

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL WORK SESSION HELD TUESDAY, NOVEMBER 19, 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 Tali Bruce, Council Member Christine W. Mikell, Council Member Mike Shelton

**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 Jorges, Communications Manager Tim Beery

**Excused:** Assistant Police Chief Paul Brenneman, Senior Planner Matt Taylor, City Planner Andrew Hulka

**WORK SESSION**

Mayor Peterson called the meeting to order at 5:00 p.m. and welcomed those present.

Assistant Fire Chief Mike Watson introduced Assistant Chief Jay Ziolkowski who was present at the meeting. He also welcomed New Cottonwood Heights Liaison, Battalion Chief Riley Pilgrim; who will take over Chief Watson's Liaison responsibilities upon his retirement.

**1. Parks, Trails and Open Space Committee Report- Chair Ms. Melissa Fields, and Council Member Christine Mikell.**

It was reported that the Parks, Trails, and Open Space Committee has been in existence for just over one year. Currently, the committee is working on developing a promotional brochure highlighting walking routes as well as cultural and recreation opportunities within the City. A nature-based monthly events series is planned for next summer. The committee is also working on waterway protection and preservation and developing a list of improvement ideas for parks, trails, and open spaces, to be submitted to the City for funding consideration.

The Committee recently voted to recommend that a currently unusable portion of Mountview Park be converted to a fenced Dog Park. The space is owned by the City, making this a much more financially feasible option than purchasing and outfitting space not currently under City ownership. They cited this as an action item, asking the City to consider their recommendation.

An additional action item was presented regarding Seven Canyons Trust. Cities have been asked to pledge funding and staff time to support the development of a blueprint for waterways from the mouth of the canyons to the Jordan River.

Mayor Peterson clarified that Cottonwood Heights does not own Mountview Park. Rather, the City holds a “lease for 100 years”. The lease will need to be reviewed prior to considering converting the space into a Dog Park. Considerable due diligence will be necessary as Cottonwood Heights has parks that are deemed either formal or informal, limiting the ability to convert to parks for specific purposes (i.e. dog parks).

There was dissension when Council Members expressed their perception that key details had been withheld, resulting in confusion about the process required to create the Dog Park. The Council Members agreed to provide details of the Mountview Park lease by November 20, 2019. The Council also requested to receive an outline of the General Plan for the proposed Dog Park.

**2. Little Cottonwood EIS Project Update – UDOT Consultants – Mr. John Thomas, Project Manager.**

UDOT Project Manager, John Thomas reported that the EIS Project process currently stands at Step 2 of 5. Step 2 relates to establishing the purpose and need of the project. He explained that project consultants are currently working on addressing the issue of recreational traffic through the community. They will provide a draft document by the end of the calendar year for review, comment, and refinement. The planned charette document will supplement the EIS and include more detailed design elements, such as monuments, intersections, landscaping details, etc. A charette specific to the gravel pit is scheduled to be developed January 21 through 23, 2019. Review and comment were to follow in one month’s time.

Per Mr. Thomas, plans for Wasatch Boulevard to become a 35 MPH road were still in place.

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

The Business Meeting agenda items were reviewed and discussed. Mayor Peterson reported that a newly appointed police officer would be introduced during the business meeting. Following this introduction, citizen and public comments would be invited.

The action items were identified.

**4. Staff Reports.**

**a. Wasatch Front Regional Council Grant Discussion – Community and Economic Development Director, Michael Johnson and Public Works Director, Matt Shipp.**

Community and Economic Development Director Michael Johnson provided an update on previously presented projects related to transportation and planning. Preliminary letters of intent were submitted to the Wasatch Front Regional Council (“WFRC”) who will review projects from all municipalities before confirming project eligibility for full application. Applications are due December 12, 2019. If approved, funding will not be received until 2026.

Mr. Johnson outlined WFRC project categories as follows:

- Surface Transportation Program (“STP”) – relates to major transportation infrastructure projects such as new streets, widening, etc.
- Congestion Mitigation Air Quality (“CMAQ”) – relates to improvements that result in reduced environmental impact from a transportation standpoint.
- Transportation Alternatives Program (“TAP”) looks at on/off-road trails, bicycle infrastructure, etc.
- Transportation and Land Use Connection (“TLC”) helps communities implement changes that reduce traffic on roads and promotes walking, cycling, and transit.

Staff recommendations included the following:

- Dual left-turn lane at Highland and Bengal (STP or CMAQ).
- Completion of Creek Road sidewalk (TAP).
- General Plan update (TLC).
- The Council requested that a mid-block crossing be added for consideration.

**b. Milne Lane Street Vacation Petition – Community and Economic Development Director, Michael Johnson.**

Mr. Johnson reported that a petition was received for the City to dedicate a parcel in the Milne Lane area. As a next step, Mayor Peterson approved CED to request that the Petitioner have the parcel appraised.

**c. Modifications to Parking Provisions in Municipal Code Title 19.80 – Community and Economic Development Director, Michael Johnson.**

Amendments to the existing parking ordinance were presented. Updated verbiage was outlined to define acceptable standards for tandem parking. The Planning Commission recommended unanimous approval.

**d. Unified Fire Association (“UFA”) Interlocal Agreement – City Manager Tim Tingey, City Attorney Shane Topham, and Assistant Fire Chief Mike Watson.**

Mayor Peterson reported that the Interlocal Agreement with UFA will end in approximately 35 days. City Manager, Tim Tingey stated that the agreement was approved by the Council on November 19, 2019. Per Mayor Peterson, when committees are assigned in January, an alternate will be determined for voting purposes. Mr. Tingey stated that the agreement will be presented to the Council in December 2019 for a final decision.

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

**Council Member Schedules for the Next Week – 2019 Calendar:**

- a. November – Donations for The Road Home – Drop Off at City Hall.
- b. November 25 – 7:30 p.m. – Utah Wind Symphony – Butler Middle School.
- c. November 28 – 9:00 a.m. to noon – Thanksgiving Day 5K.
- d. November 28 and 29 – City Hall closed in observance of Thanksgiving.
- e. December 2 – Light the Heights at City Hall.
- f. December 7 – 4:00 p.m. and 7:00 p.m. – Play: *The Best Christmas Pageant Ever!* – Butler Middle School Auditorium.
- g. December 9 – 7:00 p.m. – Play: *The Best Christmas Pageant Ever!* – Butler Middle School Auditorium.
- h. December 24 and 25 – City Hall closed in observance of Christmas.

**6. Adjourn City Council Work Session.**

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

The City Council Work Session adjourned at 6:46 p.m.

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL BOARD OF CANVASSERS MEETING HELD TUESDAY, NOVEMBER 19, 2019 AT 6:51 P.M. IN THE COTTONWOOD HEIGHTS CITY COUNCIL CHAMBERS ROOM LOCATED AT 2277 EAST BENGAL BOULEVARD, COTTONWOOD HEIGHTS, UTAH**

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

**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 Jorges, Communications Manager Tim Beery

**Excused:** Assistant Police Chief Paul Brenneman, Senior Planner Matt Taylor, City Planner Andrew Hulka

**1. Call to Order.**

Mayor Peterson called the meeting to order at 6:51 p.m.

**2. Report Election Results.**

The results of the District 1 (four-year term) election were as follows:

Douglas Petersen – 1,057 votes (52.20%)  
Deborah Case – 956 votes (27.73%)

District 2 election results were as follows:

Scott Bracken – 900 votes (57.51%)  
Tim Hallbeck – 665 (42.49%)

A comment was made on the thoroughness of the vote by mail process.

**3. Consideration of Declaration 2019-02 Certifying the 2019 Municipal General Election Results.**

**MOTION:** Council Member Shelton moved to approve Declaration 2019-20 certifying the 2019 Municipal General Election results. Council Member Bruce seconded the motion. Vote on motion: Council Member Mikell-Aye, Council Member Bruce-Aye, Council Member Bracken-Aye, Council Member Shelton-Aye, Mayor Peterson-Aye. The motion passed unanimously.

Mayor Peterson presented a certificate to newly elected Council Member Doug Petersen. The presence of Deborah Case was also recognized.

**4. Adjourn**

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

The Board of Canvassers Meeting adjourned at 6:56 p.m.

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL BUSINESS MEETING  
HELD TUESDAY, NOVEMBER 19, 2019 AT 7:00 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 Tali Bruce, Council Member Christine W. Mikell, Council Member Mike Shelton

**Staff Present:** City Manager Tim Tingey, Police Chief Robby Russo, 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, Communications Manager Tim Beery

**BUSINESS MEETING**

**1.0 WELCOME/PLEDGE**

Mayor Peterson called the meeting to order at 7:00 p.m. and welcomed those present.

The Pledge of Allegiance was led by Council Member Tali Bruce.

**2.0 ACKNOWLEDGEMENTS**

**2.1 Introduction of New Cottonwood Heights Police Department Officer Kelly Taylor.**

Police Chief, Robby Russo introduced New Officer Kelly Taylor. Officer Taylor has 17 years of experience in law enforcement and was excited to be working in Cottonwood Heights.

**3.0 CITIZEN COMMENTS**

Rex Leetham reported that he was the victim of a rainstorm on August 8, 2019, at which time his basement was flooded resulting in over \$100,000 in damage. Mr. Leetham met with Mayor Peterson and City Manager, Tim Tingey on October 8 at which time the Mayor informed him that the City has to rely on its insurer and base determinations on liability claims that are paid. Mr. Leetham indicated that he also received a letter from Travelers in response to questions he submitted pertaining to the process and to go about getting a claim paid. Travelers reiterated that the City cannot insert itself into a claim and they use judgment to determine which claims are paid. Fox13 news filed a GRAMA request with the City to see how many claims were paid as a result of the rainstorm and found that three claims were filed including Mr. Leetham's. Mr. Leetham stated that Ned Siegfried is the owner of a home where a sinkhole occurred as a result of the break-in Cottonwood Heights' pipe. Mr. Siegfried's property was repaired without him ever filing a claim. Mr. Leetham questioned why Mr. Siegfried's claim was paid while his was denied on the basis of 'City immunity'. Mr. Leetham felt preference was given to Mr. Siegfried who happens to be a co-owner in a prominent law firm.

Mayor Peterson disagreed and stated that no preference given. He offered to meet with Mr. Leetham again and stated that the Utah Local Governments Trust is the same insurance carrier used by over 200 other cities. Mr. Leetham understood that the immunity issue was difficult to overcome and he felt strongly that the City was hiding behind immunity and that preferential payment was made to one person out of four who sustained damage.

Cathy Howell encouraged the creation of dog parks in the City. She stated that dog parks have physical and mental health benefits that have been amply documented. The benefits of an off-leash play area to humans, dogs, and the community have also been well documented. The creation of a dog park has been in the City's Master Plan for years yet they do not yet have one. Ms. Howell urged the Council to provide an off-leash dog park for the citizens to enjoy. Mayor Peterson reported that there was an active conversation about dog parks in the work meeting and progress is being made to that end.

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

#### **4.0 PUBLIC COMMENTS**

##### **4.1 Parking Ordinance Amendment.**

Community and Economic Development Director, Michael Johnson reported that the above request is for a City-initiated ordinance amendment to the chapter of the Zoning Ordinance that regulates parking. The proposed amendment involves tandem parking, which is a parking configuration where a garage or parking stall is one car wide and two cars deep. The desire is to have the ability to count it as two parking stalls. A recent project was approved on Fort Union Boulevard that utilized this parking approach. There were concerns raised but given that the use is permitted and the current Parking Ordinance does not specifically reference or restrict tandem parking, tandem parking was allowed to help meet the parking requirements for the project. Mr. Johnson pointed out that currently the City has limited authority to impose conditions or mitigations.

The proposal was to define tandem parking and add regulations to the Parking Ordinance. While the construction of tandem parking stalls is not prohibited, the number of stalls that can be counted toward a development's parking requirement would be. The language in the ordinance provides an exception for single-family residences and does not prohibit stricter requirements elsewhere in the Code for specific circumstances. Staff recommended holding the public hearing with action to be taken at the next meeting.

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

#### **5.0 ACTION ITEMS**

##### **5.1 Consideration of Resolution No. 2019-69 – Approving Entry into JAG Grant Agreement.**

Chief Russo reported that municipalities and police departments make application for the use of JAG



funds. In this case, the City was awarded two grants which the Council was asked to accept.

**MOTION:** Council Member Bracken moved to approve Resolution 2019-69 and thanked the City's Police Department for their efforts. Council Member Shelton seconded the motion. Vote on motion: Council Member Bracken-Aye, Council Member Mikell-Aye, Council Member Bruce-Aye, Council Member Shelton-Aye, Mayor Peterson-Aye. The motion passed unanimously.

**5.2 Consideration of Resolution 2019-70 Approving Entry into 2020 State Asset Forfeiture Grant Agreement.**

Mayor Peterson reported that Resolution 2019-70 approves entry into a 2020 State Asset Forfeiture Grant Agreement that consists of asset forfeiture money.

**MOTION:** Council Member Shelton moved to approve Resolution 2019-70. Council Member Bracken seconded the motion. Vote on motion: Council Member Bracken-Aye, Council Member Mikell-Aye, Council Member Bruce-Aye, Council Member Shelton-Aye, Mayor Peterson-Aye. The motion passed unanimously.

**5.3 Consideration of Resolution 2019-71 Approving Entry into Amendment No. 1 of the Amended and Restated Interlocal Cooperation Agreement with Salt Lake County for \$2 Million in Transportation Funding.**

Mr. Taylor reported that the City originally received \$2 million from SB 277 for projects throughout the City. When the grant monies were received, the City was required to specify which projects the funds would be used for and provide a cost estimate. The majority of the projects had been completed with the actual costs available. As a result, the funds were being reallocated to the various projects. Mr. Taylor reported that the proposed amendment was previously approved by the County Council.

**MOTION:** Council Member Bruce moved to approve Resolution 2019-71. Council Member Bracken seconded the motion. Vote on motion: Council Member Bracken-Aye, Council Member Mikell-Aye, Council Member Bruce-Aye, Council Member Shelton-Aye, Mayor Peterson-Aye. The motion passed unanimously.

**5.4 Consideration of Resolution 2019-72 Approving an Updated Affordable Housing Plan.**

Mr. Johnson reported that the above matter involves a State-mandated update to the Affordable Housing Element of the General Plan. Additional items needed to be included in the Affordable Housing Plan, which was previously adopted in 2017. The resolution makes those adjustments with submission to the State required by December 1, 2019.

**MOTION:** Council Member Mikell moved to approve Resolution 2019-72. Council Member Bruce seconded the motion. Vote on motion: Council Member Bracken-Aye, Council Member Mikell-Aye, Council Member Bruce-Aye, Council Member Shelton-Aye, Mayor Peterson-Aye. The motion passed unanimously.

**5.5 Consideration of Resolution 2019-73 Approving an Agreement for Engineering Services for the East Jordan Canal Trail.**

Mr. Taylor reported that during the budgeting process earlier in the year, there was discussion of the East Jordan Canal. The above resolution involves the portion of the canal that is covered on the north side of Mountview Park. The intent is to place a trail on top with permission having been received from Salt Lake City Public Utilities who operates the canal. The design was in the process of being completed by Gilson Engineering at a low cost. The intent was to have the project out to bid by the end of January with completion by the end of May. Mayor Peterson reported that they will meet with area residents as part of the process.

**MOTION:** Council Member Shelton moved to approve Resolution 2019-73. Council Member Bruce seconded the motion. Vote on motion: Council Member Bracken-Aye, Council Member Mikell-Aye, Council Member Bruce-Aye, Council Member Shelton-Aye, Mayor Peterson-Aye. The motion passed unanimously.

**6.0 CONSENT CALENDAR**

**6.1 Approval of the City Council Work Session and Business Meeting Minutes of October 15, 2019.**

**MOTION:** Council Member Shelton moved to approve the minutes of October 15, 2019. Council Member Mikell seconded the motion. The motion passed with the unanimous consent of the Council.

**7.0 ADJOURN CITY COUNCIL BUSINESS MEETING.**

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

The City Council Business Meeting adjourned at 7:26 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, November 19, 2019.*

Teri Forbes

Teri Forbes  
T Forbes Group  
Minutes Secretary

Minutes Approved: January 7, 2020