

MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL WORK SESSION HELD TUESDAY, FEBRUARY 5, 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 Mike Shelton, Council Member Scott Bracken, Council Member Tali Bruce, Council Member Christine 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 Jorges, City Planner Andrew Hulka

Excused: Public Relations Specialist Dan Metcalf

WORK SESSION

Mayor Peterson called the meeting to order at 5:03 p.m. and welcomed those present.

The Business Meeting Agenda and upcoming items were reviewed.

Police Chief, Robby Russo described the interlocal, multi-jurisdictional, Mutual Aid Agreement for Law Enforcement Services. Police Department responsibilities and funding were also reviewed. He confirmed that a large percentage of funding comes from grants

1.0 Traffic and Parking along Wasatch Boulevard and in the Canyons – Snowbird Representative, Mr. Dave Fields.

Snowbird representative, Dave Fields, addressed traffic and parking along Wasatch Boulevard and stated that they are not seeing major growth in terms of visitation year over year, but have noticed an increase in intensity and demand on good snow days. He reported that they pay for all employees and season pass holders to ride the bus. He described the Rideshare program, which has been in place for six years. He confirmed that they are launching their Reducing Individual Driving for the Environment (RIDE) program and will incentivize carpooling. Park and Ride locations were discussed. Mr. Fields explained that they are implementing a proactive outreach in advance of storms and resorts are funding more off duty police officers at the Mouth of the Canyons to check for snow tires. Although tire checks tend to back traffic up into neighborhoods, he considered safety to be critical. The funding of additional buses was suggested.

Council Member Mikell suggested that when riding the bus up the canyon that skis be secured on the outside of the bus rather than being carried on. The additional space and comfort will encourage more riders.

2.0 Legislative Update – Brian Allen.

Cottonwood Heights Lobbyist, Brian Allen, reviewed activity at the Legislature and stated that it has been one of the busiest starts to a Legislative Session he has seen. He noted that there are several clean air initiatives being considered and he reviewed the approval process. The homeless tax was discussed. A meeting with the Speaker was scheduled regarding a parking opportunity. Mr. Allen stated that it would be helpful to know how much is needed and at what cost. He explained that it is widely recognized that there is a problem in the Canyon and he wanted to make sure he is making a realistic request.

Council Member Bracken commented that the one-year waiting period for Tier 2 or retirement for Tier 1 employees can create a hardship. He suggested that the timeframe be reduced. Traffic mitigation issues were discussed.

3.0 City Council and Staff Reports.

a. ADUs Resolution Discussion – Community Development Director, Michael Johnson.

Community and Economic Development Director, Michael Johnson, presented the staff report and stated that the proposal includes four parking spaces between the primary and accessory dwelling unit. Alternate options included finding an enforceable way to limit occupancy in the ADU. One alternative to addressing parking concerns would be to limit the ADU to no more than two bedrooms. Additional potential mitigations were discussed.

City Manager, Tim Tingey, explained that the main check and balance with ADUs is requiring owner occupancy. The owners do not intend to rent to multiple people with multiple cars as they themselves have to live in the home. Enforcement issues were addressed.

Council Member Mikell noted that the ADU will potentially increase the density in the community but not the property tax. She expressed concern with how it will affect the City and the resulting increase in the number of vehicles.

Mr. Tingey explained that there are multiple ways to deal with the affordability issues identified in the Code. Council Member Shelton remarked that there will not be hundreds of ADUs immediately but the impact on housing will be significant. Council Member Bracken pointed out that when the ADU ordinance was written, they included statements regarding Cottonwood Heights remaining viable, relevant, and livable. Conditions of the ordinance were reviewed.

b. PDD-18-001 – 6784 South 1300 East (Walsh Property) Rezone & Development Plan – Community and Economic Development Director, Michael Johnson.

Mr. Johnson presented the staff report and stated that the request is for a rezone and development plan. The future land use designation is high-density and part of the Tier 2 PDD area, which enabled the applicant to make the application. Due to discussion of the final wording, all recommendations and conditions were still met and the language was clarified to be easier to understand and

administer. The applicant provided feedback that also meets the Below Market Rate (BMR) requirement while making it functional. Renderings of the proposal were reviewed. The definition of open space was discussed at length.

The Council next discussed the location of the BMR units. Mr. Johnson emphasized that outside of the design components and how the structures are built, there is no trigger in the proposed ordinance to verify that the requirement is perpetually being used.

Mayor Peterson believed that the additional height in the PDD is due to the live/work units and to include no incentive to use them as such seemed disingenuous.

Mr. Johnson confirmed that they can explore an easement along the creek. He explained that the language specifies that open space shall be provided in the form of natural areas. He suggested there be clarification from the applicant.

Council Member Bruce expressed frustration with it being simply a nice apartment and felt they were missing the mark. Language regarding open space within the proposed project was discussed at length.

The Work Session was adjourned and reconvened at 8:40 p.m. at which time discussion of the above issue resumed.

Mr. Johnson described appropriate uses of open space and the definition set forth in the PDD Ordinance.

Waterway paths and public amenities were described. Mr. Johnson explained that the amenities are designed for residents and described the difference between public and open spaces. BMR requirements were discussed. Language regarding open space within the proposed project was described in detail. Mr. Johnson stated that staff would ask for clarification and further review the ordinance.

4.0 ADJOURN CITY COUNCIL WORK SESSION

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

The Work Session adjourned at 9:06 p.m.

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL BUSINESS MEETING
HELD TUESDAY, FEBRUARY 5, 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, 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, City Planner Andrew Hulka

Excused: Public Relations Specialist Dan Metcalf

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 Bracken.

2.0 ACKNOWLEDGEMENTS

2.1 Introduction of New POST-Certified Police Officers: Officer Zephani Huang, Officer Joshua Comber and Officer Spencer Stone – Police Chief Robby Russo.

Chief Robby Russo introduced new POST-Certified Police Officers Joshua Comber, Officer Spencer Stone, and Officer Zephani Huant.

Officer Josh Comber reported that he is originally from Oregon and has worked the last 20 years in logistics. He commented that Cottonwood Heights is the only city he applied to and the only place he wanted to work.

Officer Spencer Stone was born and raised in Salt Lake City. He attended Olympus High School and applied with Cottonwood Heights because of its positive reputation. He was previously employed at the Salt Lake County Jail and was excited to be a part of the community.

Officer Zephani Huang was born in China and moved to Utah when she was young. She pursued a career as an officer because she wanted to make a difference in the community and become a stronger, better person. She emphasized that her goal was to be the best officer she can be and make a difference in the lives of others.

3.0 CITIZEN COMMENTS

Roberta Woolridge expressed concern with the ADU Ordinance and enforcement of the regulations being established.

Tim Hallbeck commented on battery operation during the winter months. He believed that liquid natural gas was the best alternative.

Nancy Hardy was still opposed to ADUs and believed that a majority of the citizens are as well. She asked how their concerns will be addressed and if the Council had summarized her previously distributed packet.

Eric Kraan expressed frustration with the City Council and staff vacillating on how to control the number of people in an ADU. He stated that the simple solution would be to redefine the term “family” and he encouraged certain degrees of separation. With regard to the goal of the PDD and the Fort Union Master Plan, he believed there was a lack of innovative solutions being provided to accomplish the goal.

Lynne Kraus was in favor of rain barrel collection. She believed the issue of the ICO live/work units being required to have a business license to work from home needs to be addressed.

Jared Crocker thanked the Council for the time spent on the ICO proposal. He expressed opposition to the project. He pointed out that facts are emerging as discussion continues that he believed are not consistent with the ordinance. Citizens rely on City representatives to make equitable, legislatively grounded decisions and he asked that they oppose the proposal.

4.0 PUBLIC COMMENTS

4.1 ZMA-18-001 - Breen Homes General Plan land use map amendment from Residential - Low Density to Residential - Medium Density and a zone map amendment from R-1-8 to R-2-8 on the Properties Located at 7559 and 7571 South Prospector Drive - Community and Economic Development Director, Michael Johnson.

Community and Economic Development Director, Michael Johnson, presented the staff report and stated that the request is for residential medium-density that would allow for an increase in density that would be comparable to an R-2 or twin-home type of dwelling. The surrounding properties were identified and discussed. Natural constraints included a fault line running through the entirety of the lot and the placement of utility lines. He noted that there is an active front setback variance on the property to allow a minimum setback. Based on staff’s general finding, he believed that the proposed density was compatible with the existing land use. They felt it was appropriate for the applicant to apply for the land use map and zone map amendments even though the underlying density complies with the existing land use designation and development that exists in the area. He noted that the Planning Commission provided considerations for it being spot zoning and the potential for it to become a short-term rental. If a surrounding home is demolished in an effort to rebuild, it would be required to be in compliance with the existing General Plan.

Council Member Bruce expressed concern with staff presenting applications for requests the Planning Commission denied previously. Mr. Johnson explained that he was presenting the facts and noted that staff's recommendation was made prior to the presentation to the Planning Commission. The recommendation was presented to provide context as to why the determination differs from the Planning Commission's recommendation. The Council reviewed the proposed property layout.

The applicant, Adam Breen, commented that he is a proponent of Cottonwood Heights. He clarified that the setback variance is 15 feet. He believed that spot zoning is used for schools, parks, and fire stations and he considered this to be different than surrounding properties. Due to the fault line, the buildable area is not large enough to build anything larger than a duplex. His business involves custom home building with costs between \$200 and \$400 per square foot. The proposed project would consist of a high-end two-unit building with parking and garages. Based on how property in the area is currently being used, he believed it would facilitate the townhome/twin home concept and does not constitute spot zoning.

Mayor Peterson opened the public hearing.

Sean Steinman reported that he lives east of the subject property and expressed his support, particularly in light of the implications associated with living near a fault line.

Tim Hallbeck was very impressed by another home Mr. Breen built. He encouraged the Council Members to visit the subject property.

Lynne Kraus recommended the citizen comments made during the Planning Commission Meeting be reviewed. She opposed the logic behind developing twin homes that are non-conforming as a reason to grant approval.

There were no further comments. The public hearing was closed.

4.2 ZTA-18-003 - Kimley-Horn Zoning Text Amendment to Amend Section 19.82.040 - Wall Signs – Introduction by Michael Johnson, Community and Economic Development Director

Mr. Johnson presented the staff report and stated this is an applicant-initiated proposal to amend a very specific portion of the sign code. The proposed change addresses the size of wall signs in relation to the wall they are mounted on. The proposal is to remove height limitations on the lettering of the wall signs. The 15% aggregate coverage area would still apply. He confirmed that the amendment was initiated by a representative from Target as they were preparing to remodel and reface the façade. Per the proposal, the lettering and bullseye heights would increase because the wall is so massive. This would apply City-wide and it was suggested that the Council visualize how it will affect other properties. Staff and the Planning Commission recommended approval and believed the proposed change would not have a major impact based on other safeguards already in the Code and areas not proposed to be amended. The change would encourage signs to be wider than they are tall and the 15% requirement would remain in place.

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

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 January 2019 and reported that there were 1,770 calls for service with 449 on-view calls. Priority 1 response times averaged 4:09. There were 91 adult arrests and an increased number of juvenile arrests. Traffic citations and warnings were reviewed. Warnings decreased due to a software update and were expected to increase in the future. There was an increase in traffic accidents with a decrease in the number of accidents with injuries. There were three attended deaths, one unattended death, and zero Narcan saves.

Lieutenant Bartlett reported that Wasatch Boulevard data was reviewed due to previous speed concerns expressed by the Council. Parking issues were cited. Lieutenant Bartlett confirmed that there is a problem but little that can be done to mitigate the congestion.

Council Member Mikell indicated that she met with UDOT and was told unequivocally, that if they were to conduct a present-day speed test, they would increase the speed limit along Wasatch Boulevard. After watching cars cutting through neighborhoods, she suggested that an officer be stationed near the Kings Hill Drive sign to help alleviate traffic concerns.

Lieutenant Bartlett presented a department organizational chart and described patrol shifts. The safety message encouraged citizens to lock vehicles and not leave valuables inside.

5.2 Public Works Report – Public Works Director, Matt Shipp.

Public Works Director, Matt Shipp, presented the Public Works Report for the month of January 2019 and stated that they still have plans during the month of March to begin the Fort Union Boulevard and Highland Drive Project. They put the Big Cottonwood Trail Project out to bid, which came in \$55,000 less than expected. He would return with additional information at a future meeting.

Mr. Shipp reported that the shade structure and restroom expansion are out for bid again. Staff was in the process of finalizing the environmental work on the roundabout and completing the requirements. Public Works regular maintenance was ongoing and the total hours and percentages were reviewed. There were a total of 33 inches of snowfall over nine events with the trucks traveling over 8,000 miles using 230 pounds of salt per mile. The storm on January 21 resulted in 18 inches of snow and required 219 the use of tons of salt. Mr. Shipp commended staff for their work keeping the roads open.

6.0 ACTION ITEMS

6.1 Consideration of Ordinance 315 Amending Cottonwood Heights Code Section 19.82.040 Concerning Wall Signs.

Mayor Peterson reported that the above ordinance amends the Cottonwood Heights Code Section regarding wall signs as discussed earlier in the meeting.

MOTION: Council Member Bracken moved to approve Ordinance 315. The motion was seconded by Council Member Shelton. Vote on motion: Council Member Bracken-Aye, Council Member Shelton-Aye, Council Member Bruce-Nay, Council Member Mikell-Aye, Mayor Peterson-Aye. The motion passed 4-to-1.

6.2 Consideration of Resolution 2019-10 Approving Entry into an Interlocal, Multi-Jurisdictional, Mutual Aid Agreement for Law Enforcement Services.

Mayor Peterson reported that the above Resolution approves entry into an interlocal, multi-jurisdictional, Mutual Aid Agreement for law enforcement services. Council Member Bruce commented that they want to help and be helped but tend to give more than they receive, which has had a fiscal impact. Mayor Peterson agreed and confirmed that they will remain sensitive to those types of situations.

MOTION: Council Member Bracken moved to approve Resolution 2019-10. 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.

6.3 Consideration of Resolution 2019-11 Approving an Appointment to the Planning Commission.

Mayor Peterson reported that the above Resolution approves the appointment of Dan Mills to the Planning Commission. City Manager, Tim Tingey, believed Mr. Mills would be a good fit for the Planning Commission and looked forward to working with him.

MOTION: Council Member Bruce moved to approve Resolution 2019-11. The motion was seconded by Council Member Mikell. 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.

New Planning Commission Member, Dan Mills, stated that his interest is largely based on the composition of elected leaders and staff. He has witnessed the challenges and opportunities that come with growth. He is a Physical Therapist by profession but is passionate about how space is used. He has been involved with the American Physical Therapy Association and its development of property on the west side of the Potomac River. He looked forward to serving on the Planning Commission.

7.0 CONSENT CALENDAR

7.1 Approval of the City Council Legislative Breakfast Minutes of January 10, 2019.

MOTION: Council Member Shelton moved to approve the City Council Legislative Breakfast Minutes of January 10, 2019. The motion was seconded by Council Member Bruce. The motion passed with the unanimous consent of the Council.

8.0 ADJOURN BUSINESS MEETING AND RECONVENE WORK SESSION

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

The City Council Meeting adjourned at 8:32 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, February 5, 2019.

Teri Forbes

Teri Forbes
T Forbes Group
Minutes Secretary

Minutes Approved: March 5, 2019