve.

MOTION: Council Member Bruce moved to approve Resolution 2019-57. The motion was seconded by Council Member Bracken. Vote on motion: Council Member Shelton-Aye, Council Member Bracken-Aye, Council Member Mikell, Council Member Bruce-Aye, Mayor Peterson-Aye. The motion passed unanimously.

4.7 Consideration of Resolution 2019-58 Approving Re-appointments to the City's Parks, Trails and Open Space Committee.

Mayor Peterson reported that the above Resolution approves reappointments to the City's Parks Trails and Open Space Committee. Mr. Johnson stated the four committee members up for appointment include Melissa Fields, Matthew Dominesey, Ronna Cohen, and Erin Davis. When originally created, the Ordinance specifies three-year terms. Terms are staggered so there are never major turnovers in any given year.

MOTION: Council Member Mikell moved to approve Resolution 2019-58. The motion was seconded by Council Member Bruce. Vote on motion: Council Member Shelton-Aye, Council Member Bracken-Aye, Council Member Mikell, Council Member Bruce-Aye, Mayor Peterson-Aye. The motion passed unanimously.

4.8 Consideration of Resolution 2019-59 Approving Entry into a Consulting Agreement with T-O Engineers, Inc. for a Stormwater Master Plan Update.

Mayor Peterson reported that the above Resolution approves entry into a Consulting Agreement with

T-O Engineers, Inc. for a Stormwater Master Plan update. Mr. Shipp explained that the Master Plan is a document used when planning various types of projects. The process involves investigating the current system and looking for places old pipes and deterioration. The proposed plan also provides the City with a map for budgeting and the opportunity for fee review. It was noted that the item was budgeted several months earlier.

MOTION: Council Member Bracken moved to approve Resolution 2019-59. The motion was seconded by Council Member Shelton. Vote on motion: Council Member Shelton-Aye, Council Member Bracken-Aye, Council Member Mikell, Council Member Bruce-Aye, Mayor Peterson-Aye. The motion passed unanimously.

5.0 CONSENT CALENDAR

5.1 Approval of the City Council Meeting Minutes of August 6, August 27, and September 3, 2019.

MOTION: Council Member Bruce moved to approve the City Council Meeting Minutes of August 6, August 27, and September 3, 2019. Council Member Mikell 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 and resume the Work Session. The motion was seconded by Council Member Shelton. The motion passed with the unanimous consent of the Council.

The meeting adjourned at 7:45 p.m.

At 7:51 p.m. the City Council resumed the City Council Work Session.

I hereby certify that the foregoing represents a true, accurate and complete record of the Cottonwood Heights City Council Business Meeting held Tuesday, September 17, 2019.

Teri Forbes

Teri Forbes
T Forbes Group
Minutes Secretary

Minutes Approved: October 15, 2019