

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL WORK SESSION  
HELD TUESDAY, OCTOBER 3, 2023, 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 Scott Bracken, Council Member Shawn E. Newell, Council Member Matt Holton, Council Member Ellen Birrell (joined the meeting at 4:06 p.m.)

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

**1.0 WELCOME – Mayor Weichers.**

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

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

The Business Meeting Agenda items were reviewed and discussed. Mayor Weichers stated following the Pledge of Allegiance, there were two acknowledgments prior to the Citizen Comment. The first agenda item was Proclamation 2023-01 acknowledging the lifesaving efforts of the Cottonwood Heights Police Department (“CHPD”) and the Unified Fire Authority (“UFA”) on August 16, 2023. The second was a presentation of Beautification Awards to residents and businesses who are taking advantage of the xeriscaping and water conservation. Community and Development Director, Michael Johnson, reported that he would introduce each property and present the owner with a certificate and gift card.

The first Action Item was Consideration of Ordinance 403 Amending Code Chapter 19.72, Sensitive Lands Evaluation and Development Standards (“SLEDS”). Mr. Johnson stated that the minor changes, as discussed in the previous meeting, have been updated in the Ordinance and posted on the City’s website. It was noted that there is a section for minor modifications in the Code for properties that may not be directly applicable.

Mayor Weichers reported that City Manager, Tim Tingey and City Attorney, Shane Topham were participating online.

The next Action Item was the Consideration of Ordinance 404 Adopting an Amended Budget for 2023-2024 which would be discussed with the Staff Reports.

The next Action Item was Consideration of Resolution 2023-49 Accepting Requests for Indemnification. City Attorney, Shane Topham reported that City employee, Sergeant Thomas Daugherty of the CHPD, filed a complaint with the Equal Employment Opportunity Commission (“EEOC”) against the City. It has gone through the EEOC process and was determined to have

no merit. Mr. Daugherty then filed a lawsuit against the City in Federal District Court naming the City of Cottonwood Heights; City Manager, Tim Tingey; Police Chief, Robby Russo; and Assistant Chief Brenneman as defendants. Because those individuals have been named in their capacity as City employees, they are entitled to request defense and indemnification from the City. Under the Governmental Immunity Act, there is no basis for the City to deny defense and indemnity to employees who are sued in their capacity as City employees. The City has built into the Resolution that when accepting a request for indemnification if the actions complained of in the lawsuit are outside the course and scope of the employee's job function, the indemnification will be invalid.

The last Action Item was Consideration of 2024-50 Declaring Certain Property Surplus. Administrative and Financial Services Director, Scott Jurgens reported that the items include a 2018 Nissan Armada with 43,000 miles and two pieces of exercise equipment. Chief Russo noted that the exercise equipment is currently in a room that is being converted into a nursery for department use. The proceeds will be returned to the City for reinvestment.

### **3.0 STAFF REPORTS**

#### **a. Budget Amendment Discussion – Administrative and Fiscal Services Director, Scott Jurgens.**

Mr. Jurgens reported that the above matter is a continuation of the previous Budget Amendment discussion. The amended items include the following:

- Police Radios – \$50,000. This item was budgeted last fiscal year but staff was unable to complete the purchase until this year due to availability.
- Police Radios – \$175,000. This is required to complete the changeover and purchase to bring the City into compliance with the New State requirement becoming effective in the Spring of 2024.
- Police Marathon Overtime – \$6,305. This is an expense and reimbursement and has no direct impact on the budget or fund balance.
- Police DUI Shift Overtime Reimbursement – \$7,476 and \$3,382 to be used to offset the overtime expense. These amounts have been reimbursed with no direct impact on the budget.
- Sale of Harley Davidson Motorcycle – \$10,000. The proceeds will be used to purchase additional fleet vehicles for the Police Department.
- Three additional Police Officers – \$418,000. The annual salaries and benefits equate to approximately \$120,000 per officer; \$40,000 for an additional vehicle; and \$18,000 for radios. There may be offsetting funds to reduce the overall cost to the City. Reduction of the budgetary impact of \$90,000 for salaries from October 1, 2023, to June 30, 2024, was discussed.

Mayor Weichers reported that there are opportunities to offset some of the costs with officers who are retiring and will be dependent on who is hired and the stage of their career. He requested funds from Salt Lake County and the Utah Department of Transportation (“UDOT”) as the City will be

patrolling Wasatch Boulevard and participating in a tread inspection for the canyons. UDOT Executive Director, Carlos Braceras, confirmed that he will include \$500,000 in their budget for Cottonwood Heights, Sandy City, and the Sheriff's Office. Approval will be required from the Governor's Office in November, which will then go before the State Legislature during the next Legislative Session. He noted that July 1, 2024, will be the soonest date for funding.

The Utah Transit Authority ("UTA") confirmed that they will not be making any changes to the bus schedule from the previous year or adding a route back in. Council Member Birrell reported that at the recent UTA Local Advisory Council Meeting it was reported that one option would include longer buses with a "surge" or secondary bus behind the scheduled service during peak hours. Details will be available at the end of October. UTA has also asked ski resort employees to refrain from using public transportation and utilize shuttles.

Mr. Tingey remarked the addition of three officers would help and contribute to mitigating traffic issues but would not resolve the problem. He did not want the expectation to be that having the additional officers would be a solution but rather a mitigation. Mayor Weichers agreed that this would provide a solution but give the City the manpower to let residents know that they are striving to make street safety improvements in addition to addressing canyon issues. A decal program was discussed. Mr. Tingey reported that if the City does not receive UDOT funding, this item will be reconsidered. Council Member Holton expressed support for the proposed positions and looking at ways to offset costs.

It was the consensus of the Council that the matter be moved forward. Mr. Jurgens confirmed that the amount would be adjusted to \$328,000 for the current year with an increase next year.

- South Valley Chamber Membership – \$20,000.
- Public Works Department – \$37,000 for two Variable Messaging Sign ("VMS") Trailers at a cost of \$18,500 each. The trailers will be used by both the Public Works Department and the CHPD.

#### Capital Projects Fund:

- Rebudget unfinished Capital Projects from the prior year at a cost of \$4,605,540 and revenue of \$1,209. This item will come from the Beginning Fund Balance.
- Rebudget the unfinished Public Works Building at a cost of \$7,026,683. This item will come from the Beginning Fund Balance.
- The Fort Union/Wasatch Boulevard Curb and Median on westbound lanes at a cost of \$35,000. This will be paid to UDOT who will complete the work. This item will come from the Beginning Fund Balance.

#### Storm Water Fund:

- Rebudget the Unfinished Stormwater Projects from the prior year in the amount of \$1,528,139. This will come from the Beginning Fund Balance.

Mr. Juges confirmed that the additional police officer line item will be reduced by \$90,000. He will complete the requirements of the South Valley Chamber Membership. The document will be republished and ready for City Council review.

**b. South Valley Chamber of Commerce Agreement Discussion – City Manager, Tim Tiney and Community and Economic Development Director, Michael Johnson.**

Mr. Johnson presented the South Valley Chamber of Commerce Agreement and reported that the City has received an invitation to join the South Valley Chamber of Commerce. What is proposed is a three-year contract with a starting cost of \$20,000, which will increase by \$5,000 per year. The stipulated benefits offered include the following:

- Cottonwood Heights small businesses may purchase a Business Membership at a subsidized rate of \$250 for the first year (50% discount, plus 50% off lunches for the year).
- A 50% discount for 10-week Business Accelerator courses.
- Two ex-officio voting seats on the Chamber's Board of Directors.
- Seat on the Chamber's Public Policy Committee.
- Recognition of the City's support on the Chamber's website homepage.
- One-hole sponsorship at one of the Chamber's golf tournaments.
- A foursome team in at least one of the Chamber's golf tournaments.
- Up to two registrations for "Let's Do Lunch"/"Meet the Members" lunches for City employees and City Council Members.
- Two registrations to the monthly "Women in Business" lunches for City employees and City Council Members.
- A seat on the Women In Business Committee for one City employee.
- Member pricing for Chamber activities and events.
- A table for eight people at the Chamber's Titan Awards with VIP seating.
- 10 Basic Annual Business Memberships free of charge for small businesses that may not otherwise be able to participate in Chamber events.
- Chamber attendance and support at business grand openings/ribbon cuttings and free attendance to new business luncheons.
- Consideration of the City as a "Presidential Sustaining Partner" of the Chamber.
- Links to the City website and business resources through the Chamber's website.

Mr. Johnson reported that a survey was sent out to local businesses. 18 responses were received ranging from one-word replies to more detailed feedback. Several have been members of the Chamber previously and found it to be a positive experience.

Council Member Newell believed there are several benefits to the City when recruiting businesses. This, in turn, helps mitigate taxes for residents. He considered it to be a positive return on investment. Membership creates exposure and a connection with the Salt Lake Chamber and the Economic Development Corporation of Utah creates opportunities for businesses.

Council Member Holton commented that when working for the Utah Manufacturing Association, he was asked by a foreign company if there was a local industry organization with interest in a specific industry. At a cost of \$500 for a business membership and 10 free memberships at \$5,000, he believed this provides an opportunity for the City to give back to specific businesses that otherwise do not have the financial resources to participate. Networking opportunities were discussed. Mr. Tingey pointed out that a Chamber presence is a conduit that helps in economic development with a focus on retention.

Council Member Birrell struggled with the efficacy of spending \$75,000 over the next three years to join the South Valley Chamber of Commerce. With only 18 businesses having replied to the survey and only a portion of those replying in the affirmative, the idea of issuing 10 memberships annually doesn't pencil out. She commented that when working within the hospitality/convention industry over her career and participating in the Salt Lake Chamber of Commerce, it is generally the larger corporations which received greatest benefits. She felt that \$75,000 could instead be used to construct crosswalks and safer modalities in roadways. She was concerned about the City continuing to support the Cottonwood Heights Business Association's ("CHBA") full-time employee rather than alleviate most or part of that burden on the City if adding this additional expenditure of joining the South Valley Chamber of Commerce.

Council Member Bracken remarked that the City Council has discussed various Chamber memberships over the years with the result being the CHBA and wondered, should it be discontinued would the City lose the employee. Council Member Holton suggested a proposal that suits everyone in the City and was supportive of the Chamber membership.

Mayor Weichers stated that this item was included in the budget amendment due to City Council majority support. Mr. Tingey noted that in addition to the budget amendment, an agreement will be brought forward at the next meeting for formal consideration.

**c. Ordinance Discussion on Maintenance of Private Access Easements – City Manager, Tim Tingey and Public Works Director, Matt Shipp.**

Mayor Weichers provided background on the Ordinance and stated that the proposed maintenance of private access easements is on properties that are publicly owned. They arise when a developer requests a private access easement into a subdivision and may be created at lower standards than a public access easement. There are six private access easements in Cottonwood Heights where the ground and road are owned by the City. He noted that the easement located at the top of Timberline Drive is owned by the City due to the developer defaulting on property taxes. It was taken back by Salt Lake County prior to the City's incorporation. Mr. Tingey confirmed that the six parcels being addressed are non-roadway parcels and have been identified as access road elements.

City Attorney, Shane Topham reported that when property taxes are not paid, the property goes to a tax sale for six successive years. If not purchased, the County becomes the owner. In this case, there was no affirmative desire by Salt Lake County to own the property and it, therefore, became the property of Cottonwood Heights. The County approached the City with remnant parcels that

they forgot to turn over at the time of incorporation. The Timberline Drive access was originally a private roadway that became the property of the public entity due to the tax sale which by statute, takes place automatically. When an owner fails to pay taxes on roads, the property is automatically lienied and potentially becomes the property of a public entity. When the lots are created, they are served by a private roadway and become part of the title that goes to the property owners and an express easement over the roadway. It was his understanding that they would always have an express easement over the roadway. If anyone purchases the property at tax sale, it will always take title subject to that access right.

Mayor Weichers expressed concern with the City owning a private access easement where snow removal and maintenance are being done solely by the residents. The easement contains a fire hydrant and he questioned liability. Mr. Tingey explained that under State law, the residents are required to maintain the access easement, which remains a private road element, although the City is the underlying owner. Mr. Topham commented that the general rule in the State of Utah regarding the maintenance of easements is that it remains the responsibility of the users or lot owners. The maintenance obligation is allocated based on proportionate use. If several homes are being served by an Access Easement with no specific use to the City, 100% of the maintenance obligation belongs to the property owners.

Public Works Director/City Engineer, Matt Shipp, stated that there is no record of public works maintenance having taken place on the easement during his eight-year tenure in Cottonwood Heights. Council Member Bracken stated that this issue has been previously discussed where other sizeable subdivisions purposely chose to make their roads private. Safety becomes a concern when large trucks have to utilize smaller private lanes. Residents have expressed frustration with paying taxes and not receiving the same services as others. He noted that not all residents utilize the available services provided by the City but they are available should the need arise. Council Member Birrell stated that it comes down to setting a precedent in which residents on private roadways expect the City to maintain what was designated originally as an obligation of the homeowners to maintain and forthwith the burden of liability and maintenance would fall to the city.

Mayor Weichers recommended the six parcels that are considered private access easements be allowed to apply for City snow removal services at the expense of the City. Mr. Topham stated that the general rule is that City funds may only be used for corporate purposes as referenced in the Municipal Code. It describes a determination through a budget line item or a quid pro quo analysis where the City must determine what it is getting by providing a private benefit. It requires a formal financial analysis as well as a description of what benefits the City will be receiving. A public hearing will then be held with 14-day notice with a decision to be made by the City Council. There will also be a 30-day appeal right. He felt that budgeting the item would be the most feasible option. He stated that it appears that the City has an issue in that they have not identified a use for this one particular roadway. Council Member Bracken questioned whether after determining that providing the service is safe for employees and homeowners if a Special Service District be used as a funding source. Mr. Topham believed that a Special Service District may be one way to isolate the revenue and expenditure. He was not prepared to confirm whether it could be created.

Fire liability issues were discussed. Mr. Topham assumed that when the project was completed prior to the City's incorporation, a hydrant was required by Salt Lake County for it to be accessible for fire purposes. He suggested contacting the Utah Local Governments Trust for clarification on the liability issue. The issue of classification of a private road was discussed. He explained private rights-of-way can become public through dedication and acceptance by the City with the road being required to be brought up to City standards. The Mayor was supportive of having discussions with the Trust and asked Mr. Shipp to provide a cost analysis for snow removal for the six easements.

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

- a. **October 27 – 5:00 p.m. to 7:00 p.m. – Monster Mash at Cottonwood Heights Recreation Center (7500 South 2700 East).**
- b. **October 31 – 3:00 p.m. to 4:30 p.m. – Trunk or Treat at the Cottonwood Heights City Hall Parking Lot.**
- c. **November 21 – General Election – Voting Centers Open from 7:00 a.m. until 8:00 p.m.**
- d. **November 24 – December 7 – Holiday Decorating Contest.**
- e. **November 27 – Light the Heights at City Hall.**

#### **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.**

**MOTION:** Council Member Bracken moved to close the Work Session and open a Closed Session to discuss property acquisition. The motion was seconded by Council Member Birrell. The motion passed with the unanimous consent of the Council.

The City Council was in Closed Session from 5:37 p.m. to 5:55 p.m.

**MOTION:** Council Member Bracken moved to close the Closed Session and reopen the Work Session. The motion was seconded by Council Member Newell. The motion passed with the unanimous consent of the Council.

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

**MOTION:** Council Member Bracken 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 5:55 p.m.

**MINUTES OF THE COTTONWOOD HEIGHTS COMMUNITY RENEWAL AND REDEVELOPMENT AGENCY (“CRDA”) MEETING HELD TUESDAY, OCTOBER 3, 2023, AT 6:00 P.M. IN THE COTTONWOOD HEIGHTS CITY COUNCIL CHAMBERS LOCATED AT 2277 EAST BENGAL BOULEVARD, COTTONWOOD HEIGHTS, UTAH**

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

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

**1.0 WELCOME – Board Chair Mike Weichers.**

Board Chair, Mike Weichers, welcomed those present and reviewed the meeting agenda. The first item was consideration of Resolution 2023-05-A or Resolution 2023-05-B appointing members of the Hillside Plaza Citizen Advisory Committee. The first Resolution would include 12 committee members with one individual member named Eric Krahn in District 4. The second Resolution would omit Eric Krahn and include Gordon Walker.

Board Member Newell reported that this has been a vigorous process. He was pleased with the number of residents who were willing to serve. The Committee will allow the City to bring in various perspectives and assist in making decisions for the community. He thanked those who were willing to participate and stated that the committee members were selected to bring in other residents and expand the overview of the project moving forward.

Board Member Bracken expressed appreciation to the residents for their willingness to serve. He described an interview with David McCullough who is the author of *1776* and *John Adams* and reflected on his own service in the City where his first choice was not always the preference. He believed there was a need in the nation to either be accommodated or by subjecting one’s personal opinion to the better public good.

Board Member Birrell supported the Resolutions, acquisition, and bonding by the City of the 10 acres largely due to the development being citizen driven. She recognized that the development needs to be financially viable. She had confidence in the expertise, involvement, and dedication of the citizens. Many constituents in District 4 have expressed interest in participating. She selected Eric Kraan because of his devotion to the community in recent years and his ability to analyze and research thoroughly. She believed Mr. Kraan was singled out and rejected because he has been considered to be somewhat of a rival to City politicians and a disruptor by nature. She encouraged the CDRA to ensure that diverse voices are welcomed. The International City Managers Association has said that with increasing diversity of thought in advisory committees, a local government can be more approachable to residents, socially and fiscally responsible, and increasingly accessible to a greater number of people. .



Mayor Weichers appreciated the willingness of so many to serve in the City and the dedication of residents to have a voice in the City.

## **2.0     CONSIDERATION OF RESOLUTION 2023-05-A OR RESOLUTION 2023-05-B APPOINTING MEMBERS OF THE HILLSIDE PLAZA CITIZEN ADVISORY COMMITTEE.**

**MOTION:** Council Member Birrell moved to APPROVE Resolution 2023-05-A. The motion died for lack of a second.

**MOTION:** Council Member Bracken moved APPROVE Resolution 2023-05-B. The motion was seconded by Board Member Newell.

Board Member Bracken reported that he has known Mr. Walker for many years and believed he brings expertise after having served as the Governor's Advisor on Housing. Vote on Motion: Board Member Holton-Aye, Board Member Bracken-Aye, Board Member Newell-Aye, Board Member Birrell-Abstain, Board Chair Weichers-Aye. The motion passed unanimously with one abstention.

## **3.0     APPROVAL OF MINUTES**

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

## **4.0     ADJOURN**

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

The CRDA Meeting adjourned at 6:16 p.m.

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL BUSINESS MEETING  
HELD TUESDAY, OCTOBER 3, 2023, AT 7:00 P.M. IN THE COTTONWOOD HEIGHTS  
CITY COUNCIL CHAMBERS LOCATED AT 2277 EAST BENGAL BOULEVARD,  
COTTONWOOD HEIGHTS, UTAH**

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

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

**1.0 WELCOME**

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

**2.0 PLEDGE OF ALLEGIANCE**

The Pledge was led by Council Member Holton.

**3.0 ACKNOWLEDGEMENTS**

**3.1 Proclamation 2023-01 Acknowledging the Life-Saving Efforts of the Cottonwood Heights Police and Unified Fire Authority on August 16, 2023 – Presented by Mayor Mike Weichers.**

Mayor Weichers read a Proclamation acknowledging first responders from the Cottonwood Heights Police Department (“CHPD”) and the Unified Fire Authority (“UFA”) for their life-saving efforts in response to an accident that took place on August 16, 2023. On the evening of August 16, a 25-year-old nurse was driving to her home in Cottonwood Heights after finishing her shift at the University of Utah Hospital. As she exited the freeway at I-215 at Highland Drive, a fentanyl-impaired unlicensed driver fell asleep while driving a Dodge construction truck. The vehicle veered off the road, became airborne, and landed on top of the nurse’s small Toyota trapping her inside. Despite being conscious, the severely injured nurse was trapped within an 18-inch high space beneath her flattened vehicle and could not be extracted by conventional means. Multiple emergency responders, including UFA personnel and responders from the Murray Fire Department, the Utah Highway Patrol, and the CHPD worked together for two hours to secure the scene and extricate the nurse. The responders eventually needed a heavy tow apparatus equipped with a crane to successfully lift the truck high enough to rescue her. The victim was transported to Intermountain Medical Center where it was reported that she had suffered fractures in almost every limb and torso. Remarkably, she was expected to survive but likely with the long-term effects of her injuries. The coordinated efforts of first responders ensured the victim’s survival

and subsequent support was provided to the victim's family. Exceptional work had been done to prepare the case for prosecution.

The Mayor proclaimed that the Cottonwood Heights City Council, City Manager, and City recognized and commended those who participated and responded to the scene of the accident while going to exceptional lengths to save the victim's life. Their work was outstanding and an example of skill, empathy, dedication, and focus.

Assistant Fire Chief, Riley Pilgrim, thanked the City for the recognition and believed this was evidence of the dedication of the City's Public Safety personnel. This was a complex and challenging event and he commended the City's first responders for their dedication and perseverance. Medallions were presented to those involved. Mayor Weichers expressed gratitude to those who serve the community and help keep the City safe.

### **3.2 Presentation of Beautification Awards – Presented by the Community and Economic Development Director, Michael Johnson.**

Community and Economic Development Director, Michael Johnson, reported that Landscape Beautification Awards are presented annually by the City to acknowledge the landscaping efforts of residents. Recipients from each district go above and beyond to care for their yards with sustainable and well-maintained landscaping and take pride in ownership of their property. Properties are nominated by City residents and the winners from each District are selected by the respective Council Member. The Mayor selects a commercial property winner. Mayor Weichers noted that winners are invited to attend the City Council Meeting to accept a Certificate of Recognition. Each winner also receives a yard sign promoting the award.

This year's winners were identified as follows:

- District 1 – The Garretson Family at 7450 South Parkridge Circle.
- District 2 – The Cundick Family at 2198 East Lorita Way.
- District 3 – The Bankhead Family at 6811 South Virginia Hills Drive.
- District 4 – The Williams Family at 9072 South Green Hills Drive.
- Commercial Winner – Swig located at 2057 East Fort Union Boulevard.

Mayor Weichers chose Swig as the commercial winner for their xeriscape. Although encompassed by asphalt, they chose to beautify their location. Mr. Johnson thanked those who nominated their neighbors and the award winners for making the City more beautiful.

The Mayor recognized the presence of Salt Lake County Council Representative, Ann Granado. Ms. Granado expressed appreciation to the City for recognizing those who xeriscape. She commented that she recently removed all of her grass and will be replacing it with rock.

#### **4.0     CITIZEN COMMENTS**

*Audrey Pines* reported that she listened in on the Hillside Plaza discussions and wanted to ensure that Messrs. Tingey and Johnson are involved in the planning. She suggested that residents be involved in the planning via Zoom and Webinars. She commented that the Economic Developers have insight as to what works best in the City and suggested they be included.

*Lynne Krause* commended the City on the sidewalk installed on 2375 East, which has made the area much safer. She referenced the history of Abraham Lincoln running for office and stated that he won largely due to putting differences aside. President Lincoln called on his three contenders to serve on his cabinet with an explanation that they were the strongest men in the country. He could not, in good conscience, deprive the country of their talents. She commented that Cottonwood Heights is full of strong, smart, and diverse individuals with a wealth of expertise and knowledge, yet the Council continues to draw from the same well of people when making appointments. She considered this a disservice and alienated residents with differing perspectives. She stated that it could also contribute to many ceasing to attend public meetings. It was her opinion that diverse views result in better outcomes and make residents feel included.

*Nancy Hardy* stated that the appointment of the Hillside Plaza Committee was not public knowledge but she did listen to the recent CDRA Meetings. She commended Randy Whitehead for spearheading the matter and increasing the awareness of residents. She hoped that the group appointed would be diverse and would represent all who want to be part of the planning process. She asked if the qualifications of appointees would be published on the City's website.

*Randy Long* gave his address as 8610 Kings Hill Drive and expressed opposition to the widening of Wasatch Boulevard. He believed it should remain as-is. As an avid camper and hiker, he was in favor of the Bonneville Shoreline Trail and felt it should be developed lower to preserve the urban interface.

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

Council Member Bracken reiterated his comments from the CDRA Meeting that the job of the Hillside Plaza Advisory Committee is to distill information and provide options. All members of the public were invited to offer input. He stated that input may be received during an open house.

Council Member Birrell concurred with Mr. Long's concerns about the widening of Wasatch Boulevard and referred him to the 2019 Wasatch Boulevard Master Plan that was approved by the City Council. The plan endorses the idea of widening of Wasatch Boulevard. She urged citizens to read the Master Plans that exist for the City and continue to participate in the legislative process.

## **5.0 ACTION ITEMS**

### **5.1 Consideration of Ordinance 403 Amending Code Chapter 19.72, Sensitive Lands Evaluation and Development Standards (“SLEDS”).**

Mayor Weichers reported that the SLEDS Ordinance has been discussed for the last two years and the City has received an abundance of citizen input. Council Member Bracken stated that work took place four to five years prior to address earthquakes, land types, and riparian areas. When the SLEDS ordinance was introduced 10 to 15 years ago, it was a vast improvement over what had been available. He appreciated the time and effort that went into updating the Ordinance to the current standards.

Council Member Holton echoed Council Member Bracken’s sentiments and emphasized that the SLEDS Ordinance has been transformed from something residents opposed to something more palatable. He thanked Staff for ensuring that the residents were heard. He believed they have come a long way toward creating an Ordinance that will be beneficial to the City.

Council Member Birrell thanked the constituents who have worked with Mr. Johnson and Staff for their involvement. She felt it would provide environmental safeguards and improve the City’s financial and sustainable future by addressing sensitive lands. The Planning Commission has been diligent and she was pleased it will be voted on. She reported that she would be holding a meeting to allow citizens the opportunity to understand all aspects of the Ordinance.

**MOTION:** Council Member Bracken moved to APPROVE Ordinance 403. The motion was seconded by Council Member Birrell. Vote on motion: Council Member Bracken-Aye, Council Member Newell-Aye, Council Member Birrell-Aye, Council Member Holton-Aye, Mayor Weichers-Aye. The motion passed unanimously.

### **5.2 Consideration of Ordinance 404 Adopting an Amended Budget for Fiscal Year 2023-2024.**

Financial and Administrative Services Director, Scott Jurgens reported that the above Ordinance was discussed at the previous City Council Meeting. Items brought forward from last year that were not expended during the last fiscal year were as follows:

- Police Radios – \$50,000. This expenditure was budgeted last fiscal year but Staff was unable to complete the purchase until this year due to availability.
- Police Radios – \$175,000. This is the additional needed to complete the changeover and purchase to bring the City into compliance with the New State requirement taking place in the Spring of 2024.
- Police Marathon Overtime – \$6,305. This is expense and reimbursement and has no direct impact on the budget or fund balance.
- Police DUI Shift Overtime Reimbursement – \$7,476 and \$3,382. To be used to offset overtime expenses. It has been reimbursed with no direct impact on the budget.

- Sale of Harley Davidson Motorcycle – \$10,000. Proceeds to be utilized to purchase additional fleet vehicles for the Police Department.
- Three additional Police Officers – \$418,000. The annual salaries and benefits of approximately \$120,000 per officer, \$40,000 for an additional vehicle, plus \$18,000 for radios. As discussed in the Work Session, it was recommended the annual salary of \$120,000 be reduced to \$90,000 and run from October 1, 2023, to June 1, 2024. This will save \$30,000 each bringing the total to \$328,000.
- South Valley Chamber Membership – \$20,000.
- Public Works Department – \$37,000. Will go toward two VMS Board Trailers at a cost of \$18,500 each. The funds will be utilized by both the Public Works Department and the CHPD.

#### Capital Project Fund:

- Rebudget Unfinished Capital Projects from the prior year in the amount of \$4,605,540 and revenue of \$1,209. This will come from the Beginning Fund Balance.
- Rebudget of the Unfinished Public Works Building at a cost of \$7,026,683. This will come from the Beginning Fund Balance.
- Fort Union Boulevard/Wasatch Boulevard Curb and Median on westbound lanes at a cost of \$35,000. This will be paid to UDOT who will complete the work. It will come from the Beginning Fund Balance.

#### Storm Water Fund:

- Rebudget Unfinished Stormwater Projects from the prior year in the amount of \$1,528,139. This will come from the Beginning Fund Balance.

It was noted that the police radios are State-mandated and require updating to bring the City into compliance.

**MOTION:** Council Member Holton moved to APPROVE Ordinance 404. The motion was seconded by Council Member Newell. Vote on motion: Council Member Bracken-Aye, Council Member Newell-Aye, Council Member Birrell-Aye, Council Member Holton-Aye, Mayor Weichers-Aye. The motion passed unanimously.

### **5.3 Consideration of Resolution 2023-49 Accepting Requests for Indemnification.**

**MOTION:** Council Member Bracken moved to APPROVE Resolution 2023-49. The motion was seconded by Council Member Holton. Vote on motion: Council Member Bracken-Aye, Council Member Newell-Aye, Council Member Birrell-Aye, Council Member Holton-Aye, Mayor Weichers-Aye. The motion passed unanimously.

#### **5.4     Consideration of Resolution 2023-50 Declaring Certain Property Surplus.**

**MOTION:** Council Member Newell moved to APPROVE Resolution 2023-50. The motion was seconded by Council Member Holton. Vote on motion: Council Member Bracken-Aye, Council Member Newell-Aye, Council Member Birrell-Aye, Council Member Holton-Aye, Mayor Weichers-Aye. The motion passed unanimously.

#### **6.0     CONSENT CALENDAR**

##### **6.1     Approval of the Minutes of the City Council Work Session, Board of Canvassers Meeting, and the City Council Business Meeting of September 19, 2023.**

**MOTION:** Council Member Holton moved to APPROVE Minutes of the City Council Work Session, Board of Canvassers Meeting, and the City Council Business Meeting of September 19, 2023. The motion was seconded by Council Member Bracken. The motion passed with the unanimous consent of the Council.

#### **7.0     ADJOURN CITY COUNCIL BUSINESS MEETING.**

**MOTION:** Council Member Newell 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 7:48 p.m.

*I hereby certify that the foregoing represents a true, accurate, and complete record of the Cottonwood Heights City Council Work Session, CRDA Meeting, and Business Meetings held Tuesday, October 3, 2023.*

Paula Melgar

City Recorder

Minutes Approved: October 17, 2023.