

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL WORK SESSION
HELD TUESDAY, NOVEMBER 19, 2024, AT 4:00 P.M. IN THE COTTONWOOD
HEIGHTS CITY COUNCIL WORK ROOM LOCATED AT 2277 EAST BENGAL
BOULEVARD, COTTONWOOD HEIGHTS, UTAH**

Members Present: Mayor Mike Weichers, Council Member Shawn Newell, Council Member Suzanne Hyland, Council Member Ellen Birrell, Council Member Matt Holton

Staff Present: City Manager, Jared Gerber; Deputy City Recorder, Maria Devereux; Community and Economic Development Director, Michael Johnson; Public Works Director, Matt Shipp; Police Chief, Robby Russo; Administrative and Financial Services Director, Scott Jurges; Unified Fire Authority Assistant Chief, Riley Pilgrim; Senior Staff Engineer, Benjamin Nelsen; City Attorney, Shane Topham

1.0 WELCOME

Mayor Mike Weichers called the City Council Work Session to order at approximately 4:00 p.m. and welcomed those present. He explained that he is attending the Work Session remotely.

2.0 REVIEW OF BUSINESS MEETING AGENDA – Mayor Mike Weichers.

The Business Meeting agenda items were reviewed and discussed. Mayor Weichers reported that Council Member Shawn Newell will act as Mayor Pro Tempore during the Business Meeting. After the Pledge of Allegiance, there will be City Council Committee Reports and a Citizen Comment Period. There are Standing Quarterly Reports, including the Quarterly Financial Report from Administrative and Financial Services Director, Scott Jurges, and the Unified Fire Authority (“UFA”) Report from Assistant Chief Riley Pilgrim. There are two Action Items on the agenda.

The first Action Item is Consideration of Ordinance 425 – Amending the Wasatch Boulevard Master Plan Element of the City’s General Plan. The second Action Item is Consideration of Resolution 2024-70 – Concerning the Development Review Committee. Community and Economic Development Director, Michael Johnson, explained that when the City Council approved a comprehensive update to the Sensitive Lands Ordinance last year, one of the updates was the definition of Development Review Committee. It required the City Council to approve the membership of that Committee once per calendar year by Resolution. Prior to that, there was not a requirement for an annual Resolution. Mr. Johnson reported that a Resolution was adopted in 2021 by the City Council and it listed the various departments and positions that make up the Development Review Committee. The current Resolution is similar to that in terms of listing out what positions make up that committee. The positions and as-needed members are listed.

The Development Review Committee meets for a number of different reasons, which is the reason for the as-needed members. Those members include the City Attorney, City Building Official, and City Geologic Hazard Consultant. One of the functions of the Development Review Committee is to review sensitive lands scoping procedures and issue Land Disturbance Permits.

In those cases, additional expertise is needed. Those as-needed positions are appointed by contract, so the Council has contracts with the City Attorney, City Building Official, and City Geologic Hazard Consultant. The regular membership includes Staff in the various development-related departments as well as UFA. This kind of Resolution will be brought forward on an annual basis.

Council Member Ellen Birrell wanted to better understand when as-needed members would be called in. She believed the Resolution would give the Community and Economic Development Director the discretion to make that decision. Council Member Birrell asked if it is possible for the City Council to review the Development Review Committee Meeting recordings, especially when it comes to sensitive land issues. Mr. Johnson reported that the definition of the Development Review Committee is in the Sensitive Lands Ordinance. There are requirements for the Development Review Committee, which include maintaining summary notes, recordings, or Meeting Minutes. There is another section in that Ordinance that talks about procedures. When someone wants to scope a site to assess hazards, there is a procedure codified elsewhere in the Sensitive Lands Evaluation and Development Standards (“SLEDS”) Ordinance. Pre-scoping meetings are a subset of the Development Review Committee and are focused on scoping hazards. If the site hazards are geologic in nature, then the City Geologic Hazard Consultant is called in.

3.0 STAFF REPORTS

a. Big Cottonwood Canyon Environmental Study Update – Devin Weder/UDOT.

The first Staff Report is a Big Cottonwood Canyon Environmental Study update. Utah Department of Transportation (“UDOT”) Project Manager, Devin Weder, UDOT Environmental Program Manager, Carissa Watanabe, and consultant Terry Warner introduced themselves to the Council. Mr. Weder shared the Big Cottonwood Canyon Environmental Study presentation slides. He explained that the purpose of the Big Cottonwood Canyon environmental study is to evaluate tolling and enhanced bus service to address wintertime traffic congestion management on SR-190 in Big Cottonwood Canyon, as directed by the Utah State Legislature in Senate Bill (“S.B.”) 2. He noted that S.B. 2 directs UDOT to use certain allocated funds to “provide enhanced bus service, tolling, a mobility hub, and resort bus stops for Big and Little Cottonwood Canyons.” To implement the different elements, an environmental study is needed to obtain the necessary clearance.

The study area map was shared. Mr. Weder explained that it includes SR-190 from the intersection at Wasatch Boulevard and Fort Union Boulevard to Brighton Resort. The mobility hub at the gravel pit has already been environmentally cleared, but it is being considered in this process as well to ensure that it is sized correctly for service in both Big Cottonwood Canyon and Little Cottonwood Canyon. Mr. Warner reported that the project is needed due to the current wintertime traffic congestion in the canyon. There has been consistent growth in Utah skier days over the last few decades and it has spiked over the last 10 years or so. 3.2 million people visit the Cottonwood Canyons annually and that number is expected to grow as the population along the Wasatch Front continues to grow. It is anticipated that there will be 1 million more residents on the Wasatch Front by 2050. Since it is unlikely that population growth in the area will subside soon, it makes sense to focus on appropriate transportation planning. It is necessary to consider the future conditions.

The existing and future travel conditions were discussed. Mr. Warner reiterated that continued growth is anticipated. The last decade of traffic information in Big Cottonwood Canyon was reviewed as part of this process. Primarily, there is a wintertime congestion issue. The peak hours are 7:00 a.m. to 10:00 a.m. and 3:00 p.m. to 5:00 p.m. Currently, there are just over 7,000 vehicles heading up the canyon in the morning. That is expected to grow by approximately 20% in 2050. Approximately 90% of the current vehicles in the canyon visit the ski resorts. This means a large percentage of visitors are heading above Solitude Entry 1. As for average travel times, that is expected to grow by approximately 80% by 2050. It is about 26 minutes currently and is anticipated to reach almost 50 minutes by 2050. Outside the canyon, the queue on Wasatch Boulevard is expected to increase by over a mile, almost to the intersection of Wasatch and I-215.

Mr. Weder shared the project features with the City Council, which includes the following:

- Enhanced Bus Service:
 - Bus to resorts would leave the mobility hub every five to 10 minutes.
- Resort Bus Stops:
 - Building bus stops with 5,000 to 7,000 square foot enclosed waiting areas at Brighton Resort and Solitude Mountain Resort.
- Improve Existing Bus Stops:
 - Cardiff Fork, Spruces, Silver Fork.
- Mobility Hub:
 - A mobility hub with a parking structure for personal vehicles would be located at the base of Big Cottonwood Canyon.
- Tolling:
 - Tolling would start just below Solitude Entry 1.

Mr. Weder explained that the intention of the toll is to disincentive personal vehicles and incentivize transit use. Council Member Birrell asked about the resort bus stops that were mentioned. One of the reasons many people like to drive their cars to Brighton Resort is so they can park their cars, ski, and then eat lunch in their vehicles. She asked whether the bus stop buildings would include tables and places where people can eat their lunches. Mr. Weder clarified that sizing and needs have been determined, but the more specific details have not been finalized at this time. There are seating and locker areas contemplated, but tables could be considered as well. He appreciated the suggestion from Council Member Birrell. However, there is uncertainty about whether or not the study will include that level of detail. Any comments made during this presentation are not considered formal comments. He suggested that official comments and suggestions be submitted to UDOT during the comment period. Council Member Birrell believes it makes sense for Cottonwood Heights to submit a comment during the public comment period.

Discussions were had about tolling. Council Member Birrell pointed out that tolling is not proposed to be imposed until just below Solitude. She asked how that tolling location was determined. Mr. Weder explained that the intention is to toll the traffic that is causing the congestion while still allowing use in the lower portion of the canyon. It is essential to

communicate when the toll will be implemented to prevent U-turns from happening in the canyon. There can be advanced notice provided through variable message signs, social media, and so on.

Council Member Birrell asked if tolling and traction control laws will be limited to peak times. Mr. Weder explained that the intention is to toll when the road is not functioning. Currently, the road is not functioning as well during those peak hours. By 2050, that might occur more often depending on the demand and visitation numbers. Council Member Birrell wondered whether a level of service (“LOS”) measurement will be used to determine the threshold. Mr. Weder stated that there are many different factors to consider, but the details still need to be finalized.

The study process and timeline was reviewed. Ms. Watanabe reported that the Pre-Scoping Activities took place from Spring 2024 to Fall 2024. The Scoping Phase is currently underway and will last from Fall 2024 to Winter 2024. There is a formal public comment period now and there will be another when the environmental document is published next fall. UDOT anticipates issuing a decision later next year. There is an 18-month timeframe anticipated for this environmental study. The class of action for this study has not been officially determined, but it is believed that it will be an Environmental Assessment. That is the timeline reflected in the materials. Ms. Watanabe explained that the public comment period is open from November 13, 2024, to December 13, 2024. She reviewed different ways comments can be submitted for consideration.

Council Member Birrell has heard some talk about possible tunnels that could connect from Brighton to Alta and Brighton to Park City. She asked if that is actually being considered. Mr. Weder is not aware of this and informed those present that it is not part of the current study.

Mayor Weichers reported that the Central Wasatch Commission (“CWC”) commissioned a study for Big Cottonwood Canyon. He imagines that the Big Cottonwood Canyon Mobility Action Plan (“BCC MAP”) is something UDOT has taken into consideration during this process. Mr. Weder confirmed this. The BCC MAP has been reviewed as part of this process. Council Member Birrell asked about the open house that was held last week and wondered whether the diagrams were from the BCC MAP. Mr. Weder denied this and clarified that the diagrams were created for the study.

Additional discussions were had about the BCC MAP. Mayor Weichers reported that the BCC MAP that was commissioned through the CWC had multiple funding partners, including Cottonwood Heights. It was something presented to UDOT as a starting point. Mr. Weder noted that a lot of different studies have been taken into account in this process so far.

Mayor Weichers asked about a timeline for the record of decision (“ROD”) to be issued. Ms. Watanabe reported that it is anticipated a decision will be issued at the end of next year. An Environmental Assessment would either be a finding of no significant impact or a determination to prepare an Environmental Impact Statement (“EIS”). There is nothing identified at this point that would indicate the need for an EIS process. Mr. Weder noted that it is not possible to do the full design until after the decision is released. After that point, the full design process can occur.

Council Member Birrell wondered whether there is a sense of the timeline in terms of implementation. Mr. Weder stated that there is a two-year implementation date anticipated for

design and construction. That means it will take approximately two years after the decision is made. Mayor Weichers thanked the UDOT team for the presentation on the environmental study.

b. Short-Term Rental Discussion – Community and Economic Development Director, Michael Johnson.

Mayor Weichers reported that the next item on the Work Session agenda is a short-term rental discussion. There was a similar discussion last week and Council Member Suzanne Hyland encouraged additional study to be done before coming back with policy objectives. Council Member Hyland appreciates the continued discussion. Another constituent reached out to her recently about short-term rentals. Jim Rock is the President of the Canyon Racquet Club Homeowners Association (“HOA”). Mr. Rock stated that there are approximately 40 short-term rentals on that property and he believes approximately 20 of them are actually permitted. Of the ones that are not permitted, it is possible to charge Transient Room Tax and not remit it. If the rental is on a platform such as Airbnb, then it is remitted to the State, but if the rental is not advertised on a platform like that, then the Transient Room Tax can remain with the owner.

Council Member Hyland pointed out that surrounding communities are implementing policies for short-term rentals. There is a lot for Cottonwood Heights to think about because it is clear that short-term rentals will remain. According to the Kem Gardner short-term rental policy study released in October 2024: “The rise of short-term rentals in Utah continues to disproportionately impact the State’s tourism areas, affecting housing affordability in these communities.” Cottonwood Heights did not make the top 10 in the study, but the number 10 most impacted city had 513 estimated short-term rentals. As a result, the City would like to be in position number 11.

There are ways to manage short-term rentals, but it is essential to identify what will work in each individual community. Council Member Hyland shared information from The Utah Land Use Institute. The Utah Land Use Institute presented in March 2023 where there was information shared about statutory regulations, what has been introduced, what has been litigated, and so on. A table from that report was shared with the Council to highlight sample policy considerations. In the section about limited short-term rentals, it stated: “Allow owners to occasionally utilize their properties to generate income from short-term rentals as long as all policies and procedures are met.” Council Member Hyland was surprised to see that option mentioned in that limited scope.

A presentation slide was shared to illustrate the ways that certain objectives can drive policy:

- Objective: Encourage Home Ownership:
 - Give property owners the option to utilize their properties as short-term rentals to help them make ends meet.
- Objective: Tourism Revenue Benefits Local Businesses:
 - Encourage additional tourism to drive more business to downtown stores and restaurants.
- Objective: Permanent Residents Don’t Suffer Negatives:
 - Minimize public safety risks, noise, trash, and parking problems without creating additional work for the local Police Department.

- Objective: Capture Tax Revenue:
 - Ensure that the City does not lose out on tax revenue that could be invested into much-needed services for permanent residents.

Council Member Hyland explained that the City is not looking to develop a plan independent of the State Legislative action that could occur during the next session. She was told by Representative Gay Lynn Bennion there will be a bill on short-term rentals, so it is on the radar of the Legislature. She hopes something will be done to address this issue. Council Member Hyland asked that there be a Council Member discussion on short-term rentals and the example slides.

Council Member Newell mentioned the growth that is anticipated in the State and along the Wasatch Front. From what he has read, there is still an opportunity to have owner-occupied requirements. He would have a difficult time moving away from owner-occupied rentals. Additionally, he is concerned about the inability to collect taxes on unregistered rentals. He hopes State Legislation will make it possible to better address that issue, but much of this work is on hold until the outcomes of the Legislation are known. Council Member Newell likes the idea of increased fines for non-compliance but does not want residents attempting to police the uses. The policy needs to be written concisely but also within the parameters of the future Legislation. He reiterated the need to focus on owner-occupied requirements, tax revenue, and compliance.

Mayor Weichers reported that he read the materials on short-term rentals a few times. The paper does an excellent job of not taking sides. It essentially highlights the positives and negatives. As far as enforcement, it is important to think about whether that will fall to the Police Department and what type of resources might be needed. It is also necessary to determine whether the money needed for enforcement will offset the Transient Room Tax that is being missed. He does not feel it makes sense to move anything forward until enforcement is defined specifically by the State. If the State makes it possible to use websites, there can be discussions about whether resources can be dedicated to the enforcement efforts. Mayor Weichers expressed concerns about Example C in the presentation slides. He had a discussion with Council Member Hyland this week about a possible survey to ask residents how they feel about short-term rentals in the community.

Council Member Hyland asked if the survey would gauge interest in owner-occupancy requirements. Mayor Weichers confirmed this. If there is owner-occupancy, the nuisances commonly associated with short-term rentals are less likely to occur. Without the owner-occupancy requirement, it is much more likely that there would be nuisances associated with the rental. There needs to be clarity about any owner-occupancy requirements. For example, if there is a desire for the owner to physically be in the home while the rental occurs. It might be difficult to enforce that requirement, which is also important for the Council to take into consideration.

Council Member Hyland explained that there needs to be a certain number of short-term rentals in the City to fund compliance software. There was a case study in Summit County where Granicus was used. Due to the software, it was possible to resolve a lot of the complaints. She noted that Brighton is a good example of what has been done to bring people into compliance.

Mayor Weichers pointed out that if one of the City's objectives is to find ways to increase affordability, the materials shared need to be taken into account. The paper made it clear that a lot of short-term rentals will decrease the supply of homes that could be rented as those are instead being used for visitors on a short-term basis. That decreases the housing supply and increases prices. Home affordability is an issue with short-term rentals, which should be discussed by the Council. Council Member Hyland reported that the Kem Gardner paper that was recently released included an analysis, which found that short-term rentals could increase the price of a home by approximately 1.9%. That is not as significant an impact as it was previously anticipated to be.

Council Member Hyland explained that if owner-occupancy is allowed, it will allow someone to own a home and offset their mortgage with short-term rentals. Mayor Weichers explained that it is possible for those homeowners to have long-term rentals as opposed to short-term rentals. The main difference is that short-term rentals allow the homeowner to earn more in a shorter period of time. Council Member Birrell pointed out that those interested in renting a condominium will be unable to live there during the short-term rental. Residents with more modestly sized homes would need to vacate in order to rent. Council Member Birrell reported that she attended the Association of Municipal Council's joint meeting with the Council of Governments ("COG"). There was a presentation from the Salt Lake County Long-Term Planning Division, which commissioned a study from a national organization. The intention is to determine what percentage of homes and what types of homes are being purchased by corporations. This data will become available in the next year. Salt Lake County is the first County in the United States to commission a study of this nature. It could reveal the significance of this issue and she looks forward to the data. According to past information, the number of owner-occupied houses in Salt Lake County is diminishing.

Council Member Hyland shared a statistic from The Utah Land Use Institute that found Airbnb activity has increased rent by 1.9%, transaction prices by 4.6%, and posted prices by 3.7%. That information was based on a study that was in the Journal of Urban Economics and the 2022 Short-Term Rental Inventory done by the Kem Gardner Policy Institute. She offered to find out whether that information has been updated in the recently released Kem Gardner study.

Based on the Council discussions so far, it sounds like there is a desire to wait on decision-making until there is Legislative action. Mayor Weichers asked Council Members if there was interest in a scientific survey. Council Member Newell thought a Town Hall would be preferable so there could be a conversation with residents. That might be a more effective approach. Council Member Birrell sees the advantage of a survey on short-term rentals and some level of public engagement. However, she would not be supportive of another expensive survey. It is possible to do something that is less expensive and reaches a solid sampling of the public. Mayor Weichers stressed the importance of a scientific survey. Discussions were had about survey types and outreach.

Council Member Hyland believed there is a desire to better understand the impacts of owner-occupied requirements. There seems to be agreement from the Council that there is no desire to see whole house short-term rentals, as that is where a lot of nuisances come from. She suggested that more research be done and information be shared with the City Council in the future. It will be possible to make decisions once there is clarity about what will happen with the Legislature. It was noted that a Town Hall could be held in January to present some of this information. At that point, there can be feedback received and the Council can contemplate the need for a survey.

c. **3500 East and Bengal Boulevard Striping – Public Works Director, Matt Shipp.**

Mayor Weichers asked that Council Member Birrell share comments about the 3500 East and Bengal Boulevard striping and why she feels this is an important initiative. Council Member Birrell explained that this is part of her overall initiative to see the roads in Cottonwood Heights become safer. Residents have shared concerns about the intersection of Bengal Boulevard and 3500 East as it relates to the westbound traffic coming into that intersection. She wants the emphasis to be on safe mobility for all users. As the Council thinks about restriping this intersection, she asked that there be a focus on the safety of pedestrians, bicyclists, and motorists.

Public Works Director, Matt Shipp, shared information about the intersection. Approximately 10 years ago, the right turn lane was taken off of Bengal Boulevard going westbound. The decision was made for that to be a through lane and a right lane, which he believes had to do with some parking issues. What is happening now is that people are driving up and attempting to go into the right lane to make the turn, but it is not a turn lane. It is a shoulder and vehicles are parking there.

Senior Staff Engineer, Benjamin Nelsen, shared an image of the 3500 East and Bengal Boulevard area. He explained that the east leg of the intersection has a through lane combined with a right turn lane. On the far north side of that, there is a shoulder that has been striped primarily for parking. Council Member Birrell pointed out the areas where she had seen parked cars.

Mr. Nelsen presented the proposed layout. It adds a crosswalk along the eastern part of the intersection, makes the center lane an exclusive through lane, and what is now the shoulder would become an exclusive right turn lane for the length of that intersection. Discussions were had about parking. Mr. Shipp reminded those present that what has been shared is a preliminary layout. Council Member Newell asked if the two homeowners had been contacted. He sees restricting the parking in front of their homes as an issue. Mr. Nelsen denied this and explained that the idea was to bring the preliminary layout to the Council first before anything is pursued more seriously. Council Member Newell reiterated his concerns about restricting the parking near those homes.

Mr. Shipp explained that there have been concerns expressed by one of those homeowners about the parking. He reiterated that if this layout moves forward, then it will restrict the parking. The City Engineer has the authority to stripe red if there is a safety concern. The idea is to improve conditions for the bicyclists as well as those turning. Since restricting parking is contemplated in this layout, it is important for the City Council to deliberate on the matter. Council Member Birrell reported that one of the dangers to pedestrians and bicyclists is the fact that motorists look left when they are about to turn right. That is how a lot of pedestrians and bicyclists are struck. Mr. Shipp stated that the proposed layout adds a level of awareness that there are users coming through.

Council Member Newell asked about the number of incidents that have taken place in the intersection. Mr. Shipp reported that the data is more anecdotal. There have been comments received about vehicles parked in the turn lane. It is then explained that it is not a turn lane. Driver behavior treats it as a turn lane, but it is a wide shoulder. Near misses are not formally reported,

so it is hard to know for certain the number of incidents in the area. Police Chief, Robby Russo, offered to obtain the statistical data that is available. He feels the new proposal is a better solution.

Mayor Weichers asked what direction City Staff is looking for from the City Council. Mr. Shipp explained that if the Council wants to move forward with the proposed layout, it is important to be aware that there will be no parking in a few locations. The house on the east side of 3500 may not be as greatly impacted, but the home furthest east will see some impact. Since there would be impacts on residents, it makes sense for this to be a Council discussion. Mayor Weicher wondered whether it would be possible to reach out to the impacted homeowners for their feedback.

Council Member Birrell suggested that there be a study conducted. For instance, during rush hour it is possible to see what the conditions look like. One of the residents she spoke with who lives in the neighborhood to the northeast said that she finds the layout confusing. People think that they are allowed to come into the shoulder to use it as a righthand turn lane. It might be worthwhile to consider the placement of a sign for communication and clarification. The Council further discussed parking and the contemplated layout. Mr. Shipp confirmed that City Staff can reach out to the two homeowners and have a discussion with them. He asked how to proceed if there is support from both homeowners. It is not possible to stripe until the spring season. Mayor Weichers stated that since there is some time, it is best to start with homeowner communication.

d. Wasatch Boulevard Master Plan Amendment – Community and Economic Development Director, Michael Johnson.

Council Member Birrell explained that the Wasatch Boulevard Master Plan that was adopted in 2019 is a long and complex document. It addresses the entirety of Wasatch Boulevard, which is actually SR-190 until Big Cottonwood Canyon, and then south of Big Cottonwood Canyon, it is SR-210. What is being discussed at the current meeting is strictly what appears in the Wasatch Boulevard Master Plan as the Golden Hills corridor. In the document, it states that there is support for UDOT to implement shoulders that are in addition to the vehicular lanes. The shoulders are described as being used for buses during peak hours only. However, there is a sentence she would like to see deleted from the Master Plan that says during peak hours, private vehicles can use the shoulder lanes as well as the buses. She feels that only the buses should be able to do so.

There was a discussion about the Master Plan at the retreat in February and there was unanimous support to amend the Wasatch Boulevard Master Plan. Mr. Johnson confirmed that this item is based on retreat direction. City Staff went back and listened to the retreat item multiple times and also worked with Council Member Birrell during the drafting process to ensure it met the intent of what she presented at the retreat. This has gone through the Planning Commission and received a unanimous recommendation of approval. Three areas in the plan have been identified that would require an amendment. He noted that this is a minor but impactful amendment. Amendment #1 impacts the fine print label underneath the preferred scenario cross-section within that area of Wasatch Boulevard. "Open to vehicles in peak hour/Open to HOVs on peak ski days," has been removed and there is a reference to informal active transportation space the rest of the time.

Amendment #2 is in the written recommendation that reflects the cross-section. The same kind of change as Amendment #1 was made to that section. Amendment #3 is in the body of the plan

itself. The same clarification is made there to state that the shoulder would be open to transit during peak hours. "Open to vehicles in peak hour/Open to HOVs on peak ski days" was removed.

Mr. Johnson reported that if the amendments are approved, an updated version of the Wasatch Boulevard Master Plan will be posted on the City website. It is an Area Master Plan, but it is considered an addendum to the General Plan. Mayor Weichers thanked everyone for their work on the proposed amendments. The Council will vote on this item during the Business Meeting.

4.0 REVIEW OF CALENDAR AND UPCOMING EVENTS.

- a. **Light the Heights will be on December 2nd from 5:00 p.m. until 7:30 p.m. at the City Hall Cullimore Room.**
- b. **Arts Council's Holiday Show on Friday, December 6th at Butler Middle School from 7:00 p.m. to 8:30 p.m.**

The calendar items were reviewed and discussed.

5.0 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.

6.0 ADJOURN CITY COUNCIL WORK SESSION.

MOTION: Council Member Birrell moved to ADJOURN. The motion was seconded by Council Member Holton. The motion passed with the unanimous consent of the Council.

The Work Session adjourned at 5:37 p.m.

MINUTES OF THE COTTONWOOD HEIGHTS COMMUNITY DEVELOPMENT AND RENEWAL AGENCY BUSINESS MEETING HELD TUESDAY, NOVEMBER 19, 2024, AT 5:30 PM IN THE COTTONWOOD HEIGHTS CITY COUNCIL WORK ROOM LOCATED AT 2277 EAST BENGAL BOULEVARD, COTTONWOOD HEIGHTS, UTAH

Members Present: Mayor Mike Weichers, Council Member Shawn Newell, Council Member Suzanne Hyland, Council Member Ellen Birrell, Council Member Matt Holton

Staff Present: City Manager, Jared Gerber; Deputy City Recorder, Maria Devereux; Community and Economic Development Director, Michael Johnson; Public Works Director, Matt Shipp; Police Chief, Robby Russo; Administrative and Financial Services Director, Scott Jorges; Unified Fire Authority Assistant Chief, Riley Pilgrim; Senior Staff Engineer, Benjamin Nelsen; City Attorney, Shane Topham

1.0 WELCOME

Mayor Mike Weichers called the Community Development and Renewal Agency (“CDRA”) Meeting to order at approximately 5:40 p.m. As the Mayor of Cottonwood Heights, he serves as the Chair of the CDRA with members of the City Council serving as members of the Board.

2.0 CANYON CENTRE UPDATE – CDRA CEO Jared Gerber and Community and Economic Development Director, Michael Johnson.

Community and Economic Development Director, Michael Johnson, shared a Canyon Centre update with the CDRA. In the past, the CDRA has heard from the developer. The developer of the Canyon Centre Community Development Area (“CDA”) is seeking a modification of the existing project area plan, budget, and Development Agreement. The heart of that agreement is a change in use from what was originally entitled as an office building to a residential condominium building. The amendment is also needed to further amend the construction deadline of the condominium building as well as the residential apartment building that has already been approved on the site. The current Development Agreement shows a construction deadline of December 2024. The proposal is to extend that to December 2028. The Canyon Centre developer is currently under contract with a condominium developer and both are present at the CDRA Meeting.

Mr. Johnson shared background information with the CDRA. He reported that this is part of the Canyon Centre Master Development Plan. It was originally approved in 2014. The uses over the entire Canyon Centre area include the public/private parking structure, commercial/retail spaces, hotel (149 rooms), single-family homes (17), rental apartments (140 units), office building (65,000 square feet), and public plaza. He reminded those present that the office building is now proposed to be amended to a residential condominium building. Everything on the site is constructed except for the rental apartment building and the office pad, which sits on top of the parking structure on the south portion of the site. He noted that this proposal has gone to the Planning Commission.

The previous approval for the office building was shared as well as the proposed condominium. The building massing, intensity, and height are not substantially different than what was previously approved and entitled. Mr. Johnson reviewed the impact analysis of offices versus condominiums. The heights are the same as what was previously approved. As for parking for a condominium use rather than an office use, it is much less intense. The office building had 260 stalls allocated whereas the condominium only requires 46 stalls. The condominium building has a less substantial impact on the surrounding area in terms of the parking burden and traffic. It generates an average of 164 trips on an average weekday as opposed to 746 average weekday trips for an office building. The density proposed for the condominium building is 36 units. That brings the total number of residential units between all three residential pieces of the Canyon Centre project to 193 units.

The Conditions of Approval from the Planning Commission were reviewed. Mr. Johnson reported that one of the conditions imposed was the construction of a physical left-turn barrier exiting Canyon Centre Parkway onto Wasatch Boulevard. Traffic studies have shown that is the only failing movement there. As a result, a condition has been recommended to prohibit a left turn from Canyon Centre Parkway onto Wasatch Boulevard. Work will be done with Public Works to install some sort of physical barrier there. When further development occurs on the site, that physical barrier will need to be installed. Mr. Johnson reported that the Planning Commission is the Land Use Authority, so the Commission only looked at the site in terms of the land use impact and ordinance compliance. He explained that the CDRA will look at the Legislative side of things.

Mr. Johnson highlighted three of the Conditions of Approval from the Planning Commission:

- The applicant (or Canyon Centre project developer) shall receive approval of all necessary amendments to the Community Development Area (Development Agreements, Interlocal Agreements, project area plans, financial projections, etc.) by the City and any other applicable entities prior to submittal of a Building Permit for the proposed condominium project;
- The applicant shall construct for-sale condominium units, as proposed. An increase or decrease of more than two units, or a change to a rental apartment product shall require additional review and consideration by the Planning Commission;
- The applicant shall submit an updated Shared Parking Agreement, as part of its required Development Agreement update, that demonstrates the requisite amount of parking allocated for the proposed use. Additionally, the applicant should utilize excess parking in beneficial ways such as additional public parking, overnight guest parking, bicycle parking, etc. Alternate utilization of excess parking is subject to approval by the City's Community Development and Renewal Agency.

Mr. Johnson reviewed the process with those present. He reiterated that the Land Use process has occurred. As for the CDRA role, the process to approve a change in use involves Interlocal Agreements (taxing entities), Developer Agreement (Developer), and Project Area Plan and Budget (Agency). All three need to be amended to be able to move a change of use forward. The request is to update the Development Agreement between the City and the developer to allow the change of use and update the project timeline. The amendment of the Land Use approvals has been done but is contingent on other items moving forward. He shared a document timeline.

The financial analysis information was shared. Mr. Johnson reported that there was an analysis completed by LRB and there were several key assumptions listed as well as some conclusions. The analysis looked at the financial impacts of amending the use from the entitled office building to a 36-unit residential condominium building as well as changing the completion date and subsequently the tax increment financing (“TIF”) trigger date. LRB has completed an amended budget that includes scenarios and that has been carefully reviewed. It is believed the right assumptions were made and are fairly accurate. Some assumptions have been made based on preliminary conversations with Salt Lake County and Canyon School District. The updated projections assume Canyon School District is not participating in TIF contribution for the condominium use on the site. The District is already not participating in the 17-lot single-family product. Any TIF received specifically generated from those residential units is remitted back to them annually. There is also a flat remittance back to the District on an annual basis as well. All of those assumptions are accounted for in the LRB work. The budget has been amended to clarify that the District is not participating in the condominium use like they were with the office use.

Both the Canyon School District and Salt Lake County had previously implemented maximum caps. The cap for Canyon School District was approximately \$4.6 million or a maximum time of 25 years and the cap for Salt Lake County was \$3 million or a maximum time of 25 years. Mr. Johnson discussed priority funding. How TIF and revenue are remitted back to the various taxing entities and various uses on the site is prioritized in the budgets. That is not proposed to be amended. Additional priority funding details were reviewed and are as follows:

- 1st Priorities: Canyon School District residential remittance, 30% Canyon School District remittance, Salt Lake County loan payment (parking structure), City public space improvements, CDA administration (5%);
- 2nd Priorities: Developer loan repayment and O&M for the parking structure.

The LRB conclusions were reviewed. Swapping out the office building and putting in the residential condominium building, taking out the Canyon School District participation in that condominium building, and moving the increment collection for that building to 2029 results in:

- 23 years to reach the Salt Lake County TIF and 24 years of Canyon School District TIF to fund all 1st priorities;
- Inadequate projected funding to fund the developer loan repayments, but will fund a portion of O&M;
- No significant change to 1st priorities other than pushing the Canyon School District time horizon out longer.

Board Member Ellen Birrell asked if the 85,000 square feet of office space is net or gross. Mr. Johnson reported that it is gross and the net space is approximately 65,000 square feet. He reported that the Master Developer has made a request of the Agency to amend the Development Agreement, which necessitates the need to amend the Project Area Plan and budget and to amend Interlocal Agreements with any relevant taxing entities. Staff’s recommendation was as follows:

- Consider conditional approval of the Development Agreement:
 - Amends construction deadline to 2028;
 - Approves change of use from office to residential condominiums, subject to:
 - Proper approval of amended ILAs, project area plan, and budget, following each taxing entity’s required process and timeline;
 - The developer agrees to construct the City park, as agreed upon by the City, to spend City park funds more efficiently:
 - The current project budget shows approximately \$770,000 in total distribution to the City for park improvements. There are concerns that in today’s dollars, this may not be enough to construct the full park.
 - The developer submits an updated Shared Parking Plan revised to reflect the change from office parking to condominium parking.

Board Member Birrell asked if the parking numbers need to be recalculated based on this being a residential project as opposed to an office project. Mr. Johnson explained that this has been proposed. There were 260 stalls proposed for the office use and 46 stalls proposed for the condominium. Board Member Birrell wanted to know how fewer parking stalls will benefit the community. Mr. Johnson explained that the parking available to the public fluctuates based on the day of the week, time of day, and weekends and holidays. The maximum amount of public parking is on weekends and holidays when canyon traffic is at its peak. Currently, a lot more of the parking is earmarked for office use. The developer needs to show how the surplus in parking will be used in a way that benefits the public. That will be reflected in the updated plan.

Mr. Johnson reported that the taxable value estimated for a 36-unit condominium building is approximately \$20 million, which accounts for the residential exemption. In the current market, an office use of 65,000 usable square feet is a little bit less at \$18 million of taxable value. That is reflective of where the office market is currently. Based on the current market, the condominium building, even with the residential exemption, does net out higher than an office use would. If the CDRA is supportive of what has been proposed, the updated budget would be sent to the Canyon School District so their process could start. There would then be a conditional Development Agreement amendment brought back before the end of the year. At that point, work would be done to formalize and update the Interlocal Agreements with each taxing entity.

Board Member Birrell shared some concerns from District 4. The residents who live in the vicinity have been disappointed that the property has remained a dirt lot. It was anticipated that the land would become a park several years ago. In the agreement, she would like to see a timeline for the completion of the park. There should be some guarantee to residents that completion of the park will occur within a certain timeframe. Mr. Johnson reported that there is no hard deadline in the current agreements for park completion, as it is partially based on the availability of City funds to complete that work. He noted that those funds are projected to be fully collected by 2027.

Board Member Matt Holton pointed out that in past meetings, there were mentions of using a portion of that area as a staging ground for the construction. He does not know whether the condominium needs to be completed before the park is built. Board Member Shawn Newell

believed there would be a safety issue completing the park before the other construction was completed. Board Member Holton agrees that there should be some agreement that outlines the expectations for the park area. Board Member Birrell stressed the importance of considering the construction access, noise, dust, and other factors. She asked for an update on the apartments. Chris McCandless reported that he was recently informed the work is close to taking place.

Board Member Birrell noted that there have been concerns expressed about ingress/egress and the way the roadways are on the western side of the Canyon Centre. Mr. McCandless stated that there can be coordination with City Staff based on the recommendation and determination made about the park. There is a willingness to help coordinate the park improvements and there is agreement with City Staff that it is possible for them to do it for less money, but in the past, it has always been the City that was going to develop the park. There was a request made for progress payments.

Chair Weichers has analyzed the proposed amendments and believes the agreement looks fair. He is in favor of moving forward with the agreement. Mr. McCandless explained that there are a few items there is a desire to see modified. When they sell the podium to the residential condominium owner, it is anticipated that the third level of parking will be conveyed. It has 55 stalls, the potential to create a few more, and surface parking rights. That should provide almost all of the stalls needed to make the project work. The parking on the third level will be exclusive with no public use at all. As a result, this will not impact the Shared Parking Plan. There is no desire to change the Shared Parking Plan until after the property purchase has gone through. He asked that the Shared Parking Plan update be done after the sale has been finalized.

Mr. McCandless stated that there is a desire to see this project completed. The original estimated value of the CDA was approximately \$59 million at the terms concluded. In 2018, that changed to \$51,289,000 because the County stated that there would not be property tax assessed on the parking structure. The end-of-term amount was reduced from \$59 million to \$51,289,000. The TIF associated with that 2018 study was \$16.56 million. The new study that just came out shows the 2024 estimated value at the conclusion of the build-out at approximately \$90 million, which is significantly more than what was anticipated. The current assessed value of the project is \$52,572,000, which is more than what was anticipated in 2018. Mr. McCandless reiterated his desire to wait on the Shared Parking Plan update and noted that there is no market for office buildings at the current time. There are a lot of empty office buildings out there.

Mr. McCandless discussed the plaza lot. There is a request related to the parking stalls associated with the plaza lot in the latest version of the Development Agreement. The challenge with that is that they do not own those rights. Board Member Birrell believed the parking being referenced was the surface parking, which was confirmed. Mr. McCandless explained that the hotel actually owns those stalls, so it is not possible for him to deliver on the request that has been made. Board Member Birrell wondered whether the stalls could be negotiated. Mr. McCandless shared a map with the CDRA and explained that the blue stalls are owned by the hotel. On the Shared Parking Plan, it designates the blue stalls for the exclusive use of Unit 2A, which is the hotel. The hotel constructed and paid for those, and they have been marked to indicate hotel parking only. It was clarified that the land is owned, but there is an easement right recorded. The hotel owns that easement right. The CDRA reviewed the Canyon Centre Phase 1 Parking Exhibit. Mr. McCandless noted that the park is worth approximately \$1 million and it is being given to the City.

Additional information about the project was shared. Mr. McCandless reported that a note was submitted to City Attorney, Shane Topham, on the Development Agreement. The condominium developer has had a lot of experience with this type of project. Mr. McCandless stated that he is excited to see the project move forward and is available to answer Board Member questions.

Board Member Birrell noted that she will be looking at the park language carefully. She hopes there will be something agreed upon that will ensure the park is completed in a timely manner. Mr. McCandless reported that the park completion is based on City direction. Once the money is available and there is direction to proceed, then it will be possible to start on that work. Board Member Holton does not love the idea of creating an area that will attract children to it while the other construction is still underway. Discussions were had about safety and access to the area.

Chair Weichers thanked everyone for their presentations. It seems there is support to continue work on the proposed amendments and there will likely be a vote on this in December.

3.0 APPROVAL OF MINUTES

The minutes of this meeting will be approved through the following process: The Agency's Secretary promptly will circulate a draft copy of the minutes to the Board Members, who then will have three business days to provide any proposed corrections to the Secretary. The Secretary will then circulate a revised draft of the minutes to the Board Members, and the same review process will continue as such time as no corrections to the draft minutes are received within the three business days review period, whereupon that draft will be deemed approved and will become the final minutes of the meeting.

4.0 ADJOURN

MOTION: Board Member Holton moved to ADJOURN. The motion was seconded by Board Member Hyland. The motion passed with the unanimous consent of the Board.

The CDRA Meeting adjourned at 6:30 p.m.

MINUTES OF THE COTTONWOOD HEIGHTS BOARD OF CANVASSERS MEETING HELD TUESDAY, NOVEMBER 19, 2024, AT 6:45 PM IN THE COTTONWOOD HEIGHTS CITY COUNCIL CHAMBERS LOCATED AT 2277 EAST BENGAL BOULEVARD, COTTONWOOD HEIGHTS, UTAH

Members Present: Mayor Mike Weichers, Council Member Shawn Newell, Council Member Suzanne Hyland, Council Member Ellen Birrell, Council Member Matt Holton

Staff Present: City Manager, Jared Gerber; Deputy City Recorder, Maria Devereux; Community and Economic Development Director, Michael Johnson; Public Works Director, Matt Shipp; Police Chief, Robby Russo; Administrative and Financial Services Director, Scott Jorges; Unified Fire Authority Assistant Chief, Riley Pilgrim; Senior Staff Engineer, Benjamin Nelsen; City Attorney, Shane Topham

1.0 CALL TO ORDER

Mayor Mike Weichers called the Board of Canvassers Meeting to order at approximately 6:45 p.m. As the Mayor of Cottonwood Heights, he serves as the Chair of the Board of Canvassers of Cottonwood Heights with members of the City Council serving as members of the Board.

2.0 REPORT ELECTION RESULTS FOR 2024 GENERAL OBLIGATION BONDS

Deputy City Recorder, Maria Devereux, reported that Salt Lake County sent the final election results. Cottonwood Heights City has 22,068 active voters and had an 88% turnout. The total votes cast were 17,054. The total votes cast in favor of issuing the General Obligation bonds were 8,939 at 52.42%. The total votes cast against issuing General Obligation bonds were 8,115 at 47.58%. In the Meeting Materials Packet, there is Declaration 2024-01. This declaration of the City Council sitting as the Board of Canvassers will certify the results of the recent 2024 General Obligation Bonds election. A motion is needed from the Board to approve Declaration 2024-01.

3.0 CONSIDERATION OF DECLARATION 2024-01 – *Certifying the 2024 General Obligation Bonds Election Results.*

MOTION: Board Member Newell moved to APPROVE Declaration 2024-01 – Certifying the 2024 General Obligation Bonds Election Results. The motion was seconded by Board Member Birrell. Vote on Motion: Board Member Holton-Aye; Board Member Hyland-Aye; Board Member Newell-Aye; Board Member Birrell-Aye; Chair Weichers-Aye. The motion passed with the unanimous consent of the Board.

Board Member Shawn Newell asked if the document needs to be signed before the Board of Canvassers Meeting is closed or if it can be signed after. It was clarified that it can be signed later.

4.0 ADJOURN

MOTION: Board Member Hyland moved to ADJOURN. The motion was seconded by Board Member Holton. The motion passed with the unanimous consent of the Board.

The Board of Canvassers Meeting adjourned at 6:50 p.m.

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL BUSINESS MEETING
HELD TUESDAY, NOVEMBER 19, 2024, AT 7:00 PM IN THE COTTONWOOD
HEIGHTS CITY COUNCIL CHAMBERS LOCATED AT 2277 EAST BENGAL
BOULEVARD, COTTONWOOD HEIGHTS, UTAH**

Members Present: Council Member Shawn Newell, Council Member Suzanne Hyland, Council Member Ellen Birrell, Council Member Matt Holton

Staff Present: City Manager, Jared Gerber; Deputy City Recorder, Maria Devereux; Community and Economic Development Director, Michael Johnson; Public Works Director, Matt Shipp; Police Chief, Robby Russo; Administrative and Financial Services Director, Scott Jorges; Unified Fire Authority Assistant Chief, Riley Pilgrim; Senior Staff Engineer, Benjamin Nelsen; City Attorney, Shane Topham; Barbara Higgins, City Recorder

1.0 WELCOME

In the absence of Mayor Mike Weichers, Mayor Pro Tempore Shawn Newell called the City Council Business Meeting to order at approximately 7:00 p.m. and welcomed those present.

2.0 PLEDGE OF ALLEGIANCE

City Recorder, Barbara Higgins, led the Pledge of Allegiance.

3.0 CITY COUNCIL COMMITTEE REPORTS

3.1 Committee Reports by Council Member Matt Holton.

Council Member Matt Holton shared information about Wasatch Front Waste and Recycling. Earlier this week, a proposed increase to the fee was shared. There have been some questions about how to most efficiently and effectively handle trash and recycling pickup in the community. The proposed increase is \$6.50 per month, which results in \$26.50 per month. That includes weekly pickup of trash and recycling, Christmas tree pickup, and a number of other services.

Council Member Holton has not been on the Wasatch Front Waste and Recycling Board for long, but he wants to make sure there are adequate resources to operate so residents do not experience disruptions. In addition, he wants to make sure there are cost-cutting measures considered where possible. There was not a cap on the sick or paid time off (“PTO”) leave and there was a \$1.2 million liability on an accrual that was not capped. Caps will now be put into place, which will result in significant liability cost savings. The Board is looking at different ways to do compensation. There are a lot of things that are taking place as far as cost-cutting measures.

Council Member Holton plans to support the proposed increase, but is doing everything that he can to make sure cost cutting measures are put in place. Herriman and Magna are both putting out a request for proposal (“RFP”) to see if the private sector can offer service more affordably. Instead of Cottonwood Heights going out to RFP and paying for that process, Herriman has

committed to sharing those results with the City. Those results should be available in mid-January to the beginning of February and will determine whether the private sector can provide service more affordably while maintaining a high level of service. If that is determined to be the case, those cities may return to Wasatch Front Waste and Recycling and ask to leave. In the next few months, he will be focused on making sure that Wasatch Front Waste and Recycling has the resources to continue service while determining how to cut costs and save money for users. Council Member Holton will share another report on this matter once more information is known.

3.2 Committee Reports by Council Member Suzanne Hyland.

Council Member Suzanne Hyland reported that she sits on the CH2 Committee, which refers to Cottonwood Heights City and the Cottonwood Heights Recreation Center. All the restrooms are closed and the water is turned off at all of the parks, with the exception of Mountview Park and Ferguson Park as those are year-round parks. She noted that there is some room left in the Thanksgiving 5K and it is still possible for those interested to register. The Cottonwood Heights Recreation Center is offering some free booths for up to eight businesses who might want to be there in the morning to share services and support the Thanksgiving 5K event. There will also be a Free Skate With Santa event on December 21, 2024, from 2:00 p.m. to 4:00 p.m.

Council Member Hyland sits on the Emergency Management Committee. There are quarterly presentations for residents to learn more about emergency management. This particular presentation was about sheltering in place and what needs to be done to prepare for that kind of event. She encouraged residents to take precautions and to be prepared in case of an emergency.

3.3 Committee Reports by Council Member Shawn Newell.

Mayor Pro Tem Newell reported that he serves on three different Committees, one of which is the Canyon School District. The Canyon School District has purchased the old eBay facility. That facility will allow the tech programs and STEM programs from the Canyon School District to blossom. It will be able to handle students from a large area. In the spring, the Canyon School District holds a gala. Residents can participate in that gala by purchasing a table or providing prizes for the silent auction. Anything that can be done to support the school system is appreciated.

Mayor Pro Tem Newell also serves on the South Valley Chamber. There was a gala held last week and it was nice to see business people honored for the work they do in the community beyond business. He hopes to see that expand and to see Cottonwood Heights businesses participate more with the South Valley Chamber. Mayor Pro Tem Newell shared information about the Arts Council. There is Light the Heights on December 2, 2024, and the Holiday Show on December 6, 2024. The Arts Council is also working on the play for next year, which is sure to be wonderful.

3.4 Committee Reports by Council Member Ellen Birrell.

Council Member Ellen Birrell reported that she has attended a number of meetings inside and outside of the City. She attended a half-day conference in Draper regarding child sexual abuse. While this is a severe problem in Utah, with one in seven children sexually abused, 65% of Utah residents think there is not a problem in the area. Senator Kirk Cullimore led Senate Bill (“S.B.”)

205 for prevention education efforts to reduce that ratio. There was also an annual Wasatch Front Regional Council (“WFRC”) Meeting that she attended this past week along with the City Manager and Council Member Hyland. It featured a discussion on transportation and land use. She noted there were good discussions about current conditions and future aspirations.

There was an open house and virtual meeting held last week by the Utah Department of Transportation (“UDOT”). The in-person meeting was well attended and there was a presentation on items UDOT is looking to advance to reduce the traffic in Big Cottonwood Canyon during peak ski hours. UDOT is accepting public comments at this time. Council Member Birrell reported that she has been asking to see a draft letter that would be presented to Salt Lake County to reach a conclusion about the parking stalls that exist at the mouth of Ferguson Trailhead.

As for the Parks, Trails, and Open Space Committee, which Council Member Birrell is the liaison for the Council, the first neighborhood byway for Cottonwood Heights was celebrated. It runs east-west from the Cottonwood Heights Recreation Center along Banbury Road and eastward. The outdoor celebration at Bywater Park was cold and snowy, but approximately 15 people came to celebrate the first neighborhood byway for Cottonwood Heights. Council Member Birrell reported that tomorrow night in City Hall, the Parks, Trails, and Open Space Committee will be meeting. It is a public meeting and those interested are welcome to come and observe.

3.5 Committee Reports by Mayor Mike Weichers.

Mayor Weichers was not present at the Business Meeting.

4.0 CITIZEN COMMENTS

Mayor Pro Tem Newell opened the Citizen Comment period.

Runar Boman discussed 3500 East and Bengal Boulevard. During the Work Session, there was a comment made about the safety of pedestrians crossing. He rides the bus to work and gets on and off the bus at Highland Drive and Fort Union Boulevard, which is a busy intersection with a lot of traffic. He never assumes that the motorist is able to see him and tries to make eye contact with the first motorist in line who wants to turn. As a motorist, he has seen pedestrians cross without looking. He stressed the importance of making eye contact and moving carefully in busy areas.

Mr. Boman shared comments about the practice of chip sealing and noted that Bengal Boulevard was chip-sealed this summer. He is an avid road bicyclist and both 2300 and Bengal Boulevard are busy roads. Before the chip seal was done, those were in poor shape with cracks and holes. With the chip sealing, at first glance, it looks much better, but it is not smooth. The road is still uneven and all of those small imperfections have become more problematic for bicyclists. He has heard past comments that this is a more cost-effective solution with a relatively short lifespan. He asked whether the Council has investigated the cost benefits of different solutions. On busy roads like 2300 and Bengal Boulevard, it might make more sense for the roads to be fully redone.

Gretchen Dennison shared comments about Bengal Boulevard and the four-way stop. The turns and the traffic in that area are problematic, which is why it is important to review Bengal Boulevard

as a whole. She asked the Council to consider their priorities regarding the four-way stop and the overall use of Bengal Boulevard. There is a lot of foot traffic and that needs to be taken into consideration. Ms. Dennison suggested that a blinking light be installed and that neighborhood feedback be obtained. She is not opposed to removing parking if that will make the four-way safer because her priority is safety, but she feels there are other options that could also be explored.

There were no further comments. The Citizen Comment period was closed.

5.0 STANDING QUARTERLY REPORTS

5.1 Quarterly Financial Report – Administrative and Financial Services Director Scott Jurges.

Administrative and Financial Services Director, Scott Jurges, shared the Quarterly Financial Report with the Council. He noted that some financial statements are still in flux and will be presented during the second meeting in December. Mr. Jurges reviewed the Cottonwood Heights City 2024 General Fund Actual – November 19, 2024 document. It takes the budget from last year and shows the beginning Fund Balance, revenues, expenses, and transfers out. It then shows the net change in the Fund Balance with the ending Fund Balance. The percentage shown is the percent of the ending Fund Balance as it relates to revenues. The projection is in the middle column and the actual is shown on the end. The actual was better than the budget by approximately \$1 million. Compared to the projection, the City was approximately \$100,000 lower than the projection was when the budget was adopted back in mid-June. He reported that the Compensated Absence line item will be updated appropriately and will be sent back out to Council Members. Some of the drivers in terms of both revenues and expenses are listed on the budget document. He reiterated that what is shown is a recap of the last Fiscal Year that finished at the end of June 2024.

Council Member Hyland asked about the lag in sales tax revenue. Mr. Jurges reported that it is approximately two months. He next shared a Cottonwood Heights Property Tax Trend graph. It shows the history of the property taxes in the City. In every year, except for Fiscal Year 2019, the average annual change was \$52,271. There was not a lot of change in that timeframe, because as property values increase, the tax rate decreases so the same amount is received. There are new increases when there is new construction or an addition is added to a home. New growth has new taxes associated with it, but there is not a lot of increase from that. If the City was balancing the budget solely on property tax, it would be an extremely flat budget and there would be difficulties. Property tax is not one of the areas where it is possible to address future cost increases, but it is a dependable source of revenue. Most of the property tax is collected during the months of November and December. Approximately 90 to 95% of the property tax is collected at that time.

Mr. Jurges shared information about Fiscal Year 2019. He explained that it was Fiscal Year 2019 but the 2018 property tax year. It was a year where there was a 13.4% property tax increase, which generated an additional \$980,000 in that year. Mr. Jurges reviewed the Motor Vehicle Fee In-Lieu Trend graph. He explained that this has declined over time. It is allocated to all property tax entities in the Salt Lake County area, but the entities that do not do property tax increases lose share overall. The entities that typically do increases are school districts, but cities tend to do

property tax increases less often. Mr. Jurges reported that Cottonwood Heights has only done one property tax increase, and as a result, the share of the Motor Vehicle Fee is decreasing.

The Sales Tax Trend graph was shared. Mr. Jurges reported that sales tax has increased over time because as prices increase and the volume of sales increases, the City receives more sales tax. Part of the number is based on point-of-sale and part of it is based on the State-wide share. Both the State and the City have been performing well, but there was a bit of a flattening seen this past year. The Cottonwood Heights Sales Tax Trend through August information was reviewed. The City has received sales taxes through the month of August. Currently, the City is \$31,000 ahead of where they were last year, but there are fluctuations from month to month. Just under \$9.1 million was received last year and the year before. The budget is \$9.7 million, but he believes it will be closer to \$9.4 million or \$9.5 million. That projection will be refined as more months of data come in.

Mr. Jurges reviewed the County Option Highway Sales Tax and explained that it is similar to Sales Tax, but the counties had to opt in to charge it. Salt Lake County has opted in, but not all counties in the State have opted into this particular sales tax. This means the distribution is slightly different than what is seen with the regular sales tax. It is slightly ahead of where it was last year.

The Transient Room Tax Trend was discussed. Mr. Jurges explained that this is a function of short-term rentals in the City. It is predominantly made up of hotels, but can also be impacted by other kinds of short-term rentals. He does not anticipate any new hotels being built in the short term, so he does not believe the net revenues will change a lot unless something different is done with short-term rentals. Under the current conditions, it is unlikely this amount will change much.

The Municipal Energy Tax Trend graph was reviewed. This is a percentage tax applied to the power and natural gas rates that are charged to various customers throughout the City. There was an increase in 2023 and it has been relatively stable since then. Currently, the City is \$63,000 ahead of where it was in 2024. The Cable Franchise Tax Trend graph was shared. Mr. Jurges reported that the City has not yet received anything and some will likely be received later this month. The Class C Roads Funds Trend graph was discussed as well as the recognition period. During the COVID-19 pandemic, there were increases in the revenues received. Growth in the State overall as well as traffic coming through the State can impact those numbers.

The General Fund Expense Trend graph was shared. Mr. Jurges explained that it can be impacted by a number of different factors, such as the timing of payments. He is not seeing anything that indicates there is an issue with department spending, but it is approximately \$800,000 higher than the 2024 spending at this time. He pointed out that the personnel costs are budgeted to be approximately \$500,000 more than last year, so there will be some increase seen as a result of that. The General Fund Revenue Trend graph was reviewed. Currently, the City is approximately \$568,000 ahead of last year in terms of revenue recognition. November and December are high collection months, which is due to the property taxes coming in during those months.

5.2 Unified Fire Authority Report – Assistant Chief Riley Pilgrim.

Unified Fire Authority (“UFA”) Assistant Chief Riley Pilgrim presented the UFA Quarterly Report for Quarter 3 (July 1, 2024, to September 30, 2024). In the quarter, there were 583 total incidents in Cottonwood Heights. 223 or 38% of those were classified as emergent. Assistant Chief Pilgrim shared the call volume for each month in the quarter and compared those numbers to the previous two years. There has not been a significant fluctuation in calls from year to year.

Council Member Hyland noted that the perception is there should be more incidents in July because of the fireworks. However, that does not seem to be reflected in the numbers shown. Assistant Chief Pilgrim explained that it depends. The restrictions in place are fairly effective.

Assistant Chief Pilgrim noted that the ALS call data shown on the presentation slide under the top EMS calls could be a cardiac issue or breathing problem. That data is being sorted out so there will be more clarity about the specific call types. The non-emergent calls are normally public assistance-related calls. For instance, a situation where there is a locked car with a pet inside.

Within Cottonwood Heights, Station 110 is usually the busier station until the winter season hits, and then Station 116 starts to catch up with all of the canyon responses. 90% of the calls are being covered with the Cottonwood Heights units. The top ambulance responses were reviewed. Assistant Chief Pilgrim reported that Station 110 has 73.7% of responses. Ambulances are a regional asset. There is not one in every station, but ambulances are strategically positioned.

Assistant Chief Pilgrim discussed the call response times and stated that he will look into the slight increase that has occurred compared to last year. He shared a map with the different call types as well as a heat map of Cottonwood Heights. There was one semi-significant wildland fire call approximately one month ago at the mouth of Big Cottonwood Canyon. He also shared information about a house fire in Holladay. The crew was instrumental in rescuing the occupants of the home. Four police officers were injured and one firefighter was injured. It was remarkable that the crew was able to locate the elderly woman and take her out of the house. The crews are committed, courageous, and dedicated to helping others, which is important to recognize.

Mayor Pro Tem Newell thanked Assistant Chief Pilgrim for sharing those details. Council Member Birrell reported that she received a call about the fire at the mouth of Big Cottonwood Canyon from the U.S. Forest Service station and Assistant Chief Pilgrim. It was meaningful to be informed, because some of her constituents may have been able to see the smoke. She expressed her appreciation for that level of communication and all of the UFA efforts.

6.0 ACTION ITEMS

6.1 Consideration of Ordinance 425 – Amending the Wasatch Boulevard Master Plan Element of the City’s General Plan. (This Ordinance will amend the Wasatch Boulevard Master Plan element of the City’s General Plan, as recommended by the City’s Planning Commission.)

Mayor Pro Tem Newell reported that this item was discussed during the Work Session.

MOTION: Council Member Birrell moved to APPROVE Ordinance 425 – Amending the Wasatch Boulevard Master Plan Element of the City’s General Plan. The motion was seconded by Council Member Hyland. Vote on Motion: Council Member Holton-Aye; Council Member Hyland-Aye; Council Member Birrell-Aye; Council Member Newell-Aye. The motion passed with the unanimous consent of the Council.

6.2 Consideration of Resolution 2024-70 – Concerning the Development Review Committee. (By this Resolution, the Council will approve membership of the City’s Development Review Committee.)

Mayor Pro Tem Newell reported that this item was discussed during the Work Session.

MOTION: Council Member Hyland moved to APPROVE Resolution 2024-70 – Concerning the Development Review Committee. The motion was seconded by Council Member Holton. Vote on Motion: Council Member Holton-Aye; Council Member Hyland-Aye; Council Member Birrell-Aye; Council Member Newell-Aye. The motion passed with the unanimous consent of the Council.

7.0 CONSENT CALENDAR

7.1 Approval of the Minutes for the City Council/Planning Commission Joint Work Session of October 29, 2024.

It was noted that not all members of the City Council received the Meeting Minutes from the City Council and Planning Commission Joint Work Session. As a result, the vote will be delayed.

8.0 ADJOURN CITY COUNCIL BUSINESS MEETING.

MOTION: Council Member Hyland moved to ADJOURN. The motion was seconded by Council Member Birrell. The motion passed with the unanimous consent of the Council.

The City Council Business Meeting adjourned at 7:53 p.m.

I hereby certify that the foregoing represents a true, accurate, and complete record of the Cottonwood Heights City Council Work Session, City Council Business, CDRA, and Board of Canvassers Meetings held Tuesday, November 19, 2024.

Teri Forbes

Teri Forbes
T Forbes Group
Minutes Secretary

Minutes Approved: _____