

MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL WORK SESSION HELD TUESDAY, JUNE 4, 2019 AT 5:00 P.M. IN THE COTTONWOOD HEIGHTS CITY COUNCIL WORK 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 Watson Mikell

Staff Present: City Manager Tim Tingey, City Attorney W. Shane Topham, Police Chief Robby Russo, Assistant Fire Chief Mike Watson, Records Culture and Human Resources Director Paula Melgar, Community and Economic Development Director Michael Johnson, Public Works Director Matt Shipp, Finance and Administrative Services Director S. Scott Jurges, Public Relations Specialist Tim Beery, Culture Manager Ann Eatchel

WORK SESSION

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

1.0 Canyons School District.

Mayor Peterson welcomed guests from the Canyons School District. Nancy Tingey provided the quarterly report and thanked the Council for their support. She reported that the Brighton High School graduation was scheduled for the following day at 2:00 p.m. with Mayor Peterson planning to be in attendance. Ms. Tingey reported on the achievements of the class.

The district has been working on the budget, which was posted on the City website and was available for the public to review. A major priority in the budget is an increase in teacher salaries, which was included in the proposed budget. It was subject to the Truth in Taxation hearing scheduled for early August. The County would verify the date. It was well received among the employees and the community.

Ms. Tingey reported that the estimated enrollment for the coming school year is 34,451. When the district was established 10 years ago, enrollment was around 33,000. With regard to education on the State level, the end of year testing is now called Rise. The previous testing program was through Sage. The State has assured the district that the correlation between Sage and Rise is very high because the bank of questions that is used is the same. The platform; however, is slightly different and they use a different vendor. This is the first year there have been issues including outages and times when it was not available for a student to log in or submit. Despite the problems, the district felt they were able to complete the process. As a result, the district will not have the verified results for several weeks.

Ms. Tingey reported that the district conducts internal progress monitoring through all of the schools and those numbers are encouraging. They were pleased that student achievement continues to improve. The Board recently approved an updated fee schedule in response to direction given

through State statute as well as the State Board of Education. The intent was to increase and improve transparency with regard to school fees so that families have a clearer picture of what it will cost to participate in various activities. Mayor Peterson asked about students with an inability to pay. Ms. Tingey explained that all fees that are charged must be on the approved fee schedule and all are subject to fee waivers.

In the fall, the first day of school will be Monday, August 19. The summer this year is extra short but the purpose is to move up the start and end date. Preference was expressed by a Council Member for school to start after Labor Day and end before Memorial Day. The process of finding the testing vendor was described.

Ms. Tingey reported on the Brighton High School construction. It is on schedule, which is surprising given recent inclement weather. Over the summer there will be a lot of progress on the auditorium and athletic facilities. Updated photos were made available on the website.

Amber Shill reported that students from elementary schools in the area talked about Styrofoam trays at the school. The administration is going to look at the situation next year. The primary issue is cost. Lunch prices are \$1.75 and have not increased for nine years. A biodegradable tray costs \$.17 to \$.25. Another alternative is to hire people to wash the trays.

A Council Member commented that some schools do not have trays. The cost to the district is \$300,000 for trays. Over 10 years the cost is \$3 million. An investment could be made today to avoid spending \$3 million. Possible options were discussed.

Ms. Shill next presented an update on sports and celebrations taking place at Brighton High School. The Soccer Team won the state championship and the Tennis and Lacrosse Teams both took second in the State. Baseball took fourth in region but ended up being one of the best teams in the state.

Ashtyn Poulsen, a young lady who was a student body officer at Brighton High School, also lost her battle with cancer recently and was recognized by her peers shortly before her passing.

2.0 Review of Business Meeting Agenda – Mayor Mike Peterson.

The Business Meeting agenda items were reviewed and discussed.

Community and Economic Development Director, Michael Johnson presented the action items. The first two requests involve three properties along Little Cottonwood Canyon Road. The property is just over five acres in size and zoned RR-1-43 with a Rural Residential General Plan Land Use designation. The request is to amend the land use designation to Low-Density Residential and modify the zoning to R-1-15, which is the same as the surrounding properties. With the current zoning and land use designations, there is the potential for approximately 22 lots. With the zone map amendment, there would be the potential for 26 lots. The Planning Commission recommended approval with a 5-to-2 vote.

Mr. Johnson explained that any time an application is made for development, the Sensitive Lands Ordinance comes into play. That and the Subdivision Ordinance allows the property to be analyzed

for certain thing such as open space, trail connections, access to regional or City trails, and planned trailways on the City Master Plan. That will occur regardless of the decision made tonight.

In response to a question raised, Mr. Johnson stated that there will be two accesses, neither of which is new. The owner has an easement through Granite Oaks. Access issues were discussed. Mr. Johnson explained that without the General Plan amendment, the proposed zoning is not compatible with the long-range vision of the area. The fact that it was R-1-15 does not affect the ordinance or development requirement.

Zoning issues were discussed. Mr. Johnson explained that the reasoning behind the staff recommendation is that they have the tools in the Sensitive Lands Ordinance to properly address many of the concerns that may arise from allowing a few additional lots. He pointed out that RR-1-43 it is not the prevailing land use designation in the area.

City Attorney, Shane Topham addressed the third action item, which involves entry into a Master License Agreement with Crown Castle Fiber. The agreement would allow use of the public way for small cell facilities. State law changed during the 2018 Legislative Session to enact the Small Cell Deployment Act where the City is preempted on prohibiting small cell use in the public right-of-way. The agreement would allow Crown Castle to begin installing small cell facilities.

Mr. Topham described Resolution 2019-29 and reported that during the 2018 Legislative Session, the Legislature enacted a bill requiring the Lt. Governor's Office to establish a registry for local government entities, which would include cities, towns, and counties and a similar registry for limited purpose entities, which would include interlocal entities, special service districts, etc. The proposed resolution alerts the Council to the proposed filing and gets the Council's approval to proceed.

3.0 Staff Reports

a. Wasatch Boulevard Master Plan Update.

Mr. Johnson introduced the proposed changes to the Council and the reasoning behind them. The document would be reviewed at a future meeting in a more finalized draft form in preparation for a decision. The plan was available to the public on the City's website. The change summary would also be posted, which shows the changes that have been made. Changes are based on staff's reading of the plan, Mayor and Council feedback from the previous round of reviews, public comments, and updates from UDOT. No substantial changes had been made but the plan was clarified.

Themes included recommending Bus Rapid Transit (BRT) use along the corridor. The intent would be for BRT to be fully integrated into the Wasatch Boulevard Corridor. As the revisions were made, a petition was received from the neighbors with their strong opinions about Bus Rapid Transit. The feeling was that much of what the petition addressed is clearly reflected in the plan.

It was envisioned that capacity widening will be done as needed and in a transit prioritized way. In working with UTA there has been an emphasis on maintaining and increasing the current levels of service but addressing emerging transit trends. Language was also added to emphasize transit use

on a year-round basis. They have more clearly emphasized throughout the plan that they are strongly recommending commercial redevelopment being focused at the gravel pit property and the remainder of the corridor being focused on recreational uses.

Mr. Johnson reported that further clarification was as a means of maintaining proper levels of service to move busses and vehicles through the corridor while addressing the local aesthetics, character, and impact the road has on local neighborhoods by mitigating speeds in a reasonable and responsible way. Mr. Johnson explained that the purpose of the General Plan is to move in the right direction and as they define policies they will refine the details.

Mayor Peterson reported that after meeting with UDOT and constituents, he and Council Member Mikell and others expressed concern and asked the County to establish a stakeholder group to move the matter forward more efficiently. John Thomas from UDOT indicated that they are taking a different approach with Wasatch Boulevard recognizing its unique location. There will be opportunities for funding and other elements to implement the plan.

The Council direction was for staff to bring the matter back on July 2 as an action item.

b. Valley Emergency Communications Center Computer Aided Dispatch System.

Police Chief Robby Russo updated the Council on the Valley Emergency Communications Center (VECC) Computer Aided Dispatch System. The goal was to have a single platform for software for dispatch and records management. It was Chief Russo's opinion that it made sense to put everyone on a single working system. The product decided upon is called Hexagon but it has not performed as expected. They are now in mediation trying to resolve the issue. The goal of the current proposal is to put them on a similar platform. They dispatch from Spillman and each municipality houses their own records, which is very inefficient.

Chief Russo explained that Salt Lake City uses Versaterm and they share that system with UPD. With Hexagon still in flux, the future is somewhat unknown. VECC already uses Versaterm for dispatch because they dispatch for Salt Lake City. What is proposed is to move from Spillman to Versaterm. That way the City will be on their system for dispatch, records, and mobile. Chief Russo explained that they are not building a new system but are simply buying licenses from Salt Lake and UPD. For the City, this means that dispatch will cost nothing. The transition will cost the same with dispatch being done from the same location. The benefit to the City is that they can merge with Holladay or Millcreek or another neighboring municipality. The cost of the record keeping component is cheaper than Spillman at \$27,000.

Chief Russo stated that Chief Petersen and the Fire Department object to going with Versaterm. He was not sure that a solution could be reached. In the meantime, the Fire Department is looking to hire a third-party consultant to determine the capabilities of various systems.

The Fire Chief expressed concern that the CADs they have been using were never designed for fire. That issue would need to be solved in the long term. They want to be on one system and do not want calls to have to be transferred to a different dispatch center. What matters to them is that the closest unit responds. As a result, they need an automatic vehicle locator and a program that will be

compatible with that. Cost issues were discussed. A one-time cost of \$27,200 would be charged as well as the \$41,540 annual cost with 3% increases each year. The thought was that making the change would result in the department being much more efficient since they will be on the same system as neighboring cities.

c. Facility Use Policy.

City Manager, Tim Tingey reported that about one month ago changes were proposed relative to fees and wording changes. Culture Manager, Ann Eatchel provide the Council Members were provided with copies of the policy and stated that the changes were requested from the last meeting. The fee schedule was increased to \$50 and adjusted to cover all costs for use of the Community Room and Kitchen. For non-residents and businesses, the cost was increased to \$100 per hour. For the Community Room, an additional fee of \$100 will be charged if alcohol is served. The issue of allowing alcohol sales was discussed. Council Member Bracken requested that that portion of the policy be delayed for one year put out for public survey. The cost to use the Chambers or work Room would increase from \$35 to \$40. The person who makes a reservation or paying the fee must have a business or be a resident of the City.

The only problem staff was having was finding a company that will issue a \$2 million policy that would be required if alcohol were allowed to be served. Of the four company names that the trust provided, only one can provide the coverage at a cost of \$235. Another company would charge \$100 for the first \$1 million of coverage and \$1,050 for the second \$1 million. Other options were being explored. It was suggested that use be restricted to residents.

d. Registration with the Utah Lt. Governor's Office as a Local Government Entity.

4.0 Review of Calendars and Upcoming Events.

Council Member Schedules for the next week - 2019 Calendar:

- a. **June 3-7 – 2019 Municipal Elections Candidacy Filing Period;**
- b. **July 26 – Starting at 4:00 p.m. - Butlerville Days;**
- c. **July 27 – All Day – Butlerville Days;**
- d. **July 12, 13, 15, 18, 19, 20 – (check website for times) – *The Little Mermaid* performance at Butler Middle School;**
- e. **July 28 – Shred Day; and**
- f. **August 13 – Primary Election.**

5.0 Closed Meeting to Discuss Litigation, Property Acquisition and/or the Character and Professional Competence or Physical or Mental Health of an Individual Security Procedures – Assistant Chief Paul Brenneman.

No Closed Meeting was needed.

6.0 ADJOURN CITY COUNCIL WORK SESSION

MOTION: Council Member Shelton 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 Work Session adjourned at 6:56 p.m.

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL BUSINESS MEETING
HELD TUESDAY, JUNE 4, 2019 AT 7:03 P.M. IN THE COTTONWOOD HEIGHTS CITY
COUNCIL CONFERENCE ROOM LOCATED AT 2277 EAST BENGAL BOULEVARD,
COTTONWOOD HEIGHTS, UTAH**

Members Present: Mayor Mike Peterson, Council Member Mike Shelton, Council Member Scott Bracken, Council Member Tali Bruce, Council Member Christine Watson Mikell

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

BUSINESS MEETING

1.0 WELCOME/PLEDGE

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

Mayor Peterson reported that in the last week two valiant citizens have passed away. Sylvia Orton, who was a member of the Historic Committee, was instrumental in placing historical markers and compiling a book on the City's history. Ashtyn Poulsen also passed away the previous evening after a long battle with cancer. The funeral was to be held at Hillcrest High School. Condolences were sent to both families.

The Pledge of Allegiance was led by Miss Casey France.

2.0 CITIZEN COMMENTS

Annelise Slater reported that she serves the community as a fourth-grade teacher at Butler Elementary School. Her students approached her with a great idea, which they presented the Council.

Annabelle Cheney identified herself and her classmates as students from the Canyons School District who attend Woodcrest, Butler, and Canyon View Elementary Schools. Last month, they addressed the school board in their quest to remove Styrofoam from the lunchroom. The school board agreed to move the matter to the top of their agenda for the next school year. They also had an opportunity to share their story on KRCL 90.9 FM and their story was featured on the front page of this month's *Cottonwood Journal*.

A third grader at Butler Elementary School stated that one night at dinner Earth Day came up in the conversation and they wanted to think of something that would make a real difference. They discussed Butler Elementary School and the fact that they use Styrofoam trays for lunch time and how bad it is for the environment. Her father encouraged her to find a solution. She explained that

since the school already has reusable trays, all they need is a dishwasher. They made a petition to get willing students to take 15 minutes from their lunch recess to wash dishes. She also spoke to the principal about the situation. He liked the idea but stated that students are not allowed in the cooking area for safety reasons but he offered to wash dishes and he did. She was happy that she had made a difference and that the principal took the time to listen to her. While it was great for one day, the school still uses Styrofoam every other day so the problem was not fixed.

Another Fourth Grade Student Council Representative from Butler Elementary School had an idea to start a school-wide petition against the use of Styrofoam lunch trays. She realized that many students buy school lunch each day and throwing away their Styrofoam trays results in a lot of waste. She reported that 30% of landfill space is Styrofoam and landfills are filling up quickly. Styrofoam can end up in the ocean where it can harm marine animals. It pollutes the environment and does not biodegrade for at least 500 years. She was also concerned about Styrofoam harming the health of students. The World Health Organization (WHO) has stated that Styrofoam contains a substance that can cause cancer in humans. In all, 530 students signed the petition to stop using Styrofoam which equates to 85% of the total students at Butler Elementary School. It was suggested that they stop using Styrofoam and teach children the valuable lesson of helping the environment.

Miles Frandsen identified himself as a second-grade student at Canyon View Elementary. He reported that students agree that they should use reusable plastic trays in the school cafeteria. Over the last two weeks, he had collected nearly 200 signatures on a petition asking the City Council and the School Board to support the change. The students at Canyon View stand with Butler.

Georgia Mikell, a Ridgecrest Elementary School student, stated that one solution is to hire someone to help wash dishes such as someone with special needs rather than having staff do it. Also, instead of using Styrofoam trays, they can use plastic reusable trays or biodegradable trays.

Skyler Hawkslater, a fourth-grade student at Butler Elementary School, stressed the importance of the environment to him since he was born on Earth Day 10 years ago. He believed, however, that Earth Day should be celebrated every day. Like E and Earth, there are four other words starting with the letter E that can be respected if they stop using Styrofoam. The first is the environment. Styrofoam is harmful to the environment. The second is economy. In the long run, it is more economical to find sustainable practices in schools. The third word is education. Using renewable resources and the school's vegetable garden is a great way to help teach STEM in the school. The fourth word is equity. They can promote social equity by hiring people to work in the schools who might need to learn special skills. Master Hawkslater commented that it is socially and environmentally inequitable in affluent Cottonwood Heights to shift the burden to other communities.

The City Council was asked to show their support for the efforts of the students when working with members of the Canyons School District and encourage Council Members from other cities in the district to do the same and end the use of Styrofoam. Businesses in Cottonwood Heights should also be encouraged to stop using Styrofoam.

Mayor Peterson informed the students that their leaders listen to them. Because of their visit with the School Board, they will be evaluating their use of Styrofoam containers in the district. In response to an initiative about idling, as a City during the current budget process, they have allocated money

to have someone work to coordinate sustainability issues. He encouraged them to continue speaking out on these types of issues.

Council Member Mikell thanked the students for coming. She informed them that no great effort is accomplished without a lot of hard work and they have started it. She encouraged them to keep going and not give up. The students were praised for their efforts and common sense and support was expressed for what they are trying to do. The comment was made that these types of efforts indeed change the world.

Tim Hallbeck asked that the City Council send a request to all food businesses in the City and that those who are not already using fully biodegradable containers volunteer to. He stated that the containers cost twice as much but suggested that local businesses be asked to volunteer to do it rather than mandating it. Mr. Hallbeck was of the opinion that higher density equates to increased crime and more traffic. He suggested they not go contrary to the General Plan. With regard to the Small Cell Tower Agreement, he asked that they obtain a map of all of the transmission towers in the area. Last, with regard to the lobby and room rentals and Butlerville Days, he commented that they have gone this long without having food trucks that serve alcohol and allowing alcohol at other events and saw no reason to change it. He suggested that the Police Chief and the Assistant Chief be consulted in the matter.

There were no further public comments.

3.0 ACTION ITEMS

3.1 Consideration of Ordinance 323-A Approving A General Plan Amendment for Real Property Located at 3662, 2742, and 3804 East North Little Cottonwood Road from Residential Rural Density to Residential Low Density.

Community and Economic Development Director, Michael Johnson reported that the request is for a General Plan Land Use Map Amendment from Residential Rural Density to Residential Low Density. The second request was for a Zone Map Amendment from RR-1-43 to R-1-15. In response to a question raised, Mr. Johnson explained that there is an agricultural component in the Rural Residential Zone that allows small, medium, and large livestock that are not allowed elsewhere.

MOTION: Council Member Shelton moved to approve Ordinance 323-A. Council Member Bracken seconded the motion.

Council Member Mikell commented that the rezone of the General Plan is inconsistent with the Master Plan. The area calls for lower density and the Sensitive Lands Overlay also supports lower density. She suggested that if the desire is to change the zoning, the Council should first look at the General Plan. She pointed out that no effort has been made to update the General Plan. She felt that this type of rezoning will continue to be requested.

Council Member Bruce reiterated that it is a weighty matter to amend the General Plan.

Vote on motion: Council Member Mikell-Nay, Council Member Bruce-Nay, Council Member Shelton-Aye, Council Member Bracken-Aye, Mayor Peterson-Aye. The motion passed 3-to-2.

Mayor Peterson commented that this is a difficult decision but believed that the General Plan Amendment will be consistent with the principals and goals of the General Plan. He saw the value of using the Sensitive Lands Ordinance to mitigate some of his concerns. He noted that what is proposed is compatible with the zoning of the area directly to the north.

3.2 Consideration of Ordinance 324-A Approving the Rezone of Real Property located at 3662, 2742, and 3804 East North Little Cottonwood Road from RR-1-43 (Rural Residential) to R-1-15 (Residential Single-Family) and Amending the Zoning Map.

Council Member Mikell expressed her opposition and pointed out that the Planning Commission Member who represents District 4 also voted against it. The Commission Member is an architect and Council Member Mikell recommended the Council heed her advice.

MOTION: Council Member Bracken moved to approve Ordinance 324-A. Council Member Shelton seconded the motion.

Council Member Mikell suggested that the Council seriously consider changing the General Plan amendments and zoning decisions that follow. She recommended the Council make a definitive decision on a General Plan update as soon as possible before continually amending the General Plan and/or zoning. Council Member Bruce agreed and commented that what is proposed seems like spot zoning.

Council Member Bracken commented that an intensive review is necessary. He did not think it was fair to have applicants be delayed for years waiting for the General Plan to be amended.

Council Member Mikell commented that community members from the adjacent neighborhood claim that they did not receive proper notice. As a result, she questioned whether the Council has received all of the comments they could have from the adjacent landowners.

Vote on motion: Council Member Mikell-Nay, Council Member Bruce-Nay, Council Member Shelton-Aye, Council Member Bracken-Aye, Mayor Peterson-Aye. The motion passed 3-to-2.

3.3 Consideration of Ordinance 325 Approving Entry into a Master License Agreement with Crown Castle Fiber, LLC.

City Attorney, Shane Topham reported that in the 2018 General Session, the Utah Legislature enacted the Small Cell Deployment Act, which preempts local governmental entities, such as the City, from prohibiting the use of a public right-of-way by telecommunication providers for telecommunications services, specifically small cell facilities. A local government has few options under the law. About six months ago, the City Council granted franchises to two providers allowing them to use the public right-of-way for the permitted small cell network purposes. Last fall, the

Master License Agreement was granted. The purpose of the ordinance is to authorize the City to enter into the agreement.

It was requested that the Council Members be provided with a map of the current cell tower locations and that staff keep track of those being installed.

Mr. Johnson remarked that people need more coverage in more places. These types of facilities are shorter range and shorter vicinity but provide continuous coverage in more densely populated areas.

MOTION: Council Member Bracken moved to approve Ordinance 325. Council Member Shelton seconded the motion. Vote on motion: Council Member Mikell-Aye, Council Member Bruce-Aye, Council Member Shelton-Aye, Council Member Bracken-Aye, Mayor Peterson-Aye. The motion passed unanimously.

3.4 Consideration of Resolution 2019-29 Authorizing and Directing Registration with the Utah Lt. Governor's Office as a Local Government Entity.

Mr. Topham explained that in 2018 the Legislature enacted a law that requires the Lt. Governor's Office to create a registry for local government entities, which would include cities, towns, counties, as well as limited purpose entities such as interlocal entities and special service districts. It requires those governmental entities to make filings with the Lt. Governor's Office by July 1, 2019 and provide specific information that is set forth in the statute. The purpose of the resolution is to authorize that filing by the City.

MOTION: Council Member Bruce moved to approve Resolution 2019-29. Council Member Mikell seconded the motion. Vote on motion: Council Member Mikell-Aye, Council Member Bruce-Aye, Council Member Shelton-Aye, Council Member Bracken-Aye, Mayor Peterson-Aye. The motion passed unanimously.

4.0 CONSENT CALENDAR

4.1 Approval of the minutes of the Work Session and Business Meetings of May 7, 2019.

MOTION: Council Member Bracken moved to approve the minutes of the Work Session and Business Meeting of May 7, 2019, as amended. Council Member Shelton seconded the motion. The motion passed with the unanimous consent of the Council.

5.0 ADJOURN CITY COUNCIL BUSINESS MEETING.

MOTION: Council Member Bruce moved to adjourn the Business Meeting. 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.

I hereby certify that the foregoing represents a true, accurate and complete record of the Cottonwood Heights City Council Business Meeting held Tuesday, June 4, 2019.

Teri Forbes

Teri Forbes
T Forbes Group
Minutes Secretary

Minutes Approved: July 16, 2019