

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL WORK SESSION
HELD TUESDAY, SEPTEMBER 7, 2021, AT 5:00 P.M. IN THE COTTONWOOD
HEIGHTS CITY COUNCIL WORK ROOM LOCATED AT 2277 EAST BENGAL
BOULEVARD**

Members Present: Mayor Mike Peterson, Council Member Scott Bracken, Council Member Tali Bruce, Council Member Christine Mikell, Council Member Douglas Petersen

Staff Present: City Manager Tim Tingey, City Attorney Shane Topham, Police Chief Robby Russo, HR Manager/Deputy City Recorder Heather Sundquist, Assistant Fire Chief Riley Pilgrim, Community and Economic Development Director Michael Johnson, Finance and Administrative Services Director Scott Jurgens, Records Culture and Human Resources Director Paula Melgar

1. Welcome – Mayor Peterson.

Mayor Mike Peterson called the meeting to order at 5:00 p.m. and welcomed those present.

2. Cottonwood Heights Parks and Recreation Service Area Report – Executive Director Ben Hill.

Executive Director of the Cottonwood Heights Parks and Recreation Service Area, Ben Hill, reviewed the operation timeline for the Recreation Center during their forced closure due to COVID-19 from March 2020 through June 2020. When the center was allowed to reopen, it remained under a cautious modified operation as they continued to lose revenue as patrons were still uncomfortable attending. Revenue continued to decline throughout the year due to low attendance as 30% of revenue was represented by a lack of memberships renewal. He reported that two full-time positions were eliminated and expenditures were cut to the extent possible including all 2020 capital projects. The outdoor pool was opened as scheduled eliminating the need to make additional cuts. Mr. Hill reported that the 2020 revenue reflected a decrease of \$730,000 compared to 2019. They were, however, able to make more expenditure cuts than the revenue lost. They began 2021 with caution and exceeded the monthly membership revenue goal in February with an all-time high in June.

Staff attended the 2021 Utah Parks and Recreation Association (“URPA”) Conference where they were presented with the Outstanding Department in a Population 15,000 to 50,000 Award. Custodial Manager, Roz Davenport, was recognized as an Outstanding Professional in their field. The URPA presented the “Learn and Lead” Scholarship, named after Mayor Peterson, to two City Staff members.

Mr. Hill reported that staffing remains an issue as they have had tremendous difficulty attracting potential employees. He confirmed that the current bond will be paid off by year-end resulting in a tax decrease for residents in 2022. Capital projects were reviewed.

3. Review of Business Meeting Agenda – Mayor Peterson.

Mayor Peterson reviewed the Business Meeting Agenda.

Community and Economic Development Director, Mike Johnson reviewed the Accessory Dwelling Unit (“ADU”) Ordinance. He reported that the Ordinance requires it be in place by October 1, 2021, to be effective in regulating the new ADU law. No changes had been made since their last discussion where there was a favorable recommendation by the Planning Commission.

Public Works Director, Matt Shipp reviewed the Consulting Agreement for Civil Science, Inc. for the East Sidewalk Project located at 1700 East between Fort Union Boulevard and 7200 South.

Mr. Johnson reviewed the Consulting Agreement for an Economic Resiliency Plan. He explained that the Wasatch Front Regional Council has allocated funding through the Federal Coronavirus Aid, Relief, and Economic Security (“CARES”) Act to assist in economic development projects and studies in the amount of \$14,000. The City matched \$2,000 out of the 2020 budget and is moving forward with the signed contract.

4. Staff Reports.

a. Budget Amendment and Police Compensation Discussion – City Manager, Tim Tingey and Administrative and Fiscal Services Director, Scott Jurges.

Administrative and Fiscal Services Director, Scott Jurges reported that the 2020 fiscal year ended with \$7,894,000 in sales tax, which is \$700,000 more than what was built into the budget. In a general sense, online sales were elevated with healthy growth in grocery and home centers. They were working through the dynamics to complete the Comprehensive Financial Report.

Mr. Jurges reported that the first installment of American Rescue Plan Act (“ARPA”) Funds was received in the amount of \$2,002,670 with the second installment anticipated for spring of 2022. A portion will go toward the following:

- The Storm Water Fund;
- Audit costs;
- Personal Protective Equipment (“PPE”);
- Small Business Economic Assistance Program;
- Utah League of Cities and Towns (“ULCT”) Technical Assistance;
- City Hall Badge and Door Upgrade;
- Recreation Service Area revenue reduction assistance; and
- The Unified Fire Authority (“UFA”).

Small business needs were discussed. City Manager, Tim Tingey reported that assistance could be provided in the form of a revolving loan fund with grant components among other options.

The UFA has requested \$71,791, some of which is allowable under the ARPA State and Local government funds. \$5,925 is available with the remaining \$65,866 potentially coming from the

\$80,000 currently budgeted for capital items. Mayor Peterson questioned the request as the City does not own the fire stations. Mr. Jurgens explained that it has been in the budget since before his employment with the City and carried over each year. Mr. Tingey noted that the UFA Capital Improvements are separate from the assessment amount or operations component. During the UFA meeting, it was reported that many municipalities fund this from their ARPA funds although there was some question as to whether it meets the criteria. Those that could not fund this through ARPA come through as an assessment.

The City Hall badge and door upgrades were detailed. Mr. Jurgens stated that the upgrade will require additional touch plates or key fobs to complete. Because the current system is maxed out and unable to allow for additional key fobs, an entirely new system is required to accommodate the additions. The Police Department holds the majority of the current key fobs for security reasons and the upgrade would allow a separation and tracking system to better identify who utilizes the building. He explained that the system will allow for multiple access options and provide security and service for years without having to return to request additional funds.

Mr. Jurgens reported that the following funding requests do not qualify for ARPA funds:

- Wasatch Waste and Recycling has requested \$5,886. These funds would have to come from the General Fund, similar to how the UFA costs were accessed.
- A Community Survey in preparation for the Council Retreat and the 2022-2023 budget at a cost of \$16,000.
- Open Space improvements in the amount of \$700,000.
- A Police wage market adjustment anticipated at \$484,000 on an annual basis with an October implementation reducing that amount to 75% of the total year bringing it to \$363,000.

Public Works projects were discussed.

The Capital rebudget had a total of \$3,385,000 in expense, \$657,000 in revenue, and largely include road-related projects that were put on hold or were unable to be completed prior to June 30, 2021. Trip hazard was omitted from the original budget and it was requested that \$25,000 be considered. A transfer of \$700,000 from the General Fund was recommended to cover potential open space opportunities.

Council Member Mikell suggested the creation of an ongoing fund designated specifically to open space. Mayor Peterson was open to discussing it further at a future meeting.

Mr. Tingey next initiated the Police Compensation discussion and reported that he recently participated in the City Manager meetings where the Love, Listen, and Lead conversations related to challenges with police officer retention were discussed. Taylorsville and Salt Lake City have increased department salaries followed by West Valley, South Jordan, West Jordan, and South Salt Lake. Herriman, Riverton, Draper, Murray, and Sandy City were all considering increases as well. Mr. Tingey expressed concern with remaining competitive and losing officers to other jurisdictions throughout the valley. A visual presentation of current salaries was displayed. The proposed

increase would put Cottonwood Heights in a solid position for pay even if surrounding jurisdictions come in at a higher pay rate.

Council Member Bruce stated that her industry has been hit hard with the effects of COVID-19 and line cooks who were previously paid \$11 per hour are now being paid \$17 per hour. She believed employees leave due to poor communication, feeling underappreciated, leadership issues, with pay being fourth or fifth in priority.

Mr. Tingey reported that Police Department turnover has been low but felt that with active recruiting by surrounding departments the City is vulnerable to losing officers due to the amount of adjustment. Mayor Peterson stated that at an entry-level, pay becomes a higher priority.

Chief Robby Russo stated that the targeted officers are those that have three or four years of service and tend to be female with minority or bilingual backgrounds. He emphasized that the Cottonwood Heights Police Department provides a better product that comes at a price. Their officers have extensive training, experience, management, and have been handpicked. It is his responsibility to ensure that the department is a good place to work and provides training and additional education. The City has a very generous Tuition Reimbursement and Benefits Programs and is a major contributor to their turnover rate remaining very low. Retention is a nationwide issue and he expressed concern that young officers raising families will leave for a larger salary.

Council Member Mikell emphasized the need to focus on retention and what is meaningful to the officers and the department that keeps them in the City. She suggested considering officers with military background whose salaries are paid if they are deployed. Other benefits also create an atmosphere that encourages veterans to remain in the City. The opinions of the various Council Members were passionately discussed.

Mayor Peterson expressed the Council's concerns with the high standard of living. He was supportive of this effort to move forward with adjustments. Turnover costs were discussed. There was conceptual support for identifying a standard as well as a need to discuss, quantify, and educate on training, retention, and benefits in addition to salary. He reiterated the need to find a standard.

Council Member Bracken expressed that his biggest concern is that while the city waits, we go from being in 8th place to being in 16th place. The concern with this huge change is that it takes months to fill a police officer position.

Council Member Bruce stated that there was a lot of fear mongering in the sales pitch Council Member Bracken was giving. She explained that her general managers leave and tell her that her location is going to fail without them, but they don't, they succeed and there are always new people. This is not accurate, there is not a set of police officers that we are all competing for. There are new cadets entering the occupation every day.

Council Member Bracken explained that there are not as many people entering the profession as that are leaving. He supposed that we could cancel this proposal out and use it as the method to decimate the police department, but he was not doing it.

Mayor Peterson asked that everyone stick to the agenda on police compensation and the budget amendment that could be brought back at the next meeting for further discussion.

Council Member Bruce suggested that in order to recruit more women a small percentage of the 16K square feet of the police department could be turned into a childcare, because females would want to apply with a city that offers free childcare.

Mayor Peterson again reminded city council members that this topic could be brought back up at the next meeting and review benefits and increases.

The discussion was continued to the next Work Session.

b. Public Works Building Discussion – Public Works Director Matt Shipp and Mr. Jim Child from JRCA Architects.

Mr. Tingey asked that the above item be tabled to the next meeting.

The Council took a short recess.

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

The Work Session adjourned at 6:57 p.m. and reconvened at 8:00 p.m.

Mr. Tingey continued the Budget Amendment and Police Compensation discussion. He understood that it was at the request of the Council that the Police Department budget item was being discussed further at the next meeting. Mayor Peterson encouraged further Council input and reiterated the importance of communicating to police officers the City's desire to remain marketable as they further review all of the nuances involved with this issue.

Council Member Bruce acknowledged Chief Russo's efforts in taking the City from incorporation to the present but expressed a need for an upgrade in a police chief. She remarked that Chief Russo has caused division and she was opposed to the strong-arm tactics demonstrated on her constituents. She did not agree that the department provides premium service and did not feel safe with the type of leadership displayed. She believed that if the City desires that officers be among the highest paid in the State, that they are deserving of a professional at the helm that brings the City together rather than someone who causes division.

The matter was to appear on the next meeting agenda for further discussion.

c. Transportation Alternative Program ("TAP") Funding Project Discussion – Public Works Director Matt Shipp.

Mr. Shipp initiated the Funding Project discussion and stated that the State is presently accepting applications for the Transportation Alternative Program ("TAP"). The program allows the City the option to seek State funding for the 1700 East sidewalk to supplement the cost of construction. The funding requires a project to be shovel-ready during the next fiscal year. He believed this

meets those criteria. He encouraged input on moving forward and was seeking funding of up to \$150,000. The Council recommended moving forward with the funding.

d. Ferguson Canyon Park – Community and Economic Development Director, Michael Johnson and Public Works Director, Matt Shipp.

Mr. Johnson reported that the Ferguson Canyon Park Project is ready for Council approval prior to going out to bid. Staff requested input from the Council regarding the park name as they are at a point where it needs to be formalized. Suggestions from the Historic Committee and Open Space Committee were listed. Staff suggested the name “Prospector Park” evoking the history of the area but was open to suggestions. Options were discussed with the Council preference being Ferguson Park.

Mr. Shipp reviewed materials for the restroom construction and fencing. Split face block options were presented. The Council preferred a neutral palette. Concrete cast fencing was displayed.

Mr. Tingey reported that he works with staff and department heads daily who have different challenges. He understood that opinions differ and asked that the issues be discussed in his office rather than airing frustrations during public meetings. Morale is of utmost importance and he emphasized his support for all City departments and staff.

Council Member Bruce stated that protection for Council Members must also be addressed. Mayor Peterson stated that comments should remain civil and that all should refrain from making personal attacks.

5. Review of Calendars and Upcoming Events.

- a. **National Day of Service – September 11 – Help Clean Up Cottonwood Heights Parks and Hiking Trails.**
- b. **Meet the Candidates Night – September 14, - 6:00 p.m. to 8:00 p.m.**
- c. **Bark in the Park – September 18 – 10:00 a.m. to 1:00 p.m. at Mountainview Park, 1651 East Fort Union Boulevard.**
- d. **Cottonwood Heights Arts Council Art Show Contest – Applications due September 27.**
- e. **The League of Women Voters Invites you to Attend the Cottonwood Heights 2021 Candidate Forum – September 28 – 5:30 p.m. to 8:45 p.m. at City Hall.**
- f. **ULCT 2021 Annual Convention – September 29 thru October 1 – Salt Palace Convention Center.**
- g. **Cottonwood Heights Arts Council Art Show – October 4 thru 26 – City Hall.**
- h. **Cottonwood Heights Film Festival – October 9 – 4:30 p.m. to 9:00 p.m. – at the Butler Middle School Auditorium – (7530 South 2700 East Southeast Entrance).**

- i. Budget Amendment and Police Compensation Discussion – City Manager, Tim Tingey and Administrative and Fiscal Service Director, Scott Jorges.
 - j. Public Works Building Discussion – Public Works Director, Matt Shipp, and Mr. Jim Child from JRCA Architects.
 - k. Transportation Alternative Program (“TAP”) Funding Project Discussion – Public Works Director, Matt Shipp.
 - l. Ferguson Canyon Park – Community and Economic Development Director, Michael Johnson and Public Works Director, Matt Shipp.
6. Closed Meeting to Discuss Litigation, Property Acquisition, and/or the Character and Professional Competence or Physical or Mental Health of an Individual.
7. Adjourn City Council Work Session.

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

The Work Session adjourned at 8:36 p.m.

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL BUSINESS MEETING
HELD TUESDAY, SEPTEMBER 7, 2021, AT 7:00 P.M. IN THE COTTONWOOD
HEIGHTS CITY COUNCIL CHAMBERS LOCATED AT 2277 EAST BENGAL
BOULEVARD**

Members Present: Mayor Mike Peterson, Council Member Scott Bracken, Council Member Tali Bruce, Council Member Christine Mikell, Council Member Douglas Petersen

Staff Present: City Manager Tim Tingey, City Attorney Shane Topham, Police Chief Robby Russo, HR Manager/Deputy City Recorder Heather Sundquist, Assistant Fire Chief Riley Pilgrim, Community and Economic Development Director Michael Johnson, Finance and Administrative Services Director Scott Jorges, Records Culture and Human Resources Director Paula Melgar

1.0 WELCOME

Mayor Peterson called the meeting to order at 7:00 p.m. and welcomed those present.

2.0 PLEDGE AND ACKNOWLEDGEMENTS

The Pledge was led by Council Member Mikell.

3.0 ACKNOWLEDGEMENTS

3.1 Beautification Awards – Mayor Mike Peterson.

Community and Economic Development Director, Mike Johnson, reported that each year there is a Landscape Beautification Award initiative within the City where each Council Member is asked to nominate residents in their community who exemplify care and effort in keeping a beautiful property. The following were recognized:

- District 1 was awarded to the Gressmen family of McCormick Way.
- District 2 was awarded to the Wilson family of Brighton Way.
- District 3 was awarded to the Brown and Blodell family of Sundown Avenue.
- District 4 was awarded to the Petty family of Mountain Oaks Drive.
- Commercial property was awarded to the David Kim Insurance Agency on Fort Union Boulevard and Wasatch Exotic Pet Care at 1982 East Fort Union Boulevard.

4.0 CITIZEN COMMENTS

Tim Hallbeck stated that most masks are not designed to trap the input or output of various small particles. The N95 mask is the most effective in preventing 95% of particles when used properly.

He believed the mask should be for single-use and in essence, is not able to prevent transmission if instructions are not followed. He reviewed the FDA guidelines.

Steve Sorweid was present representing his two children and stated that the definition of a hypocrite is someone who acts in contradiction to his or her stated beliefs or feelings. He believed that both Council Member Bruce and Council Member Mikell fit that definition. He stated that during the August 17, 2021, City Council Meeting, both were seen maskless during the Work Session. The Council Meeting included comments from several political leaders and concerned residents who expressed the need to institute their own mask mandates for schools in Cottonwood Heights despite laws passed by the Utah Legislature in the spring. He stated that Council Member Mikell remarked that the mandate merits the same type of leadership whether it is legal or not. He expressed frustration with the discussion and understood that COVID-19 poses almost no risk to children with 4.2 million testing positive with 0.008% having died. He believed that children are statistically in more danger while participating in outdoor activities and are between 0% and .25% of all COVID deaths. He believed masks are completely unnecessary and the net cost to children will be pervasive for years to come.

Mayor Peterson stated that as a municipal or county government they look to the professionals. When taking a position, they review what the Salt Lake County Health Department requires or recommends. Comments have been based on the Director and those recommendations as they are appropriately trained to advise those who do not have that expertise.

David Berry asked if the gravel pit height is set or is subject to debate. He expressed concern with the \$400,000 in the budget for the Recreation Center as he does not reside within the boundaries since they do not coincide with the City and the Recreational District. He addressed the Little Cottonwood Trail and stated that his neighborhood will be in attendance at the September 21 meeting with a petition. They were appalled that no local meetings have been held to address their concerns.

Mayor Peterson clarified that the budgeted \$400,000 does not come from the local tax dollars but is federally subsidized and committed to green space and parks that are open to every resident. The gravel pit approval included height being restricted to the condominium complex. Nothing is allowed to go vertical until all geotechnical issues have been resolved to the satisfaction of the Development Committee.

There were no further citizen comments.

5.0 PUBLIC COMMENT

5.1 Accessory Dwelling Units – Introduction by Community and Economic Development Director, Michael Johnson.

Mr. Johnson reported that the Accessory Dwelling Unit (“ADU”) issue has been discussed at multiple Work Sessions and has been before the Planning Commission who forwarded a recommendation. House Bill 82 was passed at the previous State Legislative Session and identifies Internal Accessory Dwelling Units (“IADU”) in the family residential zones as a permitted use in

every city across the State of Utah effective October 1, 2021. The Bill allows limited local authority for municipalities to regulate these types of rental units. A draft Ordinance was created to regulate the potential negative impacts of ADUs throughout the City detailing the extent they are allowed to regulate as a City beginning October 1. The regulation applies to private HOAs both proactively and retroactively. Staff proposed that internal ADUs be allowed only in single-family residential zones except on lots less than 6,000 square feet in size. He clarified that detached ADUs are now permitted Statewide by this Legislation, however, a City may choose to allow or disallow the use. Requirements include the following:

- Property be licensed;
- A site inspection is conducted;
- Building permit will be required as applicable;
- Building code updates to the greatest extents allowed by State Code;
- Property must provide one additional non-tandem parking stall;
- Legal property owner must reside on the site year-round;
- No separate utility meters;
- No short-term rentals;
- A new license is required after ownership change; and
- Their license is renewed annually and will verify ownership each time.

Mr. Johnson stated that the Planning Commission received public comment and unanimously recommended approval. Staff requested Council input and feedback and recommended approval of the Ordinance prior to October 1, 2021.

Mayor Peterson opened the public hearing.

David Berry reported that he resides in an HOA with yearly dues of \$50. He questioned how mortgages are changed retroactively as they do not allow for ADUs. He considered it a violation of the Mortgage Agreement and an element of default. Mayor Peterson reported that regulations are not imposed by the City but by the State. It was noted that this will only impact an applicant if they reside in an HOA and there are existing restrictions in their covenants.

City Attorney, Shane Topham reported that it is dependent on the resident who took advantage of the opportunity given to them under law. His understanding was that a mortgage cannot prevent the rezone from single-family residential to duplex or similar. The question is whether the owner has a mortgage and chooses to take advantage of the opportunity concerning the State mandated internal ADUs.

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

6.0 ACTION ITEMS

6.1 Consideration of Resolution 2021-44 Approving a Consulting Agreement with Civil Science, Inc. for the East Sidewalk Project.

Public Works Director, Matt Shipp presented the staff report and stated that the above item involves consideration of a Consulting Agreement with Civil Science, Inc. for the East Sidewalk Project located on 1700 East from Fort Union Boulevard to 7200 South on the west side. It is part of the Safe Routes to School access for Ridge Crest Elementary.

Council Member Petersen expressed gratitude to those involved in the project ensuring the safety of the school children.

MOTION: Council Member Peterson moved to approve Resolution 2021-44. The motion was seconded by Council Member Petersen. Vote on motion: Council Member Petersen-Aye, Council Member Bracken-Aye, Council Member Bruce-Aye, Council Member Mikell-Aye, Mayor Mike Peterson-Aye. The motion passed unanimously.

6.2 Consideration of Resolution 2021-45 Approving a Consulting Agreement for an Economic Resiliency Plan.

Mr. Johnson presented the Staff Report and stated that the above matter involves consideration of a Consulting Agreement for an Economic Resilience Plan. The City received a grant from the federal Coronavirus Aid, Relief, and Economic Security (“CARES”) Act funding that is part of the first round of federal COVID relief funds from 2020. This funding comes from the Federal Government to the Wasatch Front Regional Council who utilized it to fund economic recovery programs and plans from various municipalities throughout the region. The City was awarded \$14,000 to conduct an enhanced market and economic study of businesses in Cottonwood Heights to determine which have been most severely impacted by the pandemic. The grant pairs well with the General Plan being prepared and will provide a more in-depth analysis of the economic development element of the Plan while remaining a stand-alone document. GSBS has been selected as the consulting firm to complete the study.

MOTION: Council Member Petersen moved to approve Resolution 2021-45. The motion was seconded by Council Member Bracken. Vote on motion: Council Member Petersen-Aye, Council Member Bracken-Aye, Council Member Bruce-Aye, Council Member Mikell-Aye, Mayor Mike Peterson-Aye. The motion passed unanimously.

7.0 CONSENT CALENDAR

7.1 Approval of the City Council Work Session and Business Meeting Minutes for August 17, 2021.

MOTION: Council Member Mikell moved to approve the City Council Work Session and Business Meeting Minutes of August 17, 2021. The motion was seconded by Council Member Petersen. The motion passed with the unanimous consent of the Council.

8.0 ADJOURN CITY COUNCIL BUSINESS MEETING.

MOTION: Council Member Bracken moved to adjourn the City Council Business Meeting and reconvene the Work Session. The motion was seconded by Council Member Petersen. The motion passed with the unanimous consent of the Council.

The meeting adjourned at 7:45 p.m.

I hereby certify that the foregoing represents a true, accurate, and complete record of the Cottonwood Heights City Council Work and Business Meetings held Tuesday, September 7, 2021.

Teri Forbes

Teri Forbes
T Forbes Group
Minutes Secretary

Minutes Approved: September 21, 2021