

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL WORK SESSION HELD TUESDAY, MAY 5, 2020 AT 5:00 P.M. THE MEETING WAS HELD ELECTRONICALLY, WITHOUT A PHYSICAL LOCATION DUE TO THE CURRENT COVID-19 PANDEMIC AND AS AUTHORIZED BY THE GOVERNOR'S EXECUTIVE ORDER DATED 18 MARCH 2020**

**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, Assistant Fire Chief Riley Pilgrim, Public Works Director Matt Shipp, Community and Economic Development Director Michael Johnson, Records, Culture and Human Resources Director Paula Melgar - City Recorder, Finance and Administrative Services Director S. Scott Jurgens, Communications Manager Tim Beery, Senior Planner Matt Taylor

Mayor Peterson called the meeting to order at 5:04 p.m. and welcomed those present.

**1. Valley Emergency Communications Center – Executive Director, Mr. Scott Ruf.**

City Manager, Tim Tingey introduced New Executive Director of the Valley Emergency Communications Center (“VECC”), Scott Ruf. Mr. Ruf shared his professional background and stated that his work has taken him throughout the country and he has experience in all levels of public safety with a focus on emergency communication. He expressed excitement to be in Utah and the opportunity to improve emergency services in the area.

Mr. Ruf’s position at VECC began on January 27, 2020. He met with all pertinent agencies to determine the challenges that exist and how to move forward. Mr. Ruf reported that VECC is working on operational changes to enhance service levels. He inherited some fiscal challenges and was working toward stabilizing the budget and building a proper foundation to move forward. He is focused on reengaging staff by providing opportunities for training and career development. Mr. Ruf reported that VECC is also engaging Public Safety Officers to understand the frustrations they have been facing. He stated that one of his main goals is to maintain a high level of transparency.

Mayor Peterson asked Mr. Ruf to describe how he is addressing the increase in response times that existed prior to him assuming the position. Mr. Ruf explained that the issue of lengthened response times is not unique to Cottonwood Heights. The increase is attributed to the transition between communication platforms and lack of proper oversight. Mr. Ruf reported that deficiencies in response times will see month-to-month improvements and these times will likely significantly decrease next year.

Mr. Ruf addressed the fiscal challenges facing VECC. He reported that VECC is in the process of hiring a Finance Director and they have received applications from several impressive candidates.

Police Chief, Robby Russo reported that Mr. Ruf has been placed in a very difficult position. Chief Russo expressed appreciation for some of the changes he has already seen within VECC.

Assistant Fire Chief, Riley Pilgrim stated that the Unified Fire Authority (“UFA”) has experienced similar difficulties with an increase in response times. He noted that several improvements have been made since the beginning of the year. He expressed appreciation for the Dispatchers and Supervisors for their work.

**2. Central Wasatch Commission (“CWC”) ILA Modification Discussion – Executive Director, Mr. Ralph Becker.**

Central Wasatch Commission Executive Director, Ralph Becker described the potential change in the Interlocal Agreement with the CWC. The modification was prompted by the Town of Brighton’s incorporation and their desire join the CWC. With this change, the CWC also wanted to address the issue of members who are not elected officials. Mr. Becker reported that after much deliberation, the Commission settled on providing for up to four ex officio members to be added to the Commission’s membership.

City Attorney, Shane Topham provided background on the original Interlocal Agreement. He explained that it provided for two appointed Commissioners to represent the interests of the Utah Department of Transportation (“UDOT”) and the Wasatch Back. The UDOT representative was uncomfortable being the only unelected officer on the CWC board and withdrew. This put the CWC in a position where the Interlocal Agreement required a UDOT representative and UDOT would not appoint someone. Mr. Topham stated that the primary reason the Interlocal Agreement was being amended was to get rid of the appointed Commissioner positions and allow for up to four ex officio members who are non-voting members of the Board. He explained that the resolution before the Council is to approve the amendment to the Interlocal Agreement regarding ex officio members and admit the Town of Brighton as a member of the CWC. Both items were unanimously approved by the CWC Board and now need to be approved by the governing bodies of each of the member entities.

**3. Review of Business Meeting Agenda –Mayor Mike Peterson.**

Mayor Peterson reviewed the Business Meeting agenda. The first action item involved approving the reappointments of Commissioners to the Architectural Review Committee (“ARC”). Community and Economic Development Director, Michael Johnson reported that staff collected detailed resumes for each ARC member up for renewal and included them in the Council Communications. Mr. Johnson reported that Stephen Harman, an alternate member, will leave the Commission in a few months and his spot will be vacant. Staff would like to find a member of a business association or a business owner that lives in the Gateway Zone to serve on the Commission, as that is currently a need.

The second action item involved the adoption of a tentative budget. Mayor Peterson emphasized that this is truly a tentative budget and there is still room and time to change pieces of it in the upcoming weeks.

Finance and Administrative Services Director, S. Scott Jurgens stated that the proposed tentative budget is a culmination of the efforts of staff. The input was received from the Budget Committee and the Benefits and Compensation Committee.

Mr. Tingey described the process for finalizing the budget. During the Business Meeting, the Council will consider a resolution to adopt the tentative budget. The proposed resolution also sets a timeframe

for the public to evaluate and provides details for the public hearing. He clarified that there are still opportunities to make modifications. The tentative budget will be available online and in City Hall for the public to view. The public hearing will most likely take place during a remote meeting on June 16, 2020. Mr. Topham added that the legal requirement for a live meeting is dependent on whether the Governor's March 18, 2020 order that suspended certain portions of the Open and Public Meetings Act is still in effect at that time.

Mr. Tingey provided an update on a potential funding source for a capital project on Wasatch Boulevard. He stated that the City was in the process of negotiating modifications to the Congestion Mitigation and Air Quality ("CMAQ") grant. The use of CMAQ money would include a requirement for a bus turnout area on the site. Staff submitted a letter for modification and Mr. Tingey was unsure when a final decision will be made.

Public Works Director, Matt Shipp reported that there has been a lot of communication with Wasatch Front Regional Council on this issue. He believed the City was getting close to being able to keep the CMAQ money and build the parking area at a great reduced cost. He was working to finalize numbers for the project.

The third action item involved approving an amendment to the Interlocal Agreement with the CWC. Mayor Peterson explained that the main purpose of the amendment is to allow the Town of Brighton to become a member. The amendment also includes a change with respect to ex officio members.

#### **4. Staff Reports.**

##### **a. Proposed Tree Ordinance – Community and Economic Development Director, Michael Johnson.**

Mr. Johnson introduced the proposed Tree Ordinance and stated that the Planning Commission process is now complete. The Commission received no public comments and unanimously recommended approval. Staff implemented the recommendations from the Commission. The ordinance is now a legislative item and is before the Council for formal consideration.

Senior City Planner, Matt Taylor provided details on the ordinance. He explained that one main goal of the ordinance is to improve the health and quality of trees throughout the City. The ordinance defines the responsibilities of the City and the public. It also provides provisions for the abatement of private trees, establishes provisions for the protection of public trees on existing sites, and defines standards for park strip trees and landscaping. Mr. Taylor reported that Urban Forest Management programs have been shown to benefit communities in a variety of ways including increasing property values, improving community identity, and managing heat from asphalt and buildings.

The hope was that the proposed ordinance will create a partnership between the City and residents to increase tree coverage within the City. Mr. Taylor noted that there are other miscellaneous provisions in the ordinance including the establishment of the City Forester role to be appointed by the CED Director. Mr. Taylor stated that the ordinance is designed to give residents flexibility with respect to landscaping in park strips. He reported that the Planning Commission felt strongly about educating the public and staff will be creating a website to provide resources. The ordinance also includes a

tree list that will provide types of trees that are appropriate in different locations. Mr. Taylor explained that the list was not adopted by ordinance but is adaptable.

In response to questions regarding enforcement, Mr. Taylor stated that the ordinance is designed to provide Zoning Enforcement with definitions of non-conforming park strips and tools to correct issues and hazards. He clarified that the park strip standards are not retroactive, but if a citizen was to apply for a Building Permit or Site Plan approval, they would need to make the park strip conforming. Any new future development would be required to meet the standards.

Mr. Johnson reported that the next step is to distribute a draft of the ordinance to the Parks, Trails, and Open Space Committee at their May meeting for recommendation and bring it back to the Council in June for formal public comments and final consideration.

**b. State of Utah Legislative Action Transportation Funding Discussion – City Manager, Tim Tingey and Community and Economic Development Director, Michael Johnson.**

Mr. Johnson reported that last week the City was contacted by the Utah Office of Outdoor Recreation, who requested a meeting the next day. During that meeting, the Office of Outdoor Recreation stated that the State Legislature is considering a bond for active transportation projects in an effort to promote recreation and create jobs. They asked the City of Cottonwood Heights to propose a project to be considered for this potential funding. The projects that may be proposed must be valued at over \$500,000 and be shovel ready within 12 months of funding. Mr. Johnson explained that the only project the City has that fits those criteria is the Bonneville Shoreline/Ferguson Canyon/Trailhead/Dog Park project. Mr. Johnson reported that he asked the Office of Outdoor Recreation for time to speak with the Parks, Trails, and Open Space Committee, but the request was denied. Staff then submitted a project summary sheet for this project. The Office of Outdoor Recreation will request more details if they determine the project has traction.

Mr. Johnson reported that the City requested funding of \$800,000. He emphasized that the project will provide opportunities for work and may potentially be a good fit.

In response to a question raised, Mr. Tingey stated that if the City obtained \$800,000 and used CMAQ money, the Ferguson Trail and Park area would be fully funded with the potential to construct additional portions of the Bonneville Shoreline Trail. With regard to completing the trail from canyon to canyon, Mr. Johnson described the difficulty and cost in dealing with private property. He stated that this likely would not be possible with these funds.

**5. Review of Calendars and Upcoming Events.**

Council Member Schedules for the following week - 2020 Calendar:

- a. July 17 and 18 – Butlerville Days – PENDING.

Mayor Peterson reported that Butlerville Days will remain pending on the calendar for a few weeks, although the current understanding is that it will be cancelled.

6. **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.

7. **Adjourn City Council Work Session.**

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

The Work Session adjourned at 6:48 p.m.

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL BUSINESS MEETING  
HELD TUESDAY, MAY 5, 2020 AT 7:00 P.M. THE MEETING WAS HELD  
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COVID-19 PANDEMIC AND AS AUTHORIZED BY THE GOVERNOR'S EXECUTIVE  
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**1.0 WELCOME/PLEDGE**

Mayor Peterson called the meeting to order at approximately 7:00 p.m. The Pledge of Allegiance was led by Assistant Fire Chief, Riley Pilgrim.

**2.0 CITIZEN COMMENTS**

City Manager, Tim Tingey read a comment submitted by Tony Garcia. Mr. Garcia addressed City Ordinance 340, which granted UTOPIA the right to run fiber lines throughout the City. He stated that every resident and business in the City could benefit from UTOPIA's competitive pricing. There were no bonds issued to pay to run fiber optic lines to either businesses or residents, however, and the high cost put the project out of reach for nearly everyone. Mr. Garcia suggested that the City fund the construction costs required through bonds. He stated that City residents have very few options in terms of internet providers and the growing trend of working from home makes solid internet more of a priority than ever before. He hoped the City would plan for the future and make fiber optic lines a reality.

Mayor Peterson proposed that the Council discuss the status of the UTOPIA issue in a future meeting. Council Member Mikell stated that after UTOPIA made a presentation to the Council, the City followed up with them for more information to pursue the opportunity and did not hear back.

Mr. Tingey reported that he has had additional discussions with UTOPIA representatives. He reported that it would cost the City around \$106,000 to go through the bonding process. He suggested that UTOPIA meet with the Council again.

There were no further citizen comments.

### **3.0 OUTSTANDING QUARTERLY REPORTS**

#### **3.1 Police Report – Police Lieutenant Dan Bartlett.**

Police Lieutenant, Dan Bartlett provided the Quarterly Police Report. Over the last three months, calls for service have decreased. Lt. Bartlett stated that issues with dispatch and response times have improved and response times are decreasing. He presented crime statistics for the month of April and stated the Police Department is dealing with fewer calls in some areas. Arrests were down for the last three months, although juvenile arrests in March went up when children got out of school. Traffic citations decreased with people staying home more. The Police Department focused on education rather than citations. Lt. Bartlett reported that officers will begin issuing more written warnings and noted that there were far less accidents this quarter than usual.

Lt. Bartlett reported that April was the first full month the Police Department had two Code Enforcement Officers. Numbers for Code Enforcement were expected to increase, especially as it gets warmer. Mayor Peterson asked about the possibility of scheduling Code Enforcement Officers to be available on weekends. Lt. Bartlett and Chief Russo confirmed that that was a possibility.

Council Member Petersen asked Lt. Bartlett about procedures regarding enforcement in Crestwood Park. Lt. Bartlett explained that it is a difficult area to enforce due to its large size but it is a focus of the Police Department. He stated that those who violate Code in the park are recorded and issued citations if it is a repeat offense.

Lt. Bartlett highlighted the issue of domestic violence and reported that there is an upward trend in reported domestic violence incidents with people being home and under significant stress. The Police Department experienced a 63% spike in domestic violence calls during the month of April. Lt. Bartlett provided resources for those being affected by domestic violence and emphasized the Police Department's push to encourage those who need help to seek it. Lt. Bartlett reported that Courts are issuing Temporary Protective Orders, but they are not allowing trials right now.

Lt. Bartlett reported that the Police Department received a call regarding graffiti and a possible homeless camp under Wasatch Boulevard. Officers contacted a young man sleeping on the street and helped him get to an appropriate place where resources were available to him. Officers also responded to the graffiti by finding the young men responsible and contacting UDOT who painted it the next day. Lt. Bartlett clarified that the graffiti was not gang related.

Chief Russo addressed complaints of graffiti from the Old Mill HOA. He explained that it is expensive to remove the graffiti in that area because certain chemicals that could contaminate the nearby creek are prohibited. The graffiti had not been removed as quickly the HOA may like, but it will be remedied shortly. He also stated that fuels and fireworks will be a big issue for the City in the coming months. Assistant Chief Pilgrim added that the timeframe for firework map approval is coming up quickly. The Unified Fire Authority ("UFA") predicted that people will likely be using more of their own fireworks at home due to cancellations of firework shows.

Lt. Bartlett stated that the Police Department receives calls regarding a lack of social distancing, but most people in the parks are not congregating in large groups. He highlighted some C.O.P events and community outreach efforts made by the Police Department.

## 4.0 ACTION ITEMS

### 4.1 Consideration of Resolution 2020-13 Approving Reappointments to the Architectural Review Commission.

Mr. Johnson explained that the above resolution would extend the terms of four ARC Commissioners. By approving the resolution, the City Council consents to the City Manager's reappointment of Scott E. Chapman, Jonathon Oldroyd, and Scott Peters as regular members of the ARC, and Stephen K. Harman as an alternate member of the ARC. Mr. Johnson noted that Mr. Harman will be leaving the Commission within a few months and at that time a replacement will be found.

Mr. Johnson confirmed that each ARC meeting begins with a disclosure of ex parte communications or conflicts of interest.

The Council discussed the importance of having diverse Commissioners serve on the ARC.

**MOTION:** Council Member Bracken moved to approve Resolution 2020-13. Council Member Petersen seconded the motion. Vote on motion: Council Member Bruce-Aye, Council Member Petersen-Aye, Council Member Bracken-Aye, Council Member Mikell-Aye, Mayor Mike Peterson-Aye. The motion passed unanimously.

### 4.2 Consideration of Resolution 2020-18 Adopting a Tentative Budget for the Period of 1 July 2020 through 30 June 2021; Providing for Public Inspection of Such Budget, Establishing the Time and Place of a Public Hearing to Consider Adoption of Such Budget; and Providing for Newspaper Publication of Such Public Hearing.

Finance and Administrative Services Director, S. Scott Jurgens addressed recent changes made to the Tentative Budget. He reported that the City is projected to end the current year at \$3,850,00 of fund balance, of which a little over \$2,000,000 is available to be spent. He spoke to projected revenues and stated that property taxes will be updated when the Certified Tax Rates are released. The main item Mr. Jurgens highlighted was sales tax revenue. The City is projected to see a reduction in sales tax revenue from June to December. Mr. Jurgens noted that the reduction may be greater during the first few months with a slow return to normal. He stated that staff will continue to report on this to the Council to make sure they are up to date.

Mr. Jurgens reported on changes to expenditures. The Council put a hold on market, merit, and COLA adjustments for employees. There was a reduction of \$55,000 in healthcare cost and an annual employee cost reduction of \$35,000. The City is adding \$50,000 to the budget to cover liability payouts that could occur. Mr. Jurgens also recommended adding \$25,000 to a capital maintenance reserve for larger construction items at City Hall and \$5,000 for day-to-day expenditures. Mr. Jurgens addressed changes to the budget involving VECC, UFA, and Public Works. He noted that there may be possible changes to the Bonneville Shoreline Trail Grant Fund which will be updated accordingly. Due to the County TRCC shortfall, \$83,000 was added to the budget for Big Cottonwood Canyon Trail maintenance. Mr. Jurgens reported that there were no substantive changes to the Debt Service or CDRA Funds.



Mr. Jurges summarized the changes and stated that the City will have \$753,000 after the reserves that are required.

Mayor Peterson expressed appreciation to the City employees and noted that the Council's goal is to keep employees whole, although salary increases were not recommended at this time. Council Member Bruce expressed excitement about the feasibility of many projects despite uncertainty.

**MOTION:** Council Member Bracken moved to approve Resolution 2020-19. Council Member Mikell seconded the motion. 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.

**4.3     Consideration of Resolution 2020-19 Approving an Amendment to the Central Wasatch Commission ("CWC") Interlocal Agreement Consenting to the Admission of the Town of Brighton to the CWC.**

Mayor Peterson explained that the above resolution involves an Interlocal Agreement for the CWC that would allow the Town of Brighton to become a member, ex officio members to be a part of the CWC, and other technical changes as presented by Messrs. Becker and Topham.

**MOTION:** Council Member Bruce moved to approve Resolution 2020-19. Council Member Mikell seconded the motion. Vote on motion: Council Member Bracken-Aye, Council Member Mikell-Aye, Council Member Bruce-Aye, Council Member Petersen-Aye, Mayor Mike Peterson-Aye. The motion passed unanimously.

**5.0     CONSENT CALENDAR**

**5.1     Approval of the City Council Work Session Meeting Minutes of April 21, 2020.**

**MOTION:** Council Member Bruce moved to approve the City Council Work Session Meeting Minutes of April 21, 2020. Council Member Petersen seconded the motion. The motion passed with the unanimous consent of the Council.

**6.0     ADJOURN CITY COUNCIL BUSINESS MEETING.**

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

The meeting adjourned at 8:24 p.m.

*I hereby certify that the foregoing represents a true, accurate and complete record of the Cottonwood Heights City Council Business Meeting held Tuesday, May 5, 2020.*

Teri Forbes

Teri Forbes  
T Forbes Group  
Minutes Secretary

Minutes Approved: June 2, 2020