

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL WORK SESSION  
HELD TUESDAY, MARCH 5, 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 Suzanne Hyland, Council Member Matt Holton, Council Member Shawn E. Newell, Council Member Ellen Birrell

**Staff Present:** City Manager, Tim Tingey; City Attorney, Shane Topham; Records, Culture, and HR Director/City Recorder, Paula Melgar; Community and Economic Development Director, Michael Johnson; Police Chief, Robby Russo; Administrative and Financial Services Director, Scott Jurges; IT Manager, Matt Ervin; Public Works Director/City Engineer, Matt Shipp

**1.0 WELCOME – Mayor Mike Weichers.**

Mayor Mike Weichers called the meeting to order at 4:00 PM and welcomed those present.

**2.0 REVIEW OF BUSINESS MEETING AGENDA – Mayor Mike Weichers.**

The Business Meeting Agenda was reviewed and discussed. Mayor Weichers reported that the agenda included five legislative action items. The first was consideration of Ordinance 411 Amending Chapter 19.76 concerning Cottonwood Heights paved activity services.

The second Action Item was consideration of Resolution 2024-10 approving and ratifying a bid and awarding a Construction Contract for the Towne Drive Area Roadway Improvement Project. Public Works Director, Matt Shipp reported this item includes reconstruction of the area as part of the five-year plan. This is a \$616,489 bid and award for a construction contract to Miller Paving, Inc.

The next Action item was consideration of Resolution 2024-11 consenting to an appointment to the Arts Council. City Manager, Tim Tingey reported that this item was for the appointment of Amy Smith to the Arts Council. Ms. Smith served on the Arts Council several years prior and has a great background and willingness to serve. He recommended approval.

The next Action item was consideration of Resolution 2024-12 approving an agreement with the Metropolitan Water District of Salt Lake and Sandy. City Attorney, Shane Topham reported Metro Water presented the Cottonwood Connect Pipeline Project that runs through much of the City. This item would be proposed approval of the agreement with Metro Water which has a statutory right as a Special District to use rights of way to install pipelines. The agreement would cover the direction of the project and notice given regarding the closure of streets and the creation of detours. He stated there is an insurance requirement and restoration street service requirement also included in the agreement. Mr. Topham recommended approval.

Mayor Weichers asked if Metro Water has worked on Cottonwood Heights roadways previously. Mr. Shipp did not recall Metro Water having worked in the City. This project will be a substantial disruption and he recommended the City stay on top of any comments received from residents. Contact information will be provided.

The final Action Item was consideration of Resolution 2024-13 approving and ratifying a bid and awarding the Construction Contract for the Prospector Drive Area Roadway Improvement Project. Mr. Shipp stated this item is the second project in the first year of the five-year plan. Prospector Drive is unique in the fact there is one way in and one way out on this particular project with several cul-de-sacs. This will cause significant disruption and he noted residents will be notified and made aware of its progress. Mr. Shipp recommended approval of awarding the bid to Miller Paving, Inc.

Council Member Birrell stated that Prospector Drive is in District 4 and he emphasized the cost of the street reconstruction. The Prospector Drive reconstruction alone will cost \$956,000. Mr. Shipp stated that once the project begins, Miller Paving, Inc. will have 90 days to start and complete the project.

### **3.0 STAFF REPORTS**

a. **Tavaci Proposed Annexation Discussion – Mayor Weichers and City Manager, Tim Tingey.**

Mr. Tingey reported that there has been continued discussion regarding the proposed Tavaci Annexation and the adjacent property owned by Walker Development. Staff reached out to Walker Development regarding their Annexation Request who reported that other portions of their property exist within the City. They would like to have the proposed portion included as well. The Walker property is currently zoned RR-1-20 - Recreation and Forestry.

Council Member Birrell asked if Salt Lake County has received any formal requests from the Tavaci Homeowners Association (“HOA”) alluding to potential development or a roadway. Community and Economic Development Director, Michael Johnson, stated that an application was submitted in April 2023 to vacate the platted secondary units. It went through an initial round of reviews and has since become stagnant. If annexed, the Tavaci HOA would have to make a request through the City and start that process over again. He reported that the Unified Fire Authority (“UFA”) reviewed the application through the Salt Lake County Service District and approved the elimination of the secondary access point.

Council Member Holton asked if the Tavaci bridge is within Cottonwood Heights and creates the same level of concern as the roadway itself. Mr. Johnson reported that the roadway is private and the HOA would be required to come forward with a request for the City to take ownership.

Council Member Hyland understood that the HOA has several hundred thousand dollars in the bank and was projected to have \$300,000 in reserves by the year’s end. She felt there was no way to guarantee that the road will never be a public liability to the citizens of Cottonwood Heights.

Mayor Weichers understood that the Tavaci bridge was built to the same specifications as a highway. It was anticipated that the bridge could easily last 100 years.

Council Member Birrell felt that the annexation and ultimate responsibility of the roadway is a risk to the taxpayers. Mayor Weichers reiterated that although the City will own the roadway, the law states that the residents are required to provide maintenance. Mr. Topham reported that this is a legislative decision for the City Council. He did not believe the City would be required to spend millions of dollars to restore access for 100 residents. He clarified that the Tavaci Development was not entitled to or approved under the City of Cottonwood Heights. The property variances occurred under Salt Lake County prior to the City's incorporation. When the incorporation occurred, the Tavaci Development bridge was in place, the subdivision was platted, and homes were built. When the recession occurred, the Tavaci owner/developer approached the City wanting to increase density and the request was denied. He stated at that point, the developer made the decision to disconnect and go to Salt Lake County with their request.

Mayor Weichers stated that running a City requires the collection of property taxes, which are utilized to pay for roads. When considering a private development, the City is responsible for fewer services than are provided to those residents of public roads. There is liability associated with taking on the road to the Tavaci Development and consideration was recommended from all sides.

Council Member Hyland expressed opposition to the proposed Tavaci Annexation right now. It could be considered in the future. It was her opinion that while not probable, the road could potentially become a liability to the City.

Mr. Tingey reiterated that should the property be annexed in and the City takes ownership of the road, it will remain the responsibility of the Tavaci owner/developer with the same stipulations as Timberline Drive.

Council Member Birrell stood with the decision that other opportunities for annexation would be positive for the City. She still had concerns about the Tavaci Annexation even after extensive deliberations and felt there was no rush to vote. Council Member Hyland suggested a Town Hall Meeting take place to discuss the benefits of joining Cottonwood Heights for residents to the south. She felt that the City could annex the other areas within the year and then revisit Tavaci.

Council Member Holton stated when discussing private roads, he believed there should be a policy in place with specifications regarding annexation. Mayor Weichers confirmed that the City Council will continue to discuss the matter and make a determination in the near future.

**b. Zoning Text Amendments – Community and Economic Development Director, Mike Johnson.**

Mr. Johnson presented Zoning Text Amendments. In an ongoing effort to provide a more accurate and user-friendly Code, Staff maintains an ongoing list of ambiguous, conflicting, or otherwise erroneous City Code passages that require correction. He reported that the changes are City initiated clean-up and include the following:

## *Proposed Change #1 - Pet Boarding Establishment*

In April 2023, the first batch of zoning ordinance edits were brought to the Planning Commission as part of ongoing City Code maintenance. Updated regulatory language on dog kennels was included in the first batch but was removed from the final adopted version following the direction of the Planning Commission to reassess which zones kennels would be allowed in. Following this direction, Staff drafted an updated Ordinance for establishments of this type, which broadens the scope to "pet boarding establishments," rather than only those for dogs, and only allows commercial boarding in the Regional Commercial ("CR") Zone. Clearer regulations were also included for boarding home businesses as listed below in City Code Title 19.

19.04.1330 Commercial Pet Boarding. A commercial establishment with indoor and outdoor space in which domestic and licensable pets, as detailed in 8.16 of City Code, are housed on a daytime and/or overnight basis. Establishments may also include grooming, training, and associated retail elements.

### 1. Commercial Pet Boarding

- a. *Number of pets on site.* The number of animals on-site at a commercial pet boarding institution is limited by the number of caregivers on-site, with a requirement for one caregiver on site for every ten animals on site. All pets being, boarded, groomed, or trained at any given point shall be included in this calculation. Caregivers are those staff members providing actual care to the animals on-site, not including those staff members whose duties are limited to reception services, janitorial services, etc.
- b. *Facility measurements.* The number of animals on site is also limited by the square footage available in the facility. All facilities shall have at least 60 square feet of dedicated boarding area per animal, not including kitchens, lobbies, storage rooms, grooming rooms, training rooms, and areas with other ancillary functions. All facilities shall provide boarding crates or enclosures that provide sufficient space for each animal to turn about freely, and stand, sit, and lie in a comfortable, normal position. The interior height of each crate or enclosure must be at least six inches higher than the head of the animal when the animal is sitting upright in said crate or enclosure.
- c. *Overnight and emergency plan.* A plan specifying the details of overnight care and emergency procedures shall be submitted to the Planning Commission for review as part of the conditional use process. If a conditional use permit is not required due to the prior licensure of an establishment of this type at a subject property, these details shall be submitted to staff as part of the business license application and reviewed by the Development Review Committee.

## 2. Home Pet Boarding

- a. Home pet boarding is a type of home occupation that includes the daytime boarding of domestic and licensable pets, as detailed in 8.16 of City Code, in an eligible residential zone. Daytime boarding is considered that which takes place between the hours of 7:30 a.m. and 6:00 p.m. Overnight pet boarding is prohibited as part of a home pet boarding operation. A home pet boarding establishment may also include pet grooming and training. Home pet boarding is divided into two categories: minor home pet boarding, and standard home pet boarding.
  - i. Minor home pet boarding constitutes the daytime boarding of up to four pets at any single point. Allows up to four pets at any given time.
  - ii. Standard home pet boarding constitutes the daytime boarding of above four and up to six pets at any given time.

### *Proposed Change #2 - Fuel Price Signs*

City Code allows electronic signage for time and temperature signs but doesn't explicitly allow it for fuel price signs, although they are standardly included in fuel stations. A zoning interpretation has allowed the City to permit electronic fuel price signage, but this approach should be formalized in the Code.

### *Proposed Change #3 - Bond Adjustments*

Bond procedures have historically been included in multiple sections of the City Code, including Title 3, Title 12, and Title 19. However, the provisions outlined in each title conflicted with one another, prompting a need for a single procedure.

### *Proposed Change #4 - F-1-21 Accessory Buildings Permitted*

Accessory buildings, such as sheds and detached garages, are currently allowed in all residential zones except the Foothill Residential Zone. For an unknown reason, most likely an administrative error, this zone allows single-family homes but does not list accessory buildings. The draft updates this to provide consistency across all residential zones.

### *Proposed Change #5 - Lot Coverage and SLEDS*

Each zone in Cottonwood Heights lists the lot coverage maximum, which signifies the maximum percentage of the lot that can be covered by structures. However, for properties within the Sensitive Lands Overlay Zone, lot coverage includes not only structures but also all impervious surfaces such as driveways, patios, decks, etc. Currently, each zone's individual Ordinance only lists the underlying lot coverage maximum, without mention of the more restrictive standard for properties also in the overlay zone. This has created confusion for residents who read these Ordinances, without knowing how to also check the Sensitive Lands Overlay Zone standards. As

such, the draft incorporates information about this more restrictive standard within each zone's Ordinance, as a means of providing better information to the public.

#### *Proposed Change #6 - Definition of Street*

Although there are both public and private streets in Cottonwood Heights, the current definition of "street," only specifies public rights-of-way. The draft has updated this to also include private rights-of-way.

#### *Proposed Change #7 - Height Measurements and SLEDS*

Each zone in Cottonwood Heights lists the maximum height for structures. However, the height limit is reduced for many zones within the City if they are located in the Sensitive Lands Overlay Zone, due to hazards that may exist in this overlay zone. Currently, the restriction is listed inconsistently in individual zones, with some listing the particular hazard (slope stability) that necessitates the reduced height restriction, and some listing a blanket reduced height for all structures if a property is located in the overlay zone. Additionally, some zones fail to mention this restriction altogether. This has created confusion for property owners and Staff. As such, the draft incorporates clarification about this more restrictive standard and cleans up formatting inconsistencies within each zone's Ordinance.

#### *Proposed Change #8 - Board of Adjustment Fixes*

When Cottonwood Heights was first incorporated, the City utilized a Board of Adjustment to review appeals, including things such as nonconforming expansions and variances. Since that time, the City has moved to a single Appeals Hearing Officer to replace the Board of Adjustment. Fixes to Title 19, removing mention of a Board of Adjustment were adopted last year. Since then, Staff has become aware of other mentions of a Board of Adjustment in Title 2, that it recommends should be replaced with mention of the Appeals Hearing Officer, as this is the current procedure utilized by the City.

#### *Proposed Change #9 - Zoning Map Location Fixes*

When Cottonwood Heights was first incorporated, City maps were printed and maintained on file at City Hall for residents to view. As Staff capabilities have evolved technologically, many City resources have moved to the City's website. This code amendment clarifies that zoning maps are in the custody of the Community and Economic Development Department (which includes planning and GIS mapping staff) and that they can be found both on the City's website and in person at City Hall.

#### *Proposed Change #10 - Rural Residential Zones Accessory Building Fixes*

Compared to other residential zones, Rural Residential Zones (RR-1-43, RR-1-29, and RR-1-21) contain distinct setback requirements for accessory buildings and "private garages." This is due to the rural nature of the zone as well as a desire not to create a large number of nonconformities, given that many of these properties were developed prior to the City's adoption of its current zoning

code. Upon staff's review of zoning ordinances, it was discovered that contradictory information regarding accessory building setbacks exists in the Maximum Height subsection of each rural residential zone section. Staff proposed to fix these inconsistencies, as well as a relabeling of "private garages" as "detached garages" for clarity.

#### *Proposed Change #11 - Fencing Clarifications*

Currently, City code is ambiguous with regards to fencing in the case of key lots, where one lot's front yard abuts another lot's rear yard. In this case fencing standards conflict, fences along property lines in the front yard may be constructed up to a height of four feet, while fences along property lines in the rear yard may be constructed up to six feet (with extensions allowed as a conditional use). A recent neighbor dispute brought this to the staff's attention. Upon investigation, Staff found the definition of a key lot to be incorrect and also found a loophole in the wall height extension process, which would have allowed extensions in front yards. Staff is proposing supplanting the definition of a key lot with the definition found in the Planner's Dictionary, adding a provision for fences to be constructed up to six feet in the case of key lots, and clarifying that no wall height extensions are allowed in the front yard of lots, including key lots.

#### *Proposed Change #12 - Public Utility Easements*

Public utility easements, or PUEs, are a standard component of subdivisions whereby an easement is provided along each lot's perimeter to serve as an access area for public utilities. Although PUEs are commonplace in subdivision processes, the City code does not currently list the required measurements for these easement areas. This proposed change codifies PUE measurements within the Subdivision Ordinance to provide clarification for future projects. The measurements listed in this proposed change are typical of most subdivisions in Cottonwood Heights.

#### *Proposed Change #13 - Monument Signs for Religious Institutions*

Monument signage is typical of most non-residential uses, such as offices, retail establishments, academic institutions, and religious institutions. However, many religious institutions, including those in Cottonwood Heights, exist within residential zoning, which does not allow monument signage. This proposed edit clarifies that monument signage is allowed on site at churches, rectories, or temples, regardless of underlying zoning. In regard to allowed size, Staff proposes that monument signage at religious institutions be limited to the smallest monument signage dimension that currently exists in the City code of 4 feet in height and 32 square feet in size. Staff has also proposed several minor edits to the monument sign table (chart 19.82.03-01) to add missing zone information and clarify measurements.

#### *Proposed Change #14 - Lighting for Recreation Facilities*

When the Outdoor Lighting Ordinance (§19.77) was passed in 2019 to combat nighttime light pollution, it contained an Exceptions section designed to address instances where specific uses and circumstances may need supplementary or different regulations than standard commercial and residential zone regulations. Because the section is titled "Exceptions," some applicants have been

under the impression that all items listed in the section are exempt from lighting regulations. Staff proposes renaming the section, clarifying the intent of the section, and clarifying that only public and commercial outdoor recreational facilities are included in this section.

*Proposed Change #15 - Accessory Building Fixes*

This change is designed to clean up miscellaneous conflicting information that pertains to accessory structures and detached garages. City code currently defines accessory buildings as being both possibly attached to or detached from primary structures. This has led to confusion since all zones treat accessory buildings as totally detached from the primary structure. Staff proposed clarifying that accessory buildings are always detached structures, along with other miscellaneous fixes that codify Staff interpretations. In accordance, staff also proposes changing the definition of a "private garage" to a detached garage and removing the definition for an accessory dwelling above a detached garage that serves no use.

*Proposed Change #16 - Detached ADU Clarifications*

Unlike other accessory buildings, Detached Accessory Dwelling Units ("ADU") are subject to stricter setback standards. The code currently requires Detached ADUs to meet the same setback standards as primary structures (single-family residences) in residential zones, while also being located in the rear yard. Staff proposed code updates clarify this further in the ADU chapter and in the supplementary and qualifying provisions section for accessory building area regulations.

Council Member Hyland felt that the Pet Boarding Amendments were a substantive change and should be approached during a broader discussion of the commercialization of residential properties. She recommended the removal of the Home Pet Boarding Section to allow for additional discussion of proposed restrictions while approving the remaining changes. Mayor Weichers agreed.

c. **Sports Court Discussion – Community and Economic Development Director, Mike Johnson.**

Mr. Johnson presented the Sports Court discussion and stated that to avoid confusion, Staff suggested calling them paved activity surfaces instead. Paved activity surfaces were defined as any area or surface over 500 square feet that is paved or otherwise covered with a non-vegetative material utilized for activities such as sports/recreation (of pets or humans), or other similar uses not including areas such as driveways, walkways, and parking lots with the sole purpose of providing access to or within a property. Standards for approval included the following:

1. Building Permit Required. Paved activity surfaces require a building permit issued by the City, including a review by all relevant City departments. The specifications for building permit plans may vary by project scope, but at a minimum shall include a site plan with setbacks from the proposed surface to all property lines, fencing details including material, height, and setback to property lines, outdoor lighting details including fixture height, bulb lumen, bulb kelvin, and lamp cut sheets, and materials information for surfacing.

2. Setback Requirements. All paved activity surfaces shall comply with all accessory building regulations in the underlying zoning district, except that such surfaces without vertical structures are not required to be at least six feet away from the primary structure on the property.
3. Fencing Regulations. Any fencing associated with paved activity surfaces shall conform to the standards outlined in Section 19.76.050 and other applicable fencing provisions of this title.
4. Outdoor Lighting Regulations. All outdoor lighting of a paved activity surface shall conform to the standards outlined in Chapter 19.77 of this title, "Outdoor Lighting."
5. Affidavit Required. All applications for paved activity surfaces shall include a recordable affidavit or other instrument on a City-approved form that is signed by the record owner(s) of the property and that includes a statement that the use of the approved paved activity surface is subject to ongoing compliance with all applicable land rise regulations, including ongoing compliance with the requirements of all applicable noise control ordinances. The affidavit shall be recorded against title to the property in connection with any City approval of the paved activity surface to give perpetual constructive notice of the necessity of continued compliance of the paved activity surface with all legal requirements.

Mr. Johnson reported that Staff will return once the research is complete and make a proposal on the Nuisance Ordinance portion of the draft. There was a desire to get Zoning Standards in place as well as permitting and Affidavit requirements prior to the expiration of the moratorium. Council Member Hyland raised a question with the Affidavit referencing noise and lighting ordinances but does not repeat the fencing. She appreciated the Council's willingness to look at the Noise Ordinance independently in efforts to get this passed.

Mr. Johnson stated comments were received regarding the technical aspects of the Noise Ordinance that Staff felt merited more discussion and time. A meeting with Salt Lake County was suggested to ensure proper procedures are followed when defining noise violation as a nuisance.

**d. SS4A Grant – Public Works Director/City Engineer, Matt Shipp.**

Public Works Director, Matt Shipp, presented the SS4A Grant discussion and stated that the federal government announced the Notice of Funding Opportunity (“NOFO”) for the Safe Systems for All Grant (“SS4A”). The SS4A Grant is a program that allots \$1 billion per year for the next five years for grants to improve safety opportunities for all users of roadways. This is the second year of the program. Planning and Demonstration Grant applications are due April 4, May 16, and August 29. The Implementation Grant is due May 16, 2024.

Staff has met with firms to discuss the application process and ideas for projects and has the following proposal to consider:

1. Apply for an Implementation Grant that would include covering the funds needed to complete the Highland Drive and Bengal Boulevard project that has already been approved and the project meets the requirements of the SS4A program. Also, extend the project to 2700 East on Bengal Boulevard which would connect Butler Middle School, Cottonwood Recreation Center, Butler Fields, and Brighton High School Athletic Facilities with the new trails, sidewalks, and bike lanes on Bengal Boulevard.
2. In this same application, do a supplemental application for a Planning Grant to develop and design Fort Union Boulevard that would put the city in a position to apply next year for an Implementation Grant to improve Fort Union Boulevard.

Mr. Shipp reported that several ideas are viable and feasible and requested direction on how to proceed as the window for applying this year is May 15. Amounts, dates, and availability were as follows:

Fiscal Year 2024 amount in the Safe Systems for All Grant – \$1,256,687,000.

**Implementation Grant: Due May 16, 2024, by 5:00 pm EDT**

- Total: \$580,000,000
- A Minimum 20% match is required.
- A Minimum \$2,500,000 (local match \$500,000)
- A Maximum: \$25,000,000 (local match \$5,000,000)
- Award approximately 50 Implementation Grants nationwide

**Planning and Demonstration Grants: Due April 04, 2024, or May 16, 2024, or August 29, 2024 by 5:00 pm EDT**

- Total: \$656,687,000
- A minimum 20% match required.
- A Minimum of \$100,000 (local match \$20,000)
- A Maximum \$10,000,000 (local match \$2,000,000)
- To set number but the NOFO states they expect to award hundreds nationwide.

Council Member Birrell questioned the estimated amount that would be requested should the City move forward with the implementation grant. Mr. Tingey explained with the tight time frame, there is a project ready for implementation with a match already in place that could be moved forward without any budget considerations. Part of the application includes developing the numbers for the area outlined from the roundabout to 2700 East. Mr. Shipp confirmed that there is a shortfall of approximately \$1.5 million which may be met by the submittal of the SS4A Grant. Understanding the Council's desire to improve the Towne Center Area mobility, he recommended adding the extension to 2700 East to the application. Doing so would put the City in a better

position for the upcoming year when applying for the implementation of the Fort Union Boulevard funds.

Mayor Weichers understood that with the shortage of \$1.5 million, extending the project to 2700 East will allow the City to reach the minimum of \$2.5 million. Mr. Shipp stated that the addition of 2700 East will be included as a supplementary design application eligible for the 20% match. He confirmed that Staff will move forward with the application and assistance of the consulting firm to aid in the application process for the SS4A Grant.

#### **4.0 REVIEW OF CALENDARS AND UPCOMING EVENTS.**

- a. Past Musical Production Poster Exhibit – March 1-31 at City Hall.
- b. Beauty and the Beast Musical Auditions – Friday, March 15, and Saturday, March 16 – City Hall Cullimore Community Room.
- c. Easter Egg Hunt – Saturday, March 30 beginning at 10:00 AM at Butler Park.
- d. Art Exhibit from Utah Arts and Museums Traveling Exhibit – Utah Women Making History – April 1-May 4 at City Hall.
- e. The Great Utah Shake Out Earthquake Drill – April 20 at City Hall.
- f. Community Tree Sale – April 20 and 21 at City Hall.
- g. Butlerville Days – July 25, 26, and 27<sup>th</sup> at Butler Park.

#### **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 needed.

#### **6.0 ADJOURN CITY COUNCIL WORK SESSION.**

**MOTION:** Council Member Newell moved to ADJOURN the City Council Work Session. The motion was seconded by Council Member Hyland. The motion passed with the unanimous consent of the Council.

The Work Session adjourned at 5:14 PM.

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL BUSINESS MEETING  
HELD TUESDAY, MARCH 5, 2024, AT 5:15 PM IN THE COTTONWOOD HEIGHTS  
CITY COUNCIL CHAMBERS LOCATED AT 2277 EAST BENGAL BOULEVARD,  
COTTONWOOD HEIGHTS, UTAH**

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

**Staff Present:** City Manager, Tim Tingey; City Attorney, Shane Topham; Records, Culture, and HR Director/City Recorder, Paula Melgar; Community and Economic Development Director, Michael Johnson; Police Chief, Robby Russo; Administrative and Financial Services Director, Scott Jurges; IT Manager, Matt Ervin; Public Works Director/City Engineer, Matt Shipp

**1.0 WELCOME – Mayor Mike Weichers.**

Mayor Mike Weichers called the meeting to order at 5:19 PM and welcomed those present.

**2.0 PLEDGE OF ALLEGIANCE**

The Pledge was led by Council Member Birrell.

**3.0 CITIZEN COMMENTS**

*Nancy Hardy* reported that she has followed the Tavaci Development item over the years and appreciated the comments from Council Members Birrell and Holton. She believed the City Council should deny the annexation request and continue to have discussions. She was opposed to the single access and potential liability to the City.

*Larry Larsen* had concerns with the proposed Tavaci Annexation. He spoke with a bridge engineer who stated that home construction is ongoing and with the use of heavy equipment and construction vehicles, the bridge should be inspected often. He suggested the City remain cautious when considering the annexation request.

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

Mr. Tingey stated that emailed comments were received from MacKenzie Lipps, Audrey Pines, and Eric Naslund, which were submitted and made part of the record.

## **4.0 ACTION ITEMS**

### **4.1 Consideration of Ordinance 411 Amending Chapter 19.76, Cottonwood Heights Code, Concerning Paved Activity Surfaces. (This Ordinance will amend Chapter 19.76 of the City's Code of Ordinances concerning paved activity surfaces).**

**MOTION:** Council Member Hyland moved to APPROVE Ordinance 411. The motion was seconded by Council Member Birrell. Vote: Council Member Holton – Yes, Council Member Hyland – Yes, Council Member Newell – Yes, Council Member Birrell – Yes, Mayor Weichers – No. The motion passed 4-to-1.

### **4.2 Consideration of Resolution 2024-10 Approving and Ratifying a Bid and Awarding a Construction Contract for the Towne Drive Area Roadway Improvement Project. (By this Resolution, the council will approve and ratify a \$616,489 Bid and Award a Construction Contract to Miller Paving, Incorporated for the Work and Materials to Complete the City's Project No. 007.23—Towne Drive Area Roadway Improvement Project).**

**MOTION:** Council Member Holton moved to APPROVE Resolution 2024-10. The motion was seconded by Council Member Newell. Vote: Council Member Holton – Yes, Council Member Hyland – Yes, Council Member Newell – Yes, Council Member Birrell – Yes, Mayor Weichers – Yes. The motion passed unanimously.

### **4.3 Consideration of Resolution 2024-11 Consenting to an Appointment to the Arts Council. (By this Resolution, the Council will Consent to the Manager's Appointment of Emily Smith to the City's Arts Council for a Three-Year Term).**

Mr. Tingey reported that he recently had the opportunity to interview Emily Smith, who previously served on the Arts Council. Ms. Smith has great ideas and a willingness to serve. He recommended approval of the appointment.

**MOTION:** Council Member Newell moved to APPROVE Resolution 2024-11. The motion was seconded by Council Member Birrell. Vote: Council Member Holton – Yes, Council Member Hyland – Yes, Council Member Newell – Yes, Council Member Birrell – Yes, Mayor Weichers – Yes. The motion passed unanimously.

**4.4 Consideration of Resolution 2024-12 Approving an Agreement with Metropolitan Water District of Salt Lake and Sandy. (By this Resolution, the Council will Approve the City's Entry into an Agreement with the Metropolitan Water District of Salt Lake and Sandy Concerning the District's Construction of its "Cottonwood Connection Project" in Certain Portions of the City's Public Right-of-Way).**

**MOTION:** Council Member Holton moved to APPROVE Resolution 2024-12. The motion was seconded by Council Member Hyland. Vote: Council Member Holton – Yes, Council Member Hyland – Yes, Council Member Newell – Yes, Council Member Birrell – Yes, Mayor Weichers – Yes. The motion passed unanimously.

**4.5 Consideration of Resolution 2024-13 Approving and Ratifying a Bid and Awarding a Construction Contract for the Prospector Drive Area Roadway Improvement Project.**

**MOTION:** Council Member Birrell moved to APPROVE Resolution 2024-13. The motion was seconded by Council Member Newell. Vote: Council Member Holton – Yes, Council Member Hyland – Yes, Council Member Newell – Yes, Council Member Birrell – Yes, Mayor Weichers – Yes. The motion passed unanimously.

**5.0 CONSENT CALENDAR**

**5.1 Approval of the Minutes of the City Council Legislative Work Session Minutes of February 15, 2024, and the City Council Work Session, CDRA Work Session, and Business Meeting Minutes of February 20, 2024.**

**MOTION:** Council Member Holton moved to APPROVE the City Council Legislative Work Session Minutes of February 15, 2024, and the City Council Work Session, CDRA Work Session, and Business Meeting Minutes of February 20, 2024. The motion was seconded by Council Member Hyland. The motion passed with the unanimous consent of the Council.

**6.0 ADJOURN CITY COUNCIL BUSINESS MEETING.**

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

The City Council Meeting adjourned at 5:31 PM.

*I hereby certify that the foregoing represents a true, accurate, and complete record of the Cottonwood Heights City Council Work Session and Business Meeting held Tuesday, March 5, 2024.*

Teri Forbes

Teri Forbes  
T Forbes Group  
Minutes Secretary

Minutes Approved: \_\_\_\_\_