

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL WORK SESSION HELD TUESDAY, MAY 19, 2020, AT 5:00 P.M. THE MEETING WAS HELD ELECTRONICALLY, WITHOUT A PHYSICAL LOCATION DUE TO THE CURRENT COVID-19 PANDEMIC AND AS AUTHORIZED BY THE GOVERNOR'S EXECUTIVE ORDER DATED 18 MARCH 2020**

**Members Present:** Mayor Mike Peterson, Council Member Scott Bracken, Council Member Tali Bruce, Council Member Christine Mikell, Council Member Douglas Petersen

**Staff Present:** City Manager Tim Tingey, City Attorney Shane Topham, Police Chief Robby Russo, Assistant Fire Chief Riley Pilgrim, Records Culture and Human Resources Director Paula Melgar, Community/Economic Development Director Michael Johnson, Public Works Director Matt Shipp, Finance and Administrative Services Director S. Scott Jurges

Mayor Peterson called the meeting to order at 5:01 p.m. and welcomed those present.

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

Mayor Mike Peterson reviewed the Business Meeting agenda.

**2. Staff Reports.**

**a. Budget Discussion – City Manager, Tim Tingey and Administrative Services Director, Scott Jurges.**

City Manager, Tim Tingey provided an update on where the City is in the budget finalization process. A public hearing on the Tentative Budget was scheduled for June 2. The adoption of a final budget will take place on June 16. Mr. Tingey reported that the Tentative Budget is out for public comment and no public comments have been received. There were a few changes to the budget that accompanied additional information regarding the Unified Fire Authority (“UFA”) as well as updates on sales tax figures.

Administrative Services Director, Scott Jurges provided details on the budgetary changes. He reported that staff received updates from UFA that reflect a savings of \$19,342 from what was in the Tentative Budget. Mayor Peterson expressed appreciation to UFA for their efforts to reduce the amount required in the budget. Mr. Jurges reported that the City does not yet have updated property tax figures, but the preliminary numbers for sales taxes in March were available. Based on the figures provided, the City is still \$5,000 ahead of budget. The numbers from April were still unknown and was the month the lowest sales tax figures were anticipated as a result of COVID-19. Mr. Jurges also reported that the City received final payment numbers for Class C Roads. The amount collected put the City on a year-to-date annual amount of \$1,290,000 in a budget of \$1,240,000, which is \$50,000 ahead of the budget. Mr. Jurges noted that this \$50,000 could provide a cushion if sales tax figures are lower than projected.

Mayor Peterson emphasized the importance of keeping the Fund Balance in mind. Using the Fund Balance to prepare the 2020-2021 budget, roughly \$750,000 is available for the 2021-2022 budget year. He urged the Council to look for ways to mitigate a potential lack of funds in the future.

**b. Fireworks Restrictions – City Manager, Tim Tingey and UFA Assistant Chief, Riley Pilgrim.**

Unified Fire Authority (“UFA”) Assistant Chief, Riley Pilgrim addressed the Council regarding firework restrictions with the upcoming holidays. UFA recommended no significant changes to last year’s map. Numerous firework restrictions throughout the City line up with Utah’s recommendations when classifying wildlife risks. There are areas in the City that can be difficult to get to promptly, but UFA officials are trained and aware of the difficulties. Chief Pilgrim reported that UFA anticipates an increase in private firework use due to canceled municipal events. The UFA was working closely with the Police Department to ensure that there is an active response on holidays.

**c. Wasatch Boulevard Corridor Agreement – Community and Economic Development Director, Michael Johnson.**

Community and Economic Development Director, Michael Johnson provided a context for the Wasatch Boulevard Corridor Agreement. The intent is to present the agreement to the Council, gather feedback that will be passed on to the Utah Department of Transportation (“UDOT”), after which it will be considered formally. Mr. Johnson noted that the agreement is separate from the Environmental Impact Statement (“EIS”) and is not the same type of planning document or study. The agreement contains several provisions and guidelines that are already in place. UDOT has a Code for access management, intersection spacing, driveway standards, and other related areas and the proposed agreement makes the City more aware of that Code. It also seeks to incorporate applicable provisions of the City’s Master and General Plans.

Mr. Johnson explained that the intent of the agreement is to preserve a corridor and establish a Traffic Signal Plan and Access Control Plan along SR-190 and SR0-210, which constitutes Wasatch Boulevard. The agreement seeks to ensure future collaboration between UDOT and the City and facilitate traffic flow for all transportation modes. It also seeks to be in accordance with the Wasatch Boulevard Master Plan and UDOT’s current Access Management Standards. Mr. Johnson explained that the agreement benefits UDOT and the City as it will put firm goals and standards in place as staff and leadership change in both entities.

Mr. Johnson reported that SR-190 and SR-210 are classified as Category 3 and Category 5 facilities as defined in the R930-6 Access Management document. The agreement provides the City with a method to submit a petition to change the classification of specific roadways if there are valid findings. The agreement established that UDOT requires certain conditions to be met and maintained. The offsetting of existing and future streets is not allowed. The agreement also specifies that every effort should be made to limit direct access onto Wasatch Boulevard, which is consistent with the Wasatch Boulevard Master Plan.

The agreement states that if existing UDOT roadways, including easements, are proposed to be used by new development, acceleration or deceleration lanes should be constructed to accommodate safe merging. It also contains provisions specifying that the local jurisdiction should endeavor, without

material cost, to have all permanent above ground improvements set back 30 feet from the existing right-of-way or perpetual easement line to facilitate future widening. Mr. Johnson was not comfortable with this provision.

Mr. Johnson described other provisions accounted for in the agreement including the delineation of existing warranted or potential traffic signal locations and a High-T signal. He highlighted that all signalized intersections in the document shall accommodate pedestrians for all movements, which is key for the City's plans and purposes.

**d. Exception to Private Roadway Design Requirements – Community and Economic Development Director, Michael Johnson.**

Mr. Johnson explained that a request was made by an applicant for an exception to a private street setback standard found in Title 14 of the City Code. The location of the subject property is off of 7200 South near the Santa Fe Apartments. There is currently an existing property with one home located at the end of a PUD. It is located in an R-1-8 zone, as is much of the surrounding area.

Mr. Johnson reported that the site has outstanding civil matters associated with it that do not affect the current application. The lot contains several constraints, including a steep slope in the back, easements, and a private roadway in the front. The request was made to vary the way a setback is measured off of a private street. Title 14 requires that for private streets, the setback be at least 50 feet from the center of the private street in addition to measuring 25 feet from the property line. While staff did not recommend granting the full setback exception requested by the applicant, Mr. Johnson reported that they felt it was reasonable to grant a setback exception to a 25-foot setback from the private street, which would measure 39.5 feet from the middle of the roadway. The Planning Commission agreed and recommended unanimous approval of the exception. Mr. Johnson clarified that the exception will only apply to two lots.

**e. Agreement with Newman Construction, Inc. for the Scottish Drive Storm Water Drain and Waterway Project – Public Works Director, Matt Shipp.**

Public Works Director, Matt Shipp introduced this item to the Council. The project is located in the Scottish Drive subdivision and was approved during the budget process last year. Mr. Shipp reported that the Council approved an additional \$180,000 for stormwater construction in the area due to flood damage that had occurred. He stated that the Public Works Department is putting in storm drains, pipe, and new waterways. The City went out for public bid with Newman Construction being the low bidder and being awarded the contract. Mayor Peterson noted that Newman Construction submitted a bid that was \$22,000 lower than the next lowest bid. Mr. Shipp stated that Newman Construction has a good reputation and the City has had good experiences working with them in the past.

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

Council Member Schedules for the following week - 2020 Calendar:

- a. July 17 and 18 – Butlerville Days – PENDING.

Mr. Tingey reported that a press release announcing the cancellation of Butlerville has been prepared and will be released to the public shortly.

4. **Possible 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.

5. **Adjourn City Council Work Session.**

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

The Work Session adjourned at 6:13 p.m.

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL BUSINESS MEETING  
HELD TUESDAY, MAY 19, 2020 AT 7:00 P.M. THE MEETING WAS HELD  
ELECTRONICALLY, WITHOUT A PHYSICAL LOCATION DUE TO THE CURRENT  
COVID-19 PANDEMIC AND AS AUTHORIZED BY THE GOVERNOR'S EXECUTIVE  
ORDER DATED 18 MARCH 2020**

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**1.0 WELCOME/PLEDGE**

Mayor Peterson called the meeting to order at approximately 7:00 p.m. The Pledge of Allegiance was led by City Manager, Tim Tingey.

**2.0 CITIZEN COMMENTS**

Mr. Tingey read a comment submitted by Ellen Burrell who addressed the Wasatch Boulevard Agreement. She asked for the Council's reaction to the fact that UDOT rescinded support of John Thomas' verbal commitment to lower the speed limit on a portion of Wasatch Boulevard to 35 mph. She also asked if the Council had more information about possible property acquisition based on UDOT's insistence to expand Wasatch Boulevard to 4 to 6 lanes.

Mr. Tingey indicated had previously replied to Ms. Burrell regarding her questions. He was not aware of UDOT going back on their support of a reduced speed on Wasatch Boulevard. The City is still supportive of the Wasatch Boulevard Plan and emphasizes this plan during meetings with UDOT.

There were no further citizen comments.

**3.0 PUBLIC COMMENT**

**3.1 Exception to Private Roadway Design Requirements – Introduction by  
Community/Development Director, Michael Johnson.**

Community/Economic Development Director, Michael Johnson introduced the request for an exception to private street setback measurement standards found in Title 14 of City code. The request is for two lots within a preliminary subdivision located at approximately 1560 East 7200 South. The primary access to the two lots is through the private Platinum Heights PUD. Mr. Johnson explained that the ordinance for any private road requires a minimum setback of 50 feet as measured from the centerline of the private street. Title 14 contains a provision that allows for exceptions to be made based on unique circumstances upon recommendation by the Design Review Committee ("DRC") and the Planning Commission with final approval by the City Council.

Mr. Johnson provided detail on the specific site and stated that there are constraints associated with the property including easements and a steep hillside, which makes a large portion of the lots unbuildable. The applicant has requested to reduce the 50-foot setback measurement. Because the private road, in this case, does not have a park strip or sidewalk, a larger setback is being required than would otherwise be required in the R-1-8 zone. The applicant's request was to modify the setback from 50 feet to 37.5 feet. Mr. Johnson reported that staff reviewed the request and recommended it be reduced to 39.5 feet, which leaves a 25-foot setback from the private street. With the proposed change, the Planning Commission unanimously recommended approval.

There were no public comments.

#### **4.0 STANDING QUARTERLY REPORTS**

##### **4.1 Unified Fire Report – Assistant Chief, Riley Pilgrim.**

UFA Assistant Chief, Riley Pilgrim presented the Quarterly Unified Fire Report and noted that the UFA is unique in that they provide services to many different municipalities. He specified what is being done for Cottonwood Heights and what has occurred over the previous three months.

Assistant Chief Pilgrim drew a comparison for year-to-date numbers between 2019 and 2020. There had been an increase in calls over the last three years with a high call volume in the area toward Midvale. During the first quarter, there was a 40-call increase from the previous year. Assistant Chief Pilgrim reported that at the beginning of the COVID-19 outbreak, calls decreased for two to three weeks, so the overall increase was surprising.

Assistant Chief Pilgrim reported that on average 85% of UFA's calls are related to medical services. The most common calls are related to falls, especially during the winter. Other reasons for calls are unconscious individuals, traffic accidents, and overdoses. Assistant Chief Pilgrim shared data involving fire services, which comprises a much smaller percentage of calls. Small structural fires such as rubbish, bushes, and dumpster fires are the most common calls. There was one significant structure fire in January involving a garage that started on fire. He reported that UFA officials were able to quickly contain the fire, which resulted in only minimal damage to the home.

UFA officials regularly go out on public service calls that do not involve injury. They also respond to false alarms and smaller fires, such as oven fires that do not create much damage. Assistant Chief Pilgrim showed a head map and scatter plot to demonstrate different volumes of calls in different areas. He reported that UFA is working to improve turnout times, which is the time between when the alarm goes off at the station and when fire crews drive away. They are doing a good job of staying within their travel time goals of 6 to 7 minutes.

Assistant Chief Pilgrim introduced the Captains in the two respective fire stations and reported that they are being encouraged to attend City Council Meetings when the COVID-19 restrictions lift so that they can become more familiar with members of the City Council. He commended the Captains for their hard work.

#### **4.2 Public Works Report – Public Works Director, Matt Shipp.**

Public Works Director, Matt Shipp presented the Quarterly Public Works report and provided an update on the previous few months. He reported that the department's main operation was continuing to perform road and storm drain maintenance. Sandbags have been prepared although no major flooding was predicted.

Mr. Shipp provided an update on the City's various engineering projects. He reported that the Wasatch Park and Ride project was progressing. Additional meetings were planned for the future to make adjustments and reduce costs. Mr. Shipp stated that the Bengal Boulevard Roundabout Project is moving forward and construction was expected to take place in the summer of 2021.

Bids have been received for the Scottish Drive Stormwater Project with construction expected to commence in June. The Porcupine Trail has been paved and needs railings installed. The Council discussed a potential beautification project for the existing barriers. Mr. Shipp stated that the City has until mid-November to finalize the East Jordan River Canal Trail Project with a public hearing to take place soon. Bids for maintenance projects opened earlier in the week. Mr. Shipp displayed photos of the completed Mountain View Park pavilion. He reported that the McDonald's sign on Fort Union Boulevard was moved and the 2700 East sidewalk across from the Junior High is currently out for design bids.

#### **5.0 ACTION ITEMS**

##### **5.1 Consideration of Resolution 2020-20 Approving an Exception to Private Roadway Design Requirements Affecting the Front Yard Setback of a Lot located at 1561 East 7200 South.**

**MOTION:** Council Member Bracken moved to approve Resolution 2020-20. Council Member Bruce seconded the motion. Council Member Petersen-Aye, Council Member Bracken-Aye, Council Member Bruce-Aye, Council Member Mikell-Aye, Mayor Peterson-Aye. The motion passed unanimously.

##### **5.2 Consideration of Resolution 2020-21 Approving a Construction Contract with Newman Construction, Inc. for the Scottish Drive Storm Water Drain and Waterway Project.**

**MOTION:** Council Member Bruce moved to approve Resolution 2020-21. Council Member Petersen seconded the motion. Vote on motion: Council Member Mikell-Aye, Council Member Bruce-Aye, Council Member Bracken-Aye, Council Member Petersen-Aye, Mayor Peterson-Aye. The motion passed unanimously.

## **CONSENT CALENDAR**

### **5.3 Approval of the City Council Work Session Meeting Minutes of April 28, 2020.**

**MOTION:** Council Member Bruce moved to approve the City Council Work Session Meeting Minutes of April 28, 2020. 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 motion was seconded by Council Member Bruce. The motion passed with the unanimous consent of the Council.

The meeting adjourned at 8:02 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, May 19, 2020.*

Teri Forbes

Teri Forbes  
T Forbes Group  
Minutes Secretary

Minutes Approved: June 2, 2020