

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL WORK SESSION HELD TUESDAY, MARCH 5, 2019 AT 5:03 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 Scott Bracken, Council Member Tali Bruce, Council Member Christine 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, Community and Economic Development Director Michael Johnson, Public Relations Specialist Dan Metcalf, HR Generalist Heather Sundquist

**Excused:** Records Culture and Human Resources Director Paula Melgar, Finance and Administrative Services Director S. Scott Jurges

**Others:** Brian Allen, Cottonwood Heights State Lobbyist

**WORK SESSION**

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

**1.0 Legislative Update – Brian Allen.**

Cottonwood Heights State Lobbyist, Brian Allen, reported that they are in the last week of the Legislative Session and the Container Regulation Bill, which would ban plastic bags, is in the House and has been discussed heavily. He confirmed that Senate Bill 107 died, which was a nuisance ordinance bill sponsored by Senator Fillmore. The Nighttime Highway Construction Amendment Bill was amended and created a moratorium on changes regarding local ordinances. They will continue to study the issue for another year. House Bill 119 was substituted and there was an upcoming amendment to clarify the language. The Body Camera Bill died, and the Vehicle Idling Amendments Bill was in the Senate. The Inland Port Bill was discussed. Mr. Allen emphasized the focus on the tax bill and explained that every stakeholder has been to the capitol talking with leadership. Broadening the base is a challenge and he believed it will take time to ramp up. He confirmed that there is a lot of time left in the session and will continue to see new bills.

**2.0 Review of Business Agenda.**

Mayor Peterson reviewed the business meeting agenda.

**3.0 City Council and Staff Reports.**

**a. Ranked-Choice Voting-City Manager, Tim Tingey.**

City Manager, Tim Tingey, reported that Salt Lake County has indicated that they will not be

implementing ranked-choice voting until 2021-2022. Options of going to another county were explored but it was confirmed that they are not comfortable with that option. His recommendation was to continue to work with Salt Lake County and not implement rank choice voting or move to another county for the upcoming election.

**b. Municipal Referendum – City Attorney, W. Shane Topham.**

City Attorney, W. Shane Topham, reported that on February 22, 2019, an application was received for a referendum. The application was reviewed and determined to comply with the requirements under the statute for a local referendum. The process was reviewed. Mr. Topham explained that they have received information from the Salt Lake County Election Clerk indicating that in the last presidential election, there were 17,653 ballots cast in Cottonwood Heights. By statute, since this is a land use issue where sponsors are required to obtain 6,179 signatures or 35% of ballots cast. He explained that the signatures must be from registered voters prior to being submitted to the Salt Lake County Clerk.

Mayor Peterson remarked that immediately after the application for the referendum, the developer was notified and will not proceed with the development until the process is complete.

**c. Mountainview Restroom Expansion Bid-Public Works Director, Matt Shipp.**

Public Works Director, Matt Shipp, stated that a TRAC grant was received to expand and winterize the Mountainview Park restrooms. The project went out for bid but the costs were determined to be too high move forward. After redesigning the shade structure, they went through a new bidding process. The pricing was reduced significantly although not to the point that Mr. Shipp was comfortable making a recommendation. If they were to accept one of the bids, the City would need to cover approximately \$36,322. The various options were considered. Mayor Peterson recommended the priority be the restroom and stated that the shade structures can be modified.

Mr. Shipp explained that they could also winterize the existing restroom making it available for year-round use and take off the extended structure. It would still meet grant requirements and free up funds for shade structures. Options for winter use were described. He understood that the real problems were with winter and bringing in two portable facilities. Priorities were discussed at length.

**d. Exception from Subdivision Design Standards for a Flag Lot Driveway Located at 8095 South Pinecreek Lane - Community & Economic Development Director, Michael Johnson.**

Community and Economic Development Director, Michael Johnson, presented the staff report for the exception request and stated that the subject property is located on a flag lot. There is a provision in the subdivision ordinance that states that when there are unusual conditions, the Planning Commission may make a recommendation and the City Council may approve an exception or variance to the normally required subdivision standards. The property layout was described. It was noted that letters of support were received from surrounding neighbors. The first exception was to the four-foot landscape buffer and trees were planted in place of fencing.

e. **General Plan Amendment and Re-zone for Real Property Located at 7559-7571 South Prospector Drive - Community and Economic Development Director, Michael Johnson.**

Mr. Topham explained that an action item requires at least three votes for it to be approved or denied. If the item does not have three coinciding votes, the motion fails and is eligible to be placed back on the agenda at a later date.

f. **Budget Amendments – City Manager, Tim Tingey.**

Mr. Tingey reviewed budget amendments and reported that they are finalization including the City Manager and Finance and Administration in the new department. Additional server storage, police DUI overtime, and ZAP grant matters were discussed. It was noted that the Arts Council funding was carried forward from previous funding. Severance pay issues were also discussed at length.

g. **Decorum in Public Meetings – City Attorney, Shane Topham.**

Mr. Topham reviewed security procedures and legal parameters in the event there is a disruption during a City Council Meeting. The Council Members would need to determine the level of action and what would constitute disorderly. He recommended a conservative approach and explained that a motion and second could be made with a two-thirds vote to expel someone who is disorderly.

Council Member Bruce read Cottonwood Heights Policy Section 7 Paragraph 15.B which specifies that an employee should not use their title and position while engaging in political activity or otherwise act to imply the City's approval of a candidate or political issue. She expressed concerns regarding Chief Russo's possible political activity at the current legislation. She asked for clarification regarding policy violations and associated consequences.

Council Member Mikell stated that most of what they do involves local control or taking a policy position and making sure that the right legislation supports those decisions. When a specific policy has not been discussed as a Council, she felt it was difficult to have a voice.

Policy violation issues were discussed at length. Mr. Topham believed a violation of policy does not have a legal consequence and would be an administrative issue.

**4.0 Review of Calendars and Upcoming Events**

Council Member Schedules for the next week - 2019 Calendar:

- a. April 22 – 7:30 p.m. – Masterworks Concerts – Butler Middle School
- b. March 1-30 – Photography Show @ City Hall
- c. March 15 – 7:00 p.m. – Rocky Mountain Strings Concert @ Butler Middle School
- d. March 28 – 6:00 p.m. to 8:00 p.m. – Photography Show Open House
- e. April 19 – 7:00 p.m. to 9:00 p.m. – Teen Easter Party @ Rec Center
- f. April 20 – 10:00 a.m. – Easter Egg Hunt @ Butler Middle School
- g. March 25-26 – Little Mermaid auditions

**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.**

**a. Security Procedures – Assistant Chief Paul Brenneman.**

**MOTION:** Council Member Bracken moved to close the open meeting and open the closed session for discussion of security procedures. The motion was seconded by Council Member Shelton. The motion passed with the unanimous consent of the Council.

**6.0 ADJOURN CITY COUNCIL WORK SESSION**

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

The Work Session adjourned at 6:59 pm.

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL BUSINESS MEETING  
HELD TUESDAY, MARCH 5, 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 Scott Bracken, Council Member Tali Bruce, Council Member Christine 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, Community and Economic Development Director Michael Johnson, Public Relations Specialist Dan Metcalf, HR Generalist Heather Sundquist

**Excused:** Records Culture and Human Resources Director Paula Melgar, Public Works Director Matt Shipp, Finance and Administrative Services Director S. Scott Jorges

**BUSINESS MEETING**

**1.0 WELCOME/PLEDGE**

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

The Pledge of Allegiance was led by Boy Scout Ian Cassel from Troop 286.

**2.0 ACKNOWLEDGMENTS**

**2.1 Introduction of Honorary Colonels – Police Chief, Robby Russo.**

Police Chief, Robby Russo, explained that Honorary Colonels are an organization devoted to assisting law enforcement, especially in times of tragedy or need. They provide services and have assisted families when an officer has been ill, helped pay off lunch debt to families in need at local elementary schools, and even sponsored a dinner for a fallen officer in South Salt Lake City allowing them to spend time and grieve together. Most acts of kindness go unnoticed, but their service is invaluable. Chief Russo introduced Jim Steeley who served in the Marine Corps and was deployed in Iraq. He owns a private security company with degrees in Criminal Justice and marketing.

Jim Steeley introduced himself and stated that he was a Marine for eight years and worked overseas for seven years following his service. He has since started a business in training and government contract sales and provide videos and photography for defense and gun companies.

Mayor Peterson expressed gratitude on behalf of the City for Mr. Steeley's time and services.

### **3.0 PUBLIC COMMENT**

#### **3.1 Project SUB-19-001 – Request from Trey Turley for an Exception from Subdivision Design Standards for a Flag Lot Driveway located at 8095 South Pinecreek Lane - Community and Economic Development Director, Michael Johnson.**

Community and Economic Development Director, Michael Johnson, presented the staff report and stated that the request was recommended by the Planning Commission following a procedure codified in the City's subdivision ordinance. The property is a flag lot that is accessed by a private driveway. The City's subdivision ordinance contains a provision for the Council to approve variations of exceptions from many of the design standards of the subdivision ordinances. The proposed request was to modify landscaping and the fencing requirements on flag lot driveways and split the four-foot requirement to both sides of the driveway. The applicant also requested the fencing requirement include regularly planted deciduous trees along both sides of the driveway. An aerial view of the property was displayed, and Mr. Johnson confirmed that they have received letters of support from each of the four surrounding homeowners. The Planning Commission unanimously recommended approval and there were no negative comments in opposition to the request. Staff also recommended approval.

The applicant, Trey Turley, expressed gratitude to the Council and stated that the request is for an exception for landscaping and fencing between his property and his neighbor to the south.

### **4.0 CITIZEN COMMENTS**

Roberta Wooldridge commended Mayor Peterson for his transparency in a recent article regarding his son's Accessory Dwelling Unit.

Nikki Grace stated that the Mayor and another Council Member are not disinterested parties and should not be sitting or voting on the issue. She commented that CC&Rs were recorded for the Golden Hills Subdivision in 1968 and were not open to modification or revocation until 1996. Neighborhood CC&Rs were reviewed. She believed that higher density housing will require additional police, emergency, sidewalks, roads, and all infrastructure and services along with overcrowding local schools. Ms. Grace expressed her opposition to the Accessory Dwelling Unit Ordinance.

Tim Halbeck commented on lithium-ion batteries.

Eddy Wright expressed gratitude to the Council Members for listening to her requests and for the hours of service they provide to the City.

### **5.0 STANDING MONTHLY REPORTS**

#### **5.1 Police Report – Police Lieutenant, Dan Bartlett.**

Police Lieutenant, Dan Bartlett, presented the Police Report for the month of February 2019 and stated that there were 1,608 calls for service and 475 on-view calls. Priority 1 response times

averaged four minutes. Overall crime was reviewed with 77 adult arrests and 13 juvenile arrests. The number of warnings increased, and officers were instructed to continue issuing warnings. There were fewer accidents reported than the previous month, however, the number of accidents with injuries increased. There were no deaths reported for the month of February. The safety message urged homeowners to close their garage doors to ensure safety, especially at night.

## **5.2 Public Works Report – City Manager, Tim Tingey.**

City Manager, Tim Tingey, presented the Public Works Report for the month of February 2019 and stated that there were 11 winter events that yielded 44 inches of snow and the use of 1,443 tons of salt. The Fort Union Boulevard and Highland Drive Intersection project was moving forward with signage in place. The project includes double left turn lanes in each leg of the intersection and enhancements to the I-215 on-ramp. The Bengal Boulevard roundabout was underway, and he announced an Open House scheduled for April 11 to receive input on the environmental portion. Federal and State funding was used to complete the project.

Mr. Tingey next described the construction of the Big Cottonwood Canyon Trail, which was to begin on March 15, 2019. The bid came in at \$195,000 and will include enhancements from State funding, tap funds from the Wasatch Front Regional Council (WFRC), and from other County Active Transportation Funds. The Big Cottonwood Canyon Gap Trail will complete the trail from the parking lot to the intersection. Solar energy for City Hall was discussed. The bid on Mountain View Park was moving forward as well. Mr. Tingey reported that the Grandeur Circle Storm Water Project includes three components and has been completed. Sidewalk projects were also described.

## **6.0 ACTION ITEMS**

### **6.1 Consideration of Resolution 2019-15 Approving Entry into an Independent Contractor Agreement with Granicus, LLC for Redesigning and Hosting of the City’s Website.**

Mayor Peterson reported that the above Resolution approves entry into an Independent Contractor Agreement with Granicus, LLC for redesigning and hosting of the City’s website.

**MOTION:** Council Member Shelton moved to approve Resolution 2019-15. The motion was seconded by Council Member Bruce. Vote on motion: Council Member Bracken-Aye, Council Member Shelton-Aye, Council Member Bruce-Aye, Council Member Mikell-Aye, Mayor Peterson-Aye. The motion passed unanimously.

### **6.2 Consideration of Resolution 2019-16 Approving an Exception for Subdivision Design Standards for a Flag Lot Driveway Located at 8095 South Pinecreek Lane.**

Mayor Peterson reported that the above Resolution approves an exception for subdivision design standards for a flag lot driveway located at 8095 South Pinecreek Lane.

**MOTION:** Council Member Bracken moved to approve Resolution 2019-16. The motion was seconded by Council Member Bruce. Vote on motion: Council Member Bracken-Aye, Council Member Shelton-Aye, Council Member Bruce-Aye, Council Member Mikell-Aye, Mayor Peterson-

Aye. The motion passed unanimously.

**7.0 CONSENT CALENDAR**

**7.1 Approval of the City Council Meeting Minutes for February 5, 2019.**

**MOTION:** Council Member Bruce moved to approve the Business Meeting Minutes for February 5, 2019. The motion was seconded by Council Member Mikell. The motion passed with the unanimous consent of the Council.

**8.0 ADJOURN CITY COUNCIL BUSINESS MEETING**

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

The meeting adjourned at 7:39 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, March 5, 2019.*

Teri Forbes

Teri Forbes  
T Forbes Group  
Minutes Secretary

Minutes Approved: April 16, 2019