

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL WORK SESSION  
HELD TUESDAY, JULY 16, 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 Matt Holton

**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; Unified Fire Authority Assistant Chief, Riley Pilgrim; Police Chief, Robby Russo; Administrative and Financial Services Director, Scott Jurges; Public Works Director/City Engineer, Matt Shipp

**Excused:** Council Member Ellen Birrell

**1.0 WELCOME**

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

**2.0 REVIEW OF BUSINESS MEETING AGENDA**

Mayor Weichers reviewed the Business Meeting agenda and stated there were five Legislative Items. The first Action Item was consideration of Resolution 419 adopting New Part 8 (Public Health Advisory Committee) of Chapter 2.140 (Standing Advisory Committees) of the Cottonwood Heights Code of Ordinances. Community and Economic Development Director, Michael Johnson, reported this item is for the establishment of a Public Health Coalition as a recognized board or committee of the City. Once codified, Staff will return to the Council with a recommended membership of the coalition. Frameworks will be discussed at that time. He confirmed that Staff has recommended up to 25 members and a Council Liaison as a non-voting member.

Council Member Hyland believed the Powers and Duty Section of the Code talks only about serving the health of youth and should be more broad, especially with a large population being seniors. With the sub-committee only requiring approval by the City Manager, she felt that should be changed to include the involvement of the City Council. She encouraged the Council to follow how the other committees are appointed and postpone consideration to the following Business Meeting. Council Member Holton concurred.

The second Agenda Item was consideration of Resolution 2024-50, appointing a City Manager and approving an Employment Agreement. Administrative and Financial Services Director, Scott Jurges stated that Jared Gerber has been selected as the new City Manager. The contract would outline Mr. Gerber's employment with Cottonwood Heights.

The next Agenda Item was consideration of Resolution 2024-51 approving entry into the Fourth Amendment to Independent Contractor Agreement with Greg Curtis dba Curtis Consulting. Mr. Jurges reported there are two lobbyists representing the City. This item would provide contract extensions as both have asked for \$36,000 per year.

The fourth Agenda Item was consideration of Resolution 2024-52 approving entry into the Fourth Amendment to Independent Contractor Agreement with Evviva Consulting, Inc. dba Capital Hill Advisors. Mr. Jurges reported that this item will provide a contract extension for Lobbyist Brian Allen for a similar contract to Mr. Curtis with an annual salary of \$36,000.

The last Agenda Item was consideration of Resolution 2024-53 approving and ratifying a bid and awarding a Construction Contract for the Supernal Way Storm Drain Improvement Project. Public Works Director, Matt Shipp reported this began as an emergency project with a pipe having caused considerable damage to a resident's yard.

Mayor Weichers reported that the Consent Calendar would also be considered.

### **3.0 STAFF REPORTS**

#### **3.1 General Obligation Bond Public Outreach at Butlerville Days – Mayor Mike Weichers and Community and Economic Development Director, Michael Johnson.**

Mr. Johnson reported that the General Obligation Bond Public Outreach will be introduced during Butlerville Days where materials will be available. Staff would also be available to receive public feedback and interact with those in attendance. He stated that they have been diligently refining messaging and providing education on details of the Bond. A tent staffed by the members of the Town Center Advisory Committee and project team will be located near the information booth. Brochures and site renderings will be displayed where they will link back to the project website. In addition, high-level renderings will be available later in the week. A focus group was held and Mr. Johnson expressed gratitude to the Council for their recommending residents' participation. The Mayor will be preparing an article for the August City newsletter with events planned at the Hillside Plaza site, scheduled Town Hall Meetings, and a timeline of when meeting materials may be distributed. Prior to the August 20 date when the Council will vote on a bond resolution, an informational Town Hall Meeting will be held and advertised Citywide.

#### **3.2 Electric Vehicle (“EV”) Charters at City Hall - Mayor Mike Weichers and Community and Economic Development Director, Michael Johnson.**

Mayor Weichers introduced the Electric Vehicle (“EV”) Charters during a City Hall discussion. The EV Chargers include an option to install and upgrade the vehicle chargers at City Hall with the added capability to require payment for charging time.

EV charging installer, EnergiSpot, provided an estimate to the City at the recommendation of Council Member Holton. The estimate included the cost to replace and upgrade the existing chargers with two new "Level 2" EV chargers capable of producing up to 12kW of power. The

upgrade would also be capable of metering usage and requiring payment for the use of the chargers although not substantial.

Council Member Holton reported that the agreement included a proposal to upgrade the EV Chargers creating a better charging experience. The proposal also included the ability for residents to utilize the chargers for a fee with no expense to the City.

Council Member Newell questioned the legality of offering the electrical charge located at City Hall. He expressed concern with an entity operating their business on City property. City Attorney, Shane Topham, believed it was acceptable if the charging station was used as a path through and the City was not imposing a surcharge. Mr. Johnson stated the estimate from EnergiSpot recommended modeling this as they replace the infrastructure with no up-front cost to the City and require payment prior to charging. The contract proposed that 100% of revenue would be collected by EnergiSpot until the time the installation cost was paid off. A split in revenue overtime would then follow.

Council Member Holton understood the concerns shared and considered this use to be different as it is a function of utility and energy at City Hall. The City made the decision long ago when charging stations were installed to be in the business of providing energy to vehicles. He was favorable to an RFP process and followed the rules and regulations required. Mr. Topham agreed that the decision was made long ago that for environmental reasons it was a positive for the City to support this emerging technology and reward those willing to invest in it through this type of vehicle. He planned to review the proposed project and determine if there would be any exposure to the City.

Council Member Hyland stated that there are specific things to provide incentives for certain behaviors. With regard to the EV upgrade and already established technology, she felt that the City should no longer be subsidizing the chargers. Council Member Holton pointed out that whatever protections they wish to put in place for the City, he has informed the contractor that the City will not be spending money on the upgrade. Mr. Topham questioned the ability to retrofit the existing charging stations. It was confirmed that there is no internet connectivity and any retrofitting would come with a substantial cost. Mr. Johnson reported that the charging stations may be locked but not retrofitted to require payment. The upgrade will be a newer, more efficient Level 2. Residents who are abusing the current stations by leaving a vehicle charging overnight and then picking it up for work in the morning were discussed.

### **3.3      Butlerville Days Update – Culture Manager, Ann Eatchel.**

Mayor Weichers introduced the Butlerville Days update and shared his immense gratitude to Culture Manager, Ann Eatchel for her efforts. Ms. Eatchel reported that setup will begin on Wednesday, July 24. Butlerville Days will include 17 food vendors with the car show receiving a lot of interest. The Parade will begin at 9 AM on Friday the 26<sup>th</sup> with lower entry numbers than the previous year. She reported that Miss Utah is a Cottonwood Heights resident and a previous member of the Youth City Council. The schedule of events was reviewed. She pointed out that sponsorships were up \$3,000 from the previous year with a total of \$19, 000.

### **3.4 City Manager Priorities.**

Mayor Weichers reported that Jared Gerber has been hired as the New City Manager. Mr. Gerber was invited to attend the Hillside Plaza Redevelopment Meeting. In addition to the Hillside Plaza, Mr. Gerber will be responsible for the management of the entire City Staff in the middle of a GO Bond process.

Council Member Holton stated that he would appreciate the opportunity to discuss priorities and put some processes in place for mapping those items out. He felt that the City Council priorities require refinement and having expectations in place would be beneficial. With so many great employees, he encouraged that time be spent to ensure that they all have worth and value while creating a positive culture.

Council Member Hyland wanted to see the City reflect a customer-centric service organization that is responsive and reflects the needs of its citizens. Removing friction points was suggested. She supported more work with Code Enforcement being aware of things that may be egregious within the City while focusing on nuisances rather than uses. The Council noted that there are only two Code Enforcement Officers. Areas requiring enforcement were discussed. Council Member Hyland felt strongly that establishing processes to continually ensure that the City's actions align with its priorities and intentions was imperative.

Mayor Weichers believed it would be beneficial to take a fresh look at the City's website. Doing so would allow the City to periodically review the engagement they see from the communication with citizens. Council Member Hyland reported that there are multiple ways to receive information and stressed the importance of having the most updated information available on the website. Council Member Newell reported that communication on critical issues is vital and allows the City Council to provide answers to questions posed by residents.

### **3.5 Annexation Discussion.**

Council Member Hyland reviewed the annexation and stated that the first step involves a Notice of Intent requiring signatures from up to five citizens within an area. The notice was submitted to the City and subsequently to Salt Lake County. In discussions with the County, she was unsure whether the City was doing the right thing. She reported that the County Surveyor questioned why it is not a city-sponsored annexation rather than a petition drive. She was enthusiastic about the annexation because she lives on Creek Road. When there is a road split between multiple municipalities, it becomes difficult to coordinate improvements. It was recognized that with a City-sponsored annexation, the City can pay all of the associated costs and it then comes to a vote. The second issue is that in the State Code, the area in question should be contiguous and requires two annexation petitions. She was confident that the area to the west of Willow Creek would have enough signatures for them to annex into the City but she was unsure about the area to the east. She stated that this would not happen without a process in place where the City removes the friction.

Mr. Topham reported that he discussed the issue with a County employee who suggested that the City use an Annexation Policy Plan ("APP"). The APP can only be used in Second through Sixth

Class Counties and is not available in Salt Lake County because it is a County of the first class. He was unsure whether there was a way to avoid the petitioning process for the annexation as the APP would not be an option. It was confirmed the contiguous aspect was an issue. Options were discussed.

Council Member Hyland stated that Scott Baird and the County Attorney were not concerned about the source of the funding. The City would be required to send out and pay for the required noticing. With multiple roadblocks to annexing into Cottonwood Heights, she was frustrated with the lack of obstacles for the proposed area to join Sandy City. Council Member Holton reported that HB 330 specifies that the subject area will be annexed to the more populated city unless both municipalities agree. He believed they may potentially avoid costs with residents having shown their will which is understood by both municipalities. Both cities would pass a Resolution agreeing to the annexation of the subject property to the lesser populated city. The City would contact the Lieutenant Governor's Office and convey their understanding of the annexation process while questioning the need for additional action.

In discussions with Sandy City, Mayor Weichers' understanding was that they would be opposed to passing a Resolution. He supported the annexation of one area as opposed to taking neither. Council Member Holton reported that Council Member Sharky and Sandy City feel that Creek Road is the divide between the areas and should remain as-is. He confirmed that Highland Drive crosses Creek Road and has existed since 2012. He did not consider the argument to be valid. The Mayor reported that the City has appropriated \$10,000 for the annexation and the cost of mailers should be considered. Various options were discussed.

Council Member Hyland referenced the language, which states, "The County shall mail the notice within 20 days after receiving from the person or persons who filed the notice, a written request and payment of an amount equal to the County's expected actual cost of the mailing of the notice". She believed if the City was willing to take on that responsibility, it would eliminate a significant hurdle moving forward. Funding issues were discussed.

#### **4.0 COTTONWOOD HEIGHTS PARK AND RECREATION SERVICE AREA BOARD DISCUSSION ("CHPRSA") – CHPRSA Board and Executive Director, Ben Hill.**

Cottonwood Heights Park and Recreation Service Area ("CHPRSA") Board and Executive Director, Ben Hill, presented a District Map depicting service areas within the City. He explained that when the service area was established in 1967, a building was constructed that encompassed an indoor pool. Over the years, a larger recreation center was requested and supplemented through bonds. As the Recreation Center became large enough to service the needs of a greater population, the City should have continued to annex or expand the boundary with the County. In 2005, Cottonwood Heights was incorporated and over time, it was recognized that each resident should contribute toward supplementing those services. He pointed out that at the current time, the boundaries are misaligned. He believed there was an opportunity to match the boundaries to the City's service area so that all residents could support the Parks and Recreation amenities.

After recent discussions during a City Council Work Session, it was determined that the next step was to hold a Work Session with the Board of Trustees and return to the City Council for an additional Work Session. Mr. Hill explained that the intent was to ensure that the Board of Trustees and City Council could discuss and share ideas. He confirmed that the residents in the proposed boundary alignment carry the burden of the extra tax for services provided. Council Member Holton felt that if the City had discussed a Special Service District at the same time as incorporation, this would be a different consideration. Cottonwood Heights City pays the Recreation District slightly more than \$200,000 to fully maintain Mountview Park, Golden Hills Park, Mill Hollow Park, Antzak Park, Bywater Park, and the Recreation Center facilities. If the City expands the boundaries to be more truly aligned with the Parks and Recreation functions for the entire City, he questioned whether the City should be paying a reduced amount while the program is collecting those funds. He was unable to name another tax that is a core function of the City to which all residents contribute.

Council Member Hyland reported that the realignment of service areas was primarily for clean up largely due to residents paying County taxes without the benefit of using its recreation facilities. Several of her neighbors showed staunch opposition to the proposal. Previously, 90% of residents had to buy in to join the District before all residents were required to do so. She was frustrated with three Council Members imposing a tax that did not previously exist. In addition, she purchased a home prior to the tax being imposed, which she considered to be unfair. She considered what was proposed to be unreasonable.

Council Member Holton had not come across a resident in his area who supports continuing the tax. He was frustrated with continuing to have a Recreation Center serve a smaller geographical area that would have to continue to raise taxes from a limited number of citizens. He struggled with the fact that this would be a substantial tax increase. Mayor Weichers felt that the cost to become a member should be reduced and if nothing is done, the cost for someone outside the District should be tripled. He did not consider it to be viable for someone outside of the City to pay less than a resident. The City Council agreed that it should be more advantageous for someone who is contributing to use the Recreation Center. Mr. Hill commented on the acquisition of software to impose a resident/non-resident rate. It was noted that different pricing may be offered based on residency.

Council Member Hyland asked for clarification on the survey and stated that the Special Service District will dedicate all of the tax revenue from the area directly to a fund to rebuild and operate the Crestwood Pool. The survey also asked if residents would be interested in preserving and updating the Crestwood Pool for themselves and their neighbors. The question was not whether they were willing to pay the 60% or higher property taxes. Council Member Holton pointed out that support and willingness to pay are different. Ways to make memberships more advantageous were discussed.

The comment was made that two different ideas are being considered. The focus remains on incorporating an entire City and the Crestwood issue will be addressed later. In discussions with the County, Council Member Holton felt strongly that there must be triggers in place to protect City residents and the Recreation District. The question was whether the City should synchronize the boundaries.

Mayor Weichers suggested adding this item to the ballot as a non-binding initiative. Mr. Hill clarified that the City planned to incorporate from the beginning, a Parks and Recreation Department would already exist. The tax burden is on the residents of the Parks and Recreation District. For the City to provide the same service, the City would have to implement a 40% tax increase. Since the City's incorporation in 2005, there have been three parks constructed. Now that the focus has shifted, more parks are being constructed. He considered this to be the best model and stated that the City's Parks and Recreation services should be top notch. In 2015, the three-mile radius of the Recreation Center had the capacity to serve everyone. Because the City and Service Area residents are paying an additional tax, he believed they should get a premium discount on all services. He reiterated that they are ahead of the game and can provide the services at an elevated level and not at the whim of the County.

Council Member Newell expressed concern with the imposition of taxes. He was still considering how they could reach a solution without creating consternation. It was recommended that the City Council continue its discussions.

Board Clerk, Patty Hansen, reported that they are subject to the evolutionary process where a District is created to help provide this municipal service. Without fixing the areas, she argued that the City still has the responsibility for all of the other areas. The question then becomes if they do not true up the boundaries, what is the City doing to provide Parks and Recreation opportunities in the other areas and how is it funded. She reported that two procedures can be used to adjust district boundaries. The first is a boundary adjustment that applies to boundaries that touch each other. The two entities providing service agree to shift boundaries. The second is an annexation process where the City initiates the discussion and asks to take over the subject areas. She explained that a hearing was to be held followed by a decision on whether to annex. The boundary adjustment process has a 50% protest requirement meaning if at least 50% of the property owners protest, the process ends. With an annex procedure, if 10% of residents protest, the matter can be voted on. The City Council was encouraged to write a newsletter article and educate residents on the reasoning behind the proposed boundary adjustment.

Mayor Weichers reported that the City Council would continue to discuss the issue.

## **5.0 OLD MILL DEVELOPMENT DISCUSSION – *Shelby Group.***

Mayor Weichers introduced Think Architecture representatives, Brad Gilson, Steven Peaden, John Shirley, and Dennis Astill from the Astill Law Firm. Dennis Astill was present representing the Walker Family. He introduced Regan Shelby, a member of the Walker Family who thanked City Staff for their time and effort in discussing the Old Mill property. The Old Mill is over 130 years old and after a fire in 1893, the interior was made usable in the 1930s for the Old Mill Club. The restoration lasted 40 years during which time her father ran the Old Mill Arts and Crafts Fair on weekends. The building was updated in the 1970s to meet the Code and became the Old Mill Disco. The building was rented as a haunted house, festival, movie theater, party, and wedding venue from 1950 to 2005. Rentals of the building ceased due to safety issues. The building is a magnet for ghost hunters, vandals, taggers, and now arsonists. She pointed out that it is also difficult to secure and is unsafe which makes responsible discussion of the future of the Old Mill

necessary. She believed that a rebuild should mitigate circumstances that make doing business difficult. Maintenance, heating, cooling, sewer, security, parking, traffic, and business hours must be structured in order to thrive. Input from the City Council was welcomed.

Mr. Astill reported that multiple groups have presented rehabilitation or use ideas and all walked away largely due to the cost being prohibitive. Due to the nature of the structure being extremely old, it has become unsafe and unstable. An engineering study concluded that the Old Mill is a dangerous building and meets 13 of the 18 conditions used to determine whether a building is dangerous. It was concluded that there is no feasible way to preserve the building as it is stacked stone with no foundation. He confirmed that a complete rebuild to provide earthquake and foundational strength was estimated at a cost of \$100 million. The proposal is to preserve some iconic elements of the building through a monument with the intent to use stone elements inside to enhance the appearance and use. A memorial rendering will be presented as discussions continue. He reiterated that what is currently standing would not withstand an earthquake, heavy snow, or high winds. He was optimistic that a variance would allow them to build a certain structure that would offer some element of preservation to the Old Mill.

Council Member Holton asked about preservation and engagement with the Daughters of the Utah Pioneers and other societies who may have shown support for preservation. Mr. Astill responded that those groups do not want to get involved. The Utah Preservation Office indicated that this is not what they do and the Daughters of Utah Pioneers has shown no interest. The Walker Family has always wanted some type of preservation which is unfortunately not economically or physically feasible.

When considering future development, Mr. Astill met with the Board of the Old Mill Estates Homeowners Association (“HOA”). Statements were put forward suggesting that they committed to do nothing other than single-family development on the property although the facts reflect otherwise. An HOA meeting was held with Think Architecture on November 21, 2022, and for multiple reasons, their response to the HOA took place on March 18, 2024. In both meetings, a Development Plan was presented that involved a condominium portion and a townhome portion. It has never been limited to single-family homes. A proposed property and development rendering was displayed. Mr. Astill pointed out that two subdivisions are designated for single-family homes and they are committed to making them match the character of the first phase of Cottonwood Creek Estates. He believed that the suggestion of single-family development resulted from comments made regarding the Canyon Creek Phase II and Wasatch West Estates developments. The HOA comments included opposition to a high-density condominium project and suggested it be moved elsewhere. Exhibits presented at the July 11, 2024 workshop were reviewed. He reported that the proposal gives credence to the General Plan but uses a different zoning ordinance that enables them to devise terms and conditions for the development that would enhance the property and development while providing a better product for the public.

Mr. Astill reported that the current PDD Concept Plan is for a total of 295 units with 175 being condominiums and 120 townhomes. He was of the opinion that their plan provides a better use than the General Plan and is a much more attractive development. With regard to traffic concerns, a Traffic Study was conducted and it was concluded that to maximize density, the current road and intersections will accommodate 500 new residences. Three different entry and exit points were

incorporated to minimize interference with Old Mill Estates creating a better traffic flow. He stated that the Traffic Study results would be made available for review.

It was reported that the Walker Family dedicated property years earlier to allow for changes to the location of Big Cottonwood Road and eliminating a narrow section of the road. They donated land that abuts the Walker property for the existing trail and continuously allowed the City and others to stage construction equipment on the property. Council Member Newell was interested in reviewing the traffic study. In looking at overall density, residents will access the easiest path with two primarily used for freeway access.

Mayor Weichers thanked The Shelby Group and Think Architecture for their presentation.

## **6.0 REVIEW OF CALENDAR AND UPCOMING EVENTS.**

- a. **Cottonwood Heights Arts Council Play: *Beauty and the Beast*, July 18-20, Performances at 7:00 p.m. and 2:00 p.m. Matinees, at Butler Middle School.**
- b. **Butlerville Days – July 25th, 26th and 27th at Butler Park.**
- c. **Bark in the Park at Mountview Park on August 24th from 9:30 a.m. to 11:30 a.m.**

## **7.0 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.

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

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

The Work Session adjourned at 6:35 PM.

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HELD TUESDAY, JULY 16, 2024, AT 7:00 PM IN THE COTTONWOOD HEIGHTS CITY  
COUNCIL CHAMBERS LOCATED AT 2277 EAST BENGAL BOULEVARD,  
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**Members Present:** Mayor Mike Weichers, Council Member Shawn Newell, Council Member Suzanne Hyland, Council Member Matt Holton

**Staff Present:** City Manager, Tim Tingey; City Attorney, Shane Topham; Records, Culture, and HR Director/City Recorder, Paula Melgar; Unified Fire Authority Assistant Chief, Riley Pilgrim; Police Chief, Robby Russo; Administrative and Financial Services Director, Scott Jurges; Public Works Director/City Engineer, Matt Shipp

**Excused:** Council Member Ellen Birrell Community and Economic Development Director, Michael Johnson

**1.0 WELCOME**

Mayor Mike Weichers called the meeting to order at 7:00 PM and welcomed those present.

**2.0 PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Unified Fire Authority (“UFA”) Assistant Chief, Riley Pilgrim.

**3.0 CITY COUNCIL COMMITTEE REPORTS**

**3.1 Committee Report by Council Member Shawn Newell.**

Council Member Newell reported that the production of *Beauty and the Beast* was phenomenal and encouraged all to see it.

Police Chief, Robby Russo described the License Plate Reader (“LPR”) system and its benefits to the City. He reported that the device is made by Motorola and is designed to identify plate numbers and the description of vehicles as they pass by. It is a national network that includes strict privacy guidelines. Several weeks earlier, an individual went into a 7-Eleven who was high on Fentanyl and assaulted a customer. The suspect left in a grey-colored vehicle. Detectives quickly utilized the system and researched all cars matching the description in the area during that time and were able to identify the vehicle. He noticed that the vehicle was involved in a high-speed chase in another state and the suspect was arrested by the Tribal police. Without the use of the LPR cameras, the crime would have gone unsolved.

A second incident involved a woman who was picked up by a man she met on a dating app who took her into his car, brutally raped her, and threw her out and left. She took down the plate and vehicle description. The same technology and detective used the LPR cameras and found the

vehicle and suspect in the area. The DNA matched and it was later discovered that the suspect was a serial rapist who had committed numerous crimes across many states. Council Member Newell emphasized the importance of creating a safe City and commended the efforts of the City Council in continuing to do so.

### **3.2 Committee Report by Council Member Suzanne Hyland.**

Council Member Hyland reported that Emergency Management works through the dangers of flooding and has shifted its focus to potential fires due to dry conditions. She serves as City Liaison to the Business Committee and had the opportunity to attend a recent South Valley Chamber of Commerce Luncheon that was sponsored in Cottonwood Heights for local businesses. She reported that a 50% membership discount is offered on annual memberships which also include a 50% discount on all programs over the next 12 months. Membership can also help small businesses in the City to expand and provide additional jobs while assisting with economic development. She reported that Butlerville Days is approaching and she reminded residents that the Parade is scheduled to begin at 9:00 AM. She also noted that the Ice Rink in the Recreation Center has reopened.

### **3.3 Committee Report by Council Member Matt Holton.**

Council Member Holton reported that he was fortunate to go on a ride-a-long with the Police Department, which he found to be extremely eye-opening. He appreciates the safe use of fireworks and suggested that cinder blocks be used to prevent tipping. They should be disposed of by fully submerging them in water overnight. One resident safely lit fireworks but placed them into a recycling bin, which melted the can and ignited a stack of stored firewood. A nearby vehicle also caught fire, which the Fire Department extinguished. He expressed gratitude to both the Fire and Police Departments for keeping the City safe.

### **3.4 Committee Report by Mayor Mike Weichers.**

Mayor Weichers reported that he too appreciates both the Fire and Police Departments. He encouraged all residents to attend Butlerville Days. The City invests in this celebration to bring people together and he felt there was a benefit to gathering that is inspiring. He expressed gratitude to the Police Department since sometimes City celebrations lead to nefarious activity. He appreciated the presence of the Police Department during City events.

## **4.0 CITIZEN COMMENTS**

*Tom Etzel*, a resident of Old Mill Estates, stated he met with the developers who confirmed that the proposed project would be single-family only. Commercial was to be located where the Old Mill currently exists. Seven or eight others were in attendance who also confirmed the discussion. The attorney and architect left the room and those who remained shared excitement with the proposed single-family and some commercial. When the attorney and architect returned, he summarized the conversation and stated that if the proposal includes single-family and Light Commercial, they would support the development and anything else would be opposed. He felt

strongly that the area should remain single-family and was opposed to 2,700 additional car trips per day with high density.

*Runar Boman* previously spoke on the EV charging stations and believed the City should not be in the business of providing free electricity. He lives nearby and has witnessed vehicles taking full advantage of the free electricity and cars being left for extended periods of time. He was pleasantly surprised to hear about the Work Session discussion regarding the EV stations and charging for electricity. Rather than upgrading the stations, he recommended they be removed. He was opposed to the message they were sending by having them at City Hall. He stated that EVs are not good for the environment and are just as bad as any other car. In addition, there is no incentive offered to charge a fee. He encouraged the City Council to remove the charging stations.

*Rick Stevenson* agreed with Council Member Holton's assessment of the Fire and Police Departments. He too feels blessed to live in an area with a focus on safety. Not only does each department have great staff but also **their control of density**. When reviewing the Police Report detailing crime numbers by area, the greatest was near the Santa Fe Apartments. He urged the City Council to oppose variances in the area of Cottonwood Canyon Road the Old Mill area. He has spoken to the property owners and did not consider it to be a hardship for them to limit growth. Think Architecture has divulged the results of the Traffic Study. Old Mill Estates is one of the largest with 98 out of 144 homes not being contiguous to the proposed development. He urged the City Council to not allow a zoning variance and to leave the area as low density and the Riparian Zone and wildlife intact.

*Dagmar James* reported that since moving to Cottonwood Heights 13 years earlier, traffic has increased. She felt that the Old Mill could be rebuilt to preserve history. She did not want to see the building demolished and was opposed to the proposed high density. She was in favor of keeping the area as single-family and urged the City Council to oppose any high-density housing.

*Mary Ellen Johnson* reported that she has lived in Cottonwood Heights since 1990 and asked the City Council to keep the proposed Old Mill Development as single-family for the following reasons:

- Increased traffic flow as it is already creates heavy traffic.
- The increase in ski traffic creates heavy congestion on weekends.
- Bikers and pedestrians use the meandering road **and believed their mental health is more important**.
- Water is a natural resource. She asked how the City will continue to supply this important resource to the new developments without mandating water restrictions.
- She asked how many of the 200 units will be turned into short-term ski rentals.
- She hoped the City would keep its history alive with a fitting monument to the Old Mill.
- Previous Riparian and SLEDS Ordinances have been passed. She asked what good they are if they are not enforced.

Ms. Johnson preferred that the area be preserved as green space. She thanked the City for purchasing the Hillside Plaza property and urged the City Council to vote against any zone change and maintain the Old Mill area as single-family housing.

*Alan Fletcher* was present at the last Planning Commission Meeting and had similar concerns with the development in the Old Mill alley. His experience with traffic studies was that they generally follow the wishes of those who pay for them. He commented that anyone who has tried to exit onto Fort Union Boulevard knows that it is already extremely congested due to the apartments west of the Canyon Center. Prior to this meeting, he counted the cars parked along the road adjacent to Hog Wallow and expected that number to double when he returns home. From an Old Mill HOA perspective, he stated that they are not opposed to development and believe that the Shelby Family has the right to develop their property. They are opposed to the development of anything that impedes on the rights of the current residents. During the previous meeting, they were informed that the land would be developed as single-family which the residents supported. He recommended that responsible development include abiding by the ordinances that are in place.

*Roger Bland* agreed with the previously shared concerns. When planning a vacation to the Redwood Forest, he researched the crime rate of Crescent City which indicated that he had a 1 in 18 chance of being the victim of a crime. He is a long-time resident of the Old Mill neighborhood and was opposed to the high-density development proposed by Think Architecture and the Walker Family. It was difficult for him to comprehend the result of the potential development in conjunction with the gravel pit development. He believed there were untruths were being told, especially by the Walker Family's attorney. He implored the City Council to enforce the riparian protection areas and retain the current zoning.

*Shawna Bland* identified herself as a resident of Old Mill Estates and presented a Petition. The Petition states that the residents would like to maintain the current zoning, deny the Walker Family Trust from changing the zoning ordinance, enforce the Riparian Ordinance, prevent the construction of multi-family townhomes and condominiums along the ecologically sensitive area of Cottonwood Canyon Creek, and refuse to permit the destruction of a historic Cottonwood paper mill. She did not believe it would cost \$100 million to renovate the Old Mill structure and felt that the outside may be taken down and the interior renovated. She understood there was a need for single-family homes.

*Ron Moffitt* reported that he has lived in Old Mill Estates for 30 years and the surrounding neighborhoods have been there just as long. He submitted written comments to the Planning Commission the week prior. He agreed that salvaging the Old Mill at a reasonable cost was not possible and took the position that a zoning ordinance is in place that permits single-family 8,000 square-foot lots. He was part of a Citizens Committee in 2010 that reviewed a similar request to increase density in the Tavaci Development. That committee issued a written report that determined the zoning to be sufficient and recommended it remain in place. He urged the City Council to do the same. He believed that allowing the requested density comes at the expense of the current residents.

*David Andersen* reported that the City has one opportunity to get the redevelopment of the Old Mill area right. He resides in the area and stated that living in Cottonwood Heights is a choice and

is a beautiful place to live. The increased requirements of high density for the Police and Fire Department should also be considered. He referred to the Heat Map Studies for traffic and parking and asked if the area adjacent to the Hog Wallow development and on-street parking are being considered. He appreciated the existing trail through the property and asked if any parks or development for children were included in the proposal. He reiterated that they have one chance to get it right and encouraged the Council to remain customer-centric and focus on the current residents.

*Thomas Anderson* reported that he has been an Old Mill resident for nine years. He is a small business owner and is proud to be a resident of Cottonwood Heights. He serves on the Old Mill Estates HOA and was part of the original meeting where he too was informed that the proposed development would remain as single-family zoning. They confronted the developer the week prior at an Open House and took it upon themselves to record all 29 comments made that night. Every public comment was in opposition to the proposed changes. He urged the City Council to do the same.

*Cris Cowley* reported that he lives on Canyon Creek Circle and has been in contact with all 11 residents who are all adamantly opposed to the increase in traffic. A petition was being circulated and will be submitted to the City Council that is similar to what has been submitted by the Old Mill HOA. It asks that the current zoning not be changed and that single-family housing be maintained to preserve the character and quality of the neighborhood. He expressed concern with additional traffic, especially during the winter when pollution settles in the area. They utilize the hiking path and want it to remain viable into the future.

*Deborah Bush* indicated that she is a descendant of the Henry Grove Family Association and is working hard to sell the Old Mill. She disagreed with those who have stated that it is worthy of demolition. She was aware of two entities who have tried to purchase the Old Mill for the purpose of restoration and all requests have been denied. One group has worked for five years to collaborate with the Walker Family. She reported that there is a tax exemption for historic property restoration in the City Code. The details protect maintenance requirements of historical sites and she asked that the City Council review it. She stated that the property is not properly maintained and the owners could potentially be held accountable by the City Council.

Interim City Manager, Scott Jurges submitted written comments received from Erin Salazar, Krista Marti, and Deborah Bush relative to the Old Mill.

There were no further comments. The citizen comment period was closed.

## **5.0 STAFF QUARTERLY REPORTS**

### **5.1 Monthly Financial Report – Finance and Administrative Services Director, Scott Jurges.**

Mr. Jurges presented the Financial Report, which detailed preliminary numbers for the fiscal year ending June 30, 2024. The findings included the following:

- The 2024 Property Tax was anticipated at \$8,224,455 with 2025 budgeted at \$8,279,027.
- Sales taxes for 2023 were just under \$9.1 million with a 2024 projection of \$9.3 million. Staff was awaiting the May and June reports. The 2025 sales tax was budgeted at \$9.7 million.
- The County Option Highway Transportation Sales Tax sales trend was reviewed. Mr. Jurges reported that the first year of collection was in 2021 at which time \$620,000 was received. The most recent full year totaled \$797,539. The 2024 projection totaled \$800,000. Staff was awaiting the May and June collection totals.
- The Transient Room Tax for 2023 totaled \$178,177 with a 2024 projection of \$175,000.
- The Municipal Energy Tax for 2023 totaled \$2,556,250 with a 2024 projection of \$2.3 million.
- The Cottonwood Heights Cable Franchise Tax for 2023 totaled \$314,089 with a 2024 projection of \$300,000.
- Class C Road Funds are collected through 12 periods. Funds for 2023 totaled \$1,450,104 with a 2024 projection of \$1,450,000 million.
- The General Fund expense trend was preliminary through June 2024. Mr. Jurges reported that the numbers may vary slightly but are on track with what is being seen with the overall budget. There is growth in overall expenditures with additional transfers not included in the report. Expenses were budgeted for 2024 at \$22,366,440 and they expect to be slightly behind. The projection was for \$21.527 million and they stand currently at \$21.532 million. Staff will finalize the details.

Mr. Jurges reported that Sales Tax when first incorporated, totaled \$4.5 million and is now approaching \$9.5 million. That increase allows the City to be flexible.

## **5.2 Unified Fire Report – Assistant Chief, Riley Pilgrim.**

Assistant Chief, Riley Pilgrim, presented the quarterly Unified Fire Report and reported that they received 488 total calls with 160 classified as emergent. There was a drop in calls from the previous two quarters. Call types by category included five fire calls, ALS calls, sick persons, 26 ground-level falls, 14 traffic incidents, shortfalls typically less than six feet, 19 park service calls, followed by gas leaks. Station 110 received 266 calls and Station 116 had 168 calls. Chief Pilgrim reported that there were 488 calls with 500 responses due to multiple calls requiring a multi-unit response. Station 121 is a heavy rescue unit and provides regional services when needed. Station 110 covers the majority of ambulance or medical calls followed by Station 126 and Station 104. Ambulance service is regional and is not at every station. Station 116 is trained in swift water rescue and responds to the Canyons for water-related calls along with Stations 110 and 117. The Priority 1 response time averaged was 5:16 minutes.

Chief Pilgrim reviewed the Fourth of July call data and reported that the general average call volume was five per day. Hundreds of calls are received during the Fourth of July and prioritized by the Chief Officer on site. Fire engines respond to emergency calls with a truck responding to others. The departments will increase staff on July 24 with call volumes expected to be less with the holidays being during the middle of the week. In response to a question regarding expanding

the restricted fireworks zone, he stated that the challenge with Cottonwood Heights is the number of small pockets of brush and trees. Their intent is to locate those areas and adjust the restrictions accordingly. He has worked with Wildland Fire for 25 years and typically, a summer or two after a heavy winter is milder but year three causes concern. He was also concerned about next year if there is not adequate snowfall.

## **6.0 ACTION ITEMS**

### **6.1 Consideration of Ordinance 419 Adopting New Part 8 (Public Health Advisory Committee) of Chapter 2.140 (Standing Advisory Committees; Volunteers) of the Cottonwood Heights Code of Ordinances.**

**MOTION:** Council Member Hyland moved to CONTINUE consideration of Ordinance 419 to allow the Council Members to submit comments to Staff for the proposed new Section 8, Public Health Advisory Committee. The motion was seconded by Council Member Newell. The motion passed with the unanimous consent of the Council.

### **6.2 Consideration of Resolution 2024-50 Appointing a City Manager and Approving an Employment Agreement.**

Mayor Weichers reported that the above Resolution involves consideration of Resolution 2024-50 appointing Jared Gerber as City Manager and approving an Employment Agreement. He was excited to welcome Mr. Gerber to the City along with the City Council Members.

**MOTION:** Council Member Holton moved to APPROVE Resolution 2024-50. The motion was seconded by Council Member Hyland. Vote on motion: Council Member Holton-Yes, Council Member Hyland-Yes, Council Member Newell-Yes, Mayor Weichers-Yes. The motion passed unanimously.

### **6.3 Consideration of Resolution 2024-51 Approving Entry into the Fourth Amendment to an Independent Contractor Agreement with Greg Curtis d/b/a Curtis Consulting.**

**MOTION:** Council Member Newell moved to APPROVE Resolution 2024-51. The motion was seconded by Council Member Holton. Vote on motion: Council Member Holton-Yes, Council Member Hyland-Yes, Council Member Newell-Yes, Mayor Weichers-Yes. The motion passed unanimously.

### **6.4 Consideration of Resolution 2024-52 Approving Entry into the Fourth Amendment to an Independent Contractor Agreement with Evviva Consulting, Inc. d/b/a Capitol Hill Advisors.**

**MOTION:** Council Member Hyland moved to APPROVE Resolution 2024-52. The motion was seconded by Council Member Newell. Vote on motion: Council Member Holton-Yes, Council Member Hyland-Yes, Council Member Newell-Yes, Mayor Weichers-Yes. The motion passed unanimously.

**6.5 Consideration of Resolution 2024-53 Approving and Ratifying a Bid and Awarding a Construction Contract for the Supernal Way Storm Drain.**

**MOTION:** Council Member Holton moved to APPROVE Resolution 2024-53. The motion was seconded by Council Member Hyland. Vote on motion: Council Member Holton-Yes, Council Member Hyland-Yes, Council Member Newell-Yes, and Mayor Weichers-Yes. The motion passed unanimously.

**6.6 Improvements Project. (By this Resolution, the Council will Approve and Ratify a \$286,441.25 Bid and Award a Construction Contract to Lyndon Jones Construction, Inc. for the Work and Materials to Complete the City's Project No. 24. 004-Supernal Way Drive Storm Drain Improvements).**

The above matter was not discussed.

**7.0 CONSENT CALENDAR**

**7.1 Approval of the Minutes of the City Council Work Session, CDRA, and City Council Business Meeting Minutes of July 2, 2024.**

**MOTION:** Council Member Newell moved to APPROVE the Minutes of the City Council Work Session, CDRA, and City Council Business Meeting Minutes of July 2, 2024. The motion was seconded by Council Member Hyland. The motion passed with the unanimous consent of the City Council.

**8.0 ADJOURN CITY COUNCIL BUSINESS MEETING.**

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

The City Council Meeting adjourned at 8:39 PM.

*I hereby certify that the foregoing represents a true, accurate, and complete record of the Cottonwood Heights City Council Work Session and City Council Business Meetings held Tuesday, July 16, 2024.*

Teri Forbes

Teri Forbes  
T Forbes Group  
Minutes Secretary

Minutes Approved: August 6, 2024