

MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL WORK SESSION HELD WEDNESDAY, APRIL 18, 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 (via Zoom), Council Member Ellen Birrell

Staff Present: City Manager Tim Tingey (via Zoom), City Attorney W. Shane Topham, Records, Culture, and Human Resources Director Paula Melgar – City Reorder, Community and Economic Development Director Michael Johnson, Police Chief Robby Russo, Administrative and Financial Services Director Scott Jurgens, IT Manager Matt Ervin, UFA Assistant Chief Riley Pilgrim

Excused: Council Member, Douglas Petersen, and Public Works Director/City Engineer, Matt Shipp

1. WELCOME – Mayor Weichers.

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

2. REVIEW OF BUSINESS MEETING AGENDA – Mayor Mike Weichers.

The Business Meeting Agenda items were reviewed and discussed.

Mayor Weichers reported that the Business Action Items will be moved to Item 3 in order to have a full quorum to conduct a vote.

City Manager, Tim Tingey reported that the first item will be consideration of Resolution 2023-15, adopting a revised Use Policy and Fee Schedule for non-City use of Cottonwood Heights City Hall. This item includes a number of modifications to the following:

- Facility use with regard to areas for lease;
- Eliminating availability for holidays observed by the City;
- Fees changed primarily with the 501(c)(3);
- A security deposit of \$250;
- Equipment wording changes; and
- Eliminating the service of alcohol and associated liability.

Staff recommended approval of the changes and the Resolution.

Council Member Birrell asked if her suggestion regarding the use of the Community Room by residents to meet and discuss without being charged a fee has been considered. Mr. Tingey stated that the request had not been included in the Resolution.

The Council next discussed Consideration of Resolution 2023-16 approving and ratifying additional settlements in the National Opioid Litigation. City Attorney, Shane Topham, reported that there have

been National litigation by government entities against Opioid manufacturers and distributors. The City received word that there have been settlements with retailers. Settlements are structured with each State rather than nationally. The more State political subdivisions that join in the settlement and agree to drop all suits against the parties, the more money the State receives to be used against the results of the Opioid epidemic.

Mr. Tingey reported that Resolution 2023-17 involves consent to the reappointment of Neils Valentiner, Sara Kovak, and Scott Hendricksen to the Architectural Review Commission (“ARC”). All have served on the Committee and have the qualifications needed. Staff recommended approval of the reappointments.

The next agenda item was consideration of Resolution 2023-18 consenting to an appointment to the Arts Council. Mr. Tingey proposed that Michelle Muirbrook be appointed to serve as a Member of the Arts Council. She has served on the Highland Wellness Council and is a Certified Moulage Artist. Staff recommended approval of her appointment.

The last agenda item was consideration of Resolution 2023-19, consenting to appointments to the Parks, Trail, and Open Space Committee (“PTOS”). Mr. Tingey indicated that he had the opportunity to interview four applicants. All were very well qualified and have a desire to serve. After further evaluation, it was found that the geographic makeup of the Committee is significantly considered as historic representation reflecting a higher number of representatives from Districts 2 and 4. Staff recommended approval.

Council Member Birrell stated that after reviewing the applicants, Micki Harris is someone who has done outstanding work on behalf of the community with respect to recreation and transportation safety. She was bumped out of the running in favor of two other applicants and felt it was arbitrary for Staff to indicate a sudden emphasis on affirmative action to get equal distribution. She felt that if the City is going to elevate walkability, it should include a citizen who has already spent endless hours on the subject. Council Member Birrell stated that there has for some time been a disproportionately high number of PTOS members residing in District 2. Prior to the new appointments, District 1 had 2 representatives, District 2 had 6, District 3 had 1 and District 4 had 3. Thus, to suddenly make it a priority for equal representation throughout is ingenious. She expressed opposition to the Resolution.

Council Member Bracken was unaware of the current makeup of the Committee and the city has strived for a long time to ensure that there is some type of geographical representation from each District. This consideration is not sudden with one PTOS representative having moved from District 4 after their appointment and another Member of the ARC Committee moving from District 2 to District 3. He considered the policy to be correct and supported the judgment of Mr. Tingey and would prefer to avoid the look of cronyism.

Mayor Weichers had been in contact with Micky Harris and acknowledged her qualifications. He thanked her for her application. He felt strongly that representation should be from the entire City as opposed to excessive representation from Districts 2 and 4. He supported Mr. Tingey and Staff on the appointments.

Mr. Tingey reported that he contacted the two applicants who were not appointed and expressed a similar sentiment to that of the Mayor. He spoke with them about the emphasis on geographic representation.

3. STAFF REPORTS.

a. Budget and Compensation Committee Reports – City Manager, Tim Tingey.

Mr. Tingey reported the City budget process starts in January with an outline of a schedule presented to the City Council. Staff works with department heads to develop issues related to what is needed in the budget. Much of the budget is shaped during the Council Retreat. Information is then brought forward to the Budget Committee pertaining to budget and capital improvement items. They then meet with the Compensation Committee. Much of what will be presented includes input from the committees as well as the City Council.

Mr. Tingey reported that he mentioned the reevaluation of the Cost-of-Living Adjustment (“COLA”) with other cities when meeting with the Benefits and Compensation Committee. They considered a recommendation to drop the 6.5 CPIU Index to 5.5. While attending the City Managers Conference, he met with other cities and reported that the COLA ranges from 7 to 4 percent. Several items need to be worked through to bring forward a Tentative Budget.

Mayor Weichers noted that other cities are in the same position as Cottonwood Heights and have their committees report to their Councils. He is heavily involved with the Unified Fire Authority (“UFA”) and they are recommending a 3% increase for their sworn officers and 4% for civilians. He recommended a 3.5% COLA in addition to the previous year’s merit increases.

Council Member Newell stated with a 5.5% increase in addition to the merit increase, the City will be in a good place in terms of increases for the year. He understood that what is being discussed will be in line with other cities.

Council Member Birrell stated that she found the city manager’s report on 4-7% COLA interesting but had not provided a recommendation for a certain COLA increase at this time.

Mr. Tingey stated that conversations he is having with other city managers and city administrators are similar to what Cottonwood Heights is doing. In terms of percentages, they will most likely be adjusted downward once presented to the Council.

Administrative and Fiscal Services Director, Scott Jurges noted that at the first meeting in May, the City is required to adopt a Tentative Budget that serves as a placeholder that is available for public inspection. Adoption of the budget is required to take place before June 22, 2023. He noted that the budget may be changed at any time during that period prior to adoption.

b. Proposed Budget Discussion – City Manager, Tim Tingey and Administrative and Fiscal Services Director, Scott Jurges.

Mr. Tingey led the discussion and stated that much of the budget was driven and shaped by the Council Retreat. Mr. Jorges presented the budget outline indicating where the City is presently. The General Fund projections were updated with an anticipated Fund Balance of \$8.1 million, a decrease of \$1,229,000 over the beginning Fund Balance, and \$1,020,000 more than what is shown in the budget. The \$8.1 million represents 31.1% of the 2022-2023 budgeted revenues. The City is required to hold 5% by State Statute with a City Ordinance requiring 1% or \$1,564,000 in the Fund Balance. A compensated absence looked at a \$660,000 current valuation from the June 2022 audit or \$5,873,000 that is available for appropriation at the beginning of the 2023-2024 budget year.

Revenues:

- Property taxes are proposed to be budgeted at \$8,234,000 with a \$50,000 placeholder increase. Revenue will be determined by the State Tax Commission along with the Certified Tax Rate. The anticipated rate will be lower than the previous year and is determined by real estate values. It was noted that as property values rise, the property rate lowers.
- Sales Tax for 2021-2022 totaled \$8,755,000. The 2022-2023 sales tax is budgeted for \$8,800,000 and is on a trajectory for \$9.2 million. Projected sales tax for the 2023-2024 upcoming year is estimated at \$9.5 million or a \$300,000 increase.

Mayor Weichers encouraged residents to support local businesses as sales taxes are vital to providing City services. When residents support a Cottonwood Heights business, it increases City revenue and eliminates the need to raise property taxes.

- The County Option Highway Sales Tax is budgeted at \$800,000, which is \$20,000 more than received in 2021-2022 and \$150,000 more than the current budgeted year. Funds may be used for trails, highways, and other similar items.
- The Energy Use Tax is the Franchise Tax charged to the electric or natural gas bill. It was budgeted at \$2.3 million, which is \$100,000 more than the current budget. When the providers have a rate increase it is passed on to the City.
- The Fee in Lieu tax is charged on vehicles and is age-based. \$300,000 is built into the budget, which is a reduction of \$125,000 from the current year's budget. This matches the current projections. The City is seeing a slight reduction which is a drawback to not increasing taxes. As other entities increase their taxes, they receive a higher share of the Fee in Lieu.
- Franchise Taxes relate to cable television and are built into the budget of \$300,000. The City has seen slight decreases of approximately \$5,000 yearly largely due to cable companies splitting their cost into cable TV and the data aspect.
- The Transient Room Tax is budgeted at \$175,000, which is an increase of \$75,000 over the current budget. With the new hotel in the Canyon Center, the City is seeing consistent returns.
- The Telecom Franchise Tax is included in the budget per discussion that took place at the Council Retreat. It is expected to generate \$300,000 annually. To put this tax in motion, there are noticing requirements with the Utah State Tax Commission that may not be implemented. It was expected to begin being collected on July 1, 2023. An Ordinance will require adoption to reflect that after which it will be submitted to the Utah State Tax Commission who will then provide notification to the applicable entities. Implementation could begin on October 1, 2023, at the direction of the City Council.

Mr. Jurgens reported that all of the tax-type revenue changes equate to a \$1,250,000 increase over the current year's budget or a 6.1% increase in overall tax revenue.

- Class C Road Funds were budgeted at \$1,400,000, which is an increase of \$150,000 to be more in line with what is being reflected for the current budget year. It has been seen since the 2021-2022 fiscal year trends. This is the average \$.30 fuel charge imposed at gas pumps. It goes to the State and is split and submitted.
- The \$2,267,000 of the American Rescue Plan Act ("ARPA") state and local fiscal recovery funds were removed from the budget as it is not complete.

Total revenues budgeted are \$25,352,579, which represents a decrease of \$602,670 from the current budget or a 2.3% overall reduction. After removing the ARPA funds, the overall increase is \$1,400,000 from the 2022-2023 original adopted budget or a 5.8% increase.

Expenditures:

- Market: A market adjustment is included at a cost of \$92,077.
- COLA: The current COLA is included at 5.5%. This is a savings of \$104,936 from the 6.5% amount that matches the CPI-U. The overall impact is approximately \$557,734. It will be applicable to all employees who are not out of range.
- Merit: The current recommended Merit will average 3.62% or one step in the new salary structure for all employees who are not at the maximum step. When all employees are considered, the average is 2.5%. This is to recognize the growth, knowledge, and longevity of those who are not yet at the top of their range with an overall impact of about \$228,803.
- Health cost increase of 6%: The initial proposed increase from the health care representative was 11.2% resulting in a \$105,000 increase. The City pushed back and was able to evaluate several options to lower that amount while keeping the out-of-pocket maximum and deductible cost for employees unchanged at 6%. The overall impact of the increase will total \$56,864. Dental costs have not changed due to reduced utilization by employees over the past year.
- Utah Retirement Systems has no proposed changes.
- Year-over-Year annualization of the current employee base shows a savings of \$199,996 over what was budgeted for the current year. Total employee cost changes result in an increase of \$735,482 from the current budget.
- Other Department or Division items that have an impact on the recommendation include:
 - Elections – The City holds bi-annual City elections with \$40,000 budgeted of which the County bills the City back out for that at the end of the year. An additional \$40,000 is needed to cover the City elections this next budget year.
 - City Attorney: Inflationary cost increase of \$15,000 and may be subject to change.
 - Cottonwood Heights Recreation contributions: Reduction of \$60,000 for Pickleball court lighting from the prior year to be offset by \$62,000 for playground equipment upgrades and \$60,000 for tennis court refinishing.
- Mayor and Council:

- Reduction of \$12,000 for topical surveys to be performed.
- Reduction of \$15,000 for a road and traffic study to be performed by the Central Wasatch Commission.
- City Manager:
 - \$35,000 to cover the projected liability insurance premium increase and will be finalized prior to the final budget.
- Finance & IT: cost increase of \$34,000.
 - Add in \$4,000 for ESRI/GIS License upgrade for CED.
 - Add in \$30,000 as a placeholder as old police records are being housed at VECC and require them to be brought in-house.
- City Hall Maintenance: No changes were recommended.
- Community and Economic Development (CED) cost increase of \$15,000.
 - \$15,000 increase in Community Renewable Energy program noticing costs.
- Overall Police cost increase of \$94,050.
 - Butlerville Day's overtime for the third day of the event was \$5,000.
 - VECC/Versaterm dispatch fees increased by \$5,050.
 - AT&T Fleet tracking subscription \$8,000.
 - The postage for evidence transportation is \$400.
 - Radio replacement funds \$50,000.
 - FARO mapping subscription is \$5,600.
 - FLOCK Camera System (License Plate Recognition) \$20,000.
- Ordinance Enforcement increase of \$5,000.
 - Summer Ordinance and Animal Control weekend call out overtime \$2,000.
 - Overtime for evenings and weekends overtime \$3,000.

The Council discussed the need for additional Police support.

- Fire increase of \$270,000. UFA will have its meeting in the future to finalize the actual amount.
- Public Works changes increased by \$111,950.
 - Add a Staff Engineer for \$109,950.
 - Pedestrian Crossing Maintenance \$2,000.

Overall, the expenses were recommended at \$21,850,168, which is an increase of \$1,390,482 after taking out all non-recurring grants from the current year.

Transfers out of the General Fund:

- Capital Projects Fund \$2,750,000 for Public Works Capital Projects.
- Debt Service Fund \$2,405,041 for debt service spread as follows:
 - Land and Buildings \$1,569,548.
 - Police Vehicles \$487,683.
 - Public Works Vehicles \$310,218.
 - Public Works Light Duty Vehicles \$37,592.

- CDRA Fund \$560,763 for the Hillside Plaza Debt Service. This amount will be about \$1,130,000 annually starting next budget year.
- Storm Water Fund \$200,000.
 - \$200,000 to cover the difference between the fee and \$1,600,000 in overall funding needed in this fund.

The overall impact of the changes outlined in the General Fund were the use of fund balance of \$2,413,393. The current budgeted ending Fund Balance would be \$5,684,812. This represents 22.4% in revenues included in the 2023-2024 budget which is within the limit of 35% outlined in Utah State Statute. The City is required by State Statute to hold 5% and an additional \$253,526 by City Ordinance, or 6%. In addition, there is a reserve for Compensated Absences that is booked at about \$660,343 each year leaving approximately \$3,503,315 available for appropriation at the end of the budget year ending June 30, 2024.

Capital Improvements Fund:

The Capital Improvements Fund is projected to have a \$379,174 beginning fund balance available for appropriation.

Revenues:

- Transfers in from the General Fund of \$2,750,000;
 - Includes the County Option Sales Tax Funding for Transportation of \$800,000 and \$400,000 from the Quarter of the Quarter Funds.
 - Additional transfer of \$1,550,000 from the General Fund revenues
- Projecting \$1,100,000 in grant revenue for the Bengal Highland intersection.
- Budgeting \$25,000 in interest revenues.

Expenses:

- Overall Public Works Capital Improvements Fund included expenses of \$4,253,700.
 - Overall street funding included is \$4,050,000.
 - City Striping \$175,000.
 - Roadway Capital Projects \$2,750,000.
 - Street Sign upgrades (speed signs and flashers) \$25,000.
 - Bengal Highland Intersection \$1,100,000 funded from a grant.
 - Overall sidewalk projects funding included is \$203,700.
 - 2300 East Sidewalk project \$40,000.
 - The City's portion of the HAWK signals \$43,700.
 - ADA Ramp Projects \$35,000.
 - Sidewalk 50/50 Program \$50,000.
 - Hazard Mitigation \$35,000.
- Total Expenses are \$4,253,700.

The overall impact on the Capital Projects Fund Balance will be a decrease in Fund Balance of \$378,700, which brings the projected ending fund balance to \$474 available for appropriations at the end of the budget year.

Storm Water Fund

The Storm Water Fund is a new program that began in June of 2021 to cover Stormwater maintenance and capital expenses. The proposal details a revenue model at \$7.50 per month per Equivalent Residential Unit (“ERU”) and associated expenses. The City will limit spending to retain around \$500,000 for a minimum fund balance at any given time to allow flexibility with potential future bonding and emergency repairs and issues. The Stormwater Fund is projected to have a \$500,000 beginning fund balance available for appropriation.

Revenues \$1,406,430:

- Monthly billing at \$7.50 per ERU. This is anticipated to escalate near 3% per year going forward. The City currently utilizes Rocky Mountain Power to collect these revenues.

Transfers in \$200,000:

- Transfer in of \$200,000 to get to approximately \$1,600,000 in total annual funds available to cover expenses.

Expenses \$1,606,430:

- Operational and Maintenance costs of \$674,000, which includes about \$615,000 in personnel costs.
- \$280,000 for Cory Hill Circle reconstruction.
- \$652,430 for Flushing out stormwater manholes and inlets and raising buried storm drain manholes.

The overall impact on the Storm Water Fund balance will total a \$500,000 ending fund balance.

CDRA Fund

The CDRA Fund has a projected beginning fund balance of \$1,530,478. This will be the third year for the Tax Increment Financing (“TIF”) on the Canyon Centre Parking Project. The City has also included the Hillside Plaza Center operations in the expenses and revenues.

Revenues:

- \$10,000 in interest on the fund balance.
- \$750,000 in Property Taxes related to the Canyon Centre Project. This will be updated when the official distribution of Property Taxes is known.
- \$550,000 in operational revenue from the Hillside Plaza shopping center.

Transfers In:

- A \$560,736 transfer in to cover the debt service payments related to the Hillside Plaza shopping center due during the fiscal year. The overall annual impact will be about \$1,130,000 in future years.

Expenses:

- \$10,000 in miscellaneous professional fees related to CDRA projects.
- \$750,000 in total costs related to the Canyon Centre Project. This will be updated when our official Property Tax distribution is known.
- \$550,000 in operational expenses related to the Hillside Plaza shopping center.
- \$560,763 in Debt Service payments related to the Hillside Plaza shopping center are due during the fiscal year. The overall annual impact will be about \$1,130,000 in future years.

Council Member Birrell asked for an update on the earmarked funds for the park that is to be built. Residents around the area have been wanting that to be improved for years.

Tim Tingey stated that there is a designated timeframe that that piece can be used as a staging area for the developer that ends in 2024. We can utilize some of those funds to start designing the park in our next CDRA meeting.

The projected ending fund balance in the CDRA Fund is \$1,530,478 available for the Fort Union and Cottonwood Corporate Center redevelopment areas.

Debt Service Fund:

The Debt Service Fund is projected to have a \$13,357,350 fund balance at the beginning of the 2023-2024 budget year. This amount includes escrow funds to be used to pay off the 2014 and 2016 building bonds on July 1, 2024.

Expenses \$2,951,041:

- Police Vehicle Annual Lease \$487,683.
- Public Works light duty Vehicle Lease \$37,592.
- Public Works Vehicle Lease \$310,218.
- Building Bonds (2014, 2016, & 2021) \$1,593,363.
- Public Works Building Bond \$521,685.
- \$500 miscellaneous to ensure the City does not go over budget.

Revenues and Transfers in \$2,789,191:

- Transfer in of \$2,405,041.
- Interest on the Escrow Funds to cover Debt Service is \$383,650.
- \$500 miscellaneous to ensure the City does not go over budget.

The overall impact on the Debt Service Fund Balance will be a decrease of \$285,635 in escrow funds.

Mr. Jurgens summarized the Tentative Budget Report and stated they are required to adopt the tentative budget at the first meeting in May, which is currently scheduled for May 2nd. The Tentative Budget will be put out for public review and comment and may be altered between that time with adoption scheduled for the Business Meeting of June 20th, 2023. He noted that a budget summary was available for review.

c. Election Methods Discussion – Mayor Mike Weichers.

Mayor Weichers led the Election Methods discussion and stated that Council Members are split between Ranked Choice Voting (“RCV”) with the majority being in favor of returning to a Primary System and General Election Ballot. He thanked the Council Members for their dedication and work on this item.

Council Member Birrell expressed support for RCV and believed it is a net positive. Although the system is not perfect she has read all of the submitted citizen comments and has not found any evidence of improprieties. Nothing has led her to question the validity of the RCV process. She confirmed that she supported continuing a pilot program and believed the City would be misguided to abandon the program.

Council Member Bracken stated that he is a proponent of the RCV and shared Council Member Birrell’s understanding of the data. The Y2 Analytics Survey reflected positive citizen input. He had believed that would be the direction of the City for years to come. Council Member Bracken indicated that after reading through all of the citizen emails and much discussion, not all of the Council Members agreed on many of the points. Although he still believed the RCV to be a positive process, his decision was based changes since two years ago that has to do with faith and trust in the election system. After analyzing the last RCV election, there were questions regarding the fact that much of the data about the ballots was unknown. Under Utah State Law, the record of the vote was not able to be disseminated. Although the majority were in favor of RCV, his concern was with how the City ensures the most trust and faith in the election system this City this time. Other nearby cities have experienced activism that has created doubt and concern. He felt that going back to the traditional method was worth forgoing the RCV. He noted his article in the May newsletter describing his concerns.

Council Member Newell was in favor of the RCV. The fact that it was a pilot program and after one election cycle, he found it concerning that the City is choosing to eliminate it. There has been a lot of talk surrounding this issue and he believed it was driven by efforts to circumvent a system before it has been proven. He was opposed to taking a pilot program and considering only a piece without having forward movement and opportunity to allow the system to mature. He felt strongly that eliminating the program prior to its full maturity is not sensible. When looking at voting trends and restrictions within the electoral systems, this is a great opportunity to continue trial and testing while expanding additional options. Staying with the status quo as leaders limit them to being open-minded to continuous movement and opportunities to improve the systems they work under. It was his opinion that there is still ground to prove and was in favor of the RCV.

d. **Spring Runoff Preparations – City Manager, Tim Tingey and Police Assistant Chief, Paul Brenneman.**

Mr. Tingey reviewed spring runoff preparations and stated that the City is focused on collaboration, preparation, and communication. Staff meets weekly to ensure that they are prepared to address issues that may arise. Preparation now includes 40,000 filled sandbags and daily inspections on the culvert area. A website has been established on the City website related to flooding and provides communication regarding a stream participation gauge that will be updated regularly. Mailers have been sent to all property owners along the creek and provide direction in preparation to remove debris. As debris is removed, it can be placed on the right-of-way and will be removed by Public Works Staff.

Assistant Police Chief, Paul Brenneman, reported that there has been significant citizen turnout and efforts by the City's Public Works Department have been exceptional. The Public Works yard is ongoing with three events held during the week to assist with filling sandbags. Four more sandbag-filling events were scheduled for April 22nd. A high turnout was expected.

The Top of the World event was to take place on April 29th with over 300 volunteers expected. Volunteers are producing the sandbags and the City is distributing them as needed. An Emergency Call Out Operational Plan was established should additional sandbags be needed. Those involved will provide additional resources and the City will manage the filling events. He confirmed that there have been 40,000 sandbags filled with 30,000 in reserve. Additional sandbags will be provided by the State should there be a need.

Chief Brenneman reported that they were able to secure \$4,000 in State funds to cover the cost of mailers sent to residents. Debris collection was in full swing and staff is working in various areas. A Strategic Plan has been put in place that focuses on areas of concern. It will be updated regularly. Inspections are conducted twice daily to ensure that inlets that cross roadways are clear.

Concerns with the Alta Hills Drive Subdivision were identified. If a structure is lost, it becomes an isolated community with no way in or out. Chief Brenneman stated that he and Public Works Director, Matt Shipp, have met with the Water Treatment Plant representatives and secured access to the facility. He will continue working with neighbors to gain access to their properties in the event of an emergency. He confirmed that there are approximately 60 homes in the area. Staff will continue to work through the details of an emergency response. Preparation is key and will help to alleviate residents' concerns. Council Member Birrell offered her assistance as this is located in her District.

Chief Brenneman stated that they will meet with County Flood Control on April 27. He reported that they are only responsible for Big and Little Cottonwood Creek. Partner briefings take place on Monday mornings from the National Weather Service, who meets frequently with the County Emergency Management Group, who are also available.

Collaboration was ongoing within the City with the Catholic Church, the Church of Jesus Christ of Latter-day Saints, and citizens. Chief Brenneman reported that Chris McCandless from the Canyon Center has offered their vacant field to the City to host events as needed. Sandbags have been filled and the City is working through a plan to ensure that they are available as the need arises. The intent

of the filling stations is to provide those residents who live in the area with the opportunity to fill sandbags and deploy them to their homes. The City will retain stores for its own use. He emphasized that it is the responsibility of private property homeowners to remove the debris.

Chief Brenneman stated that Little Cottonwood Creek had a high of 66 cubic feet per second on April 13. Since then, it has run much lower with bank full measurements being 260 cubic feet per second with a flood state being 715 cubic feet per second. Big Cottonwood Creek had 131 cubic feet per second with the bank full at 264 cubic feet per second with a flood state at 700 cubic feet per second. Snowbird Ski Resort currently has 73.5 inches of water remaining on top and 147 inches of snow depth.

Chief Brenneman confirmed that the Muscle Wall for the Senior Care Center located on Union Park Avenue is going in on May 1.

Mayor Weichers thanked Assistant Chief Brenneman and City Staff for their efforts.

Mr. Tingey noted that the flood website is www.Cottonwoodheights.Utah.Gov/City-services/floods.

e. **Doverhill Drive Development Agreement – Community and Economic Development Director, Michael Johnson.**

Mr. Johnson reviewed the Doverhill Drive Development Agreement and stated that it is moving forward in terms of property acquisition with the City purchasing approximately two acres for a public park and Ivory Development purchasing 13 residential lots. The seller is looking to close on the property at the end of May 2023. The intention of the Development Agreement is that the City will purchase the park space at its originally budgeted purchase price with Ivory Development constructing the final improvements of the park for the City at cost.

Ivory Development will develop the private subdivision in two phases. Detailed plans have been submitted. Mr. Johnson stated that the agreement does not grant any development allowances that vary from the City process they have undergone to this point. Timelines were reviewed. He noted park construction must be complete within two years from the Phase I Pre-Construction Meeting. They have included a fallback provision requiring completion within 36 months of the actual Development Agreement. The park must be constructed per an approved Park Plan with the pavilion being maintained throughout construction by Ivory Development. The most recent Park Plan was described.

Mr. Johnson reported that the next step in the process will be to obtain the Development Agreement for City Council approval at the next Business Meeting given that the property owner needs to close on the acquisition by the end of May 2023. Staff reviewed the agreement and made a minor amendment to ensure that the purchase price remains the same for the City.

Council Member Birrell commented that it has come out in all our surveys that the number one thing that people in Cottonwood Heights want, amazingly, is view preservation. She asked that the City to work with Ivory Homes to see if they would offer lower profile, that is lower height for the proposed house designs and if these could be offered or incentivized. Mr. Johnson reported that

the Architectural Review Commission (“ARC”) recommended conditions to help address height concerns requiring the lots be kept at a minimum. Staff was sensitive to the residents’ concerns and will continue to provide updates. They will return for additional consideration at the next City Council Meeting.

f. Sensitive Lands Evaluation and Development Standards (“SLEDs”) Ordinance Update – Community and Economic Development Director, Michael Johnson.

Mr. Johnson presented the Sensitive Lands Evaluation and Development Standards (“SLEDs”) Ordinance update and reported that he does not have a new draft ordinance. Staff was in the process of finalizing an updated draft based on what was presented at the Town Hall Meeting and feedback received. They will refine the full ordinance, send it to the residents that signed up for email updates, and continue discussion at the mid-May City Council Meeting. An exception regarding the ability to disturb 30% slopes was detailed. He noted that the original intent of the Wasatch Boulevard restriction was to protect natural hillsides. Clarification was requested from the Council. Mayor Weichers reported that Cottonwood Heights is the only City with an Ordinance with the 30% slope issue. A 2010 study reported that most slides occur on slopes greater than 30%. A new study was conducted in 2017 indicating a more important consideration is what the slope is built on.

4. REVIEW OF CALENDARS AND UPCOMING EVENTS.

- a. February 15 – May 31, 2023 – Cottonwood Heights Children’s Choir Rehearsals will be held Weekly on Wednesdays. Free Ongoing Registration for School Grades 3rd – 6th, 2023. For More Information Visit chcityarts.com or contact aeatchel@ch.utah.gov.
- b. April 17-21 from 3:00 p.m. to 8:00 p.m. – Sandbagging at Public Works Yard, located at 659 South 3000 East.
- c. April 22 – from 9:00 a.m. to noon – Cottonwood Heights Shakeout.
- d. June 2 – 9:00 a.m. to 1:00 p.m. – Free Shredding Event at the City Hall Parking Lot.
- e. July 27 through 29 – Cottonwood Heights Butlerville Days (Volunteers and Sponsors Needed. For more information, visit Butlervilledays.com or call Ann Eatchel at 801-550-8225).

5. 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.

6. ADJOURN CITY COUNCIL WORK SESSION.

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

The Work Session adjourned at 6:28 p.m.

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL BUSINESS MEETING
HELD WEDNESDAY, APRIL 18, 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 (via Zoom), Council Member Ellen Birrell

Staff Present: City Manager Tim Tingey (via Zoom), City Attorney W. Shane Topham, Records, Culture, and Human Resources Director Paula Melgar – City Recorder, Community and Economic Development Director Michael Johnson, Police Chief Robby Russo, Administrative and Financial Services Director Scott Jurgens, IT Manager Matt Ervin, UFA Assistant Chief Riley Pilgrim

Excused: Council Member, Douglas Petersen, and 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 Assistant Fire Chief, Riley Pilgrim.

MOTION: Council Member Bracken moved to amend the order of the agenda items to move the Action Items to the first order of business. Council Member Newell seconded the motion. The motion passed with the unanimous consent of the Council.

3.0 CITY COUNCIL COMMITTEE REPORTS

3.1 Committee Reports by Council Member Ellen Birrell.

Council Member Birrell reported on the following:

- Residents of District 4 have expressed concerns with the Spring Walk-Off and commended the community and City for coming together to be attentive.
- The Hillside Plaza acquisition is moving forward with one resident suggesting that the Council put the item on the ballot in the fall to allow citizens to vote on one of 10 options they would like to see in the space. She urged Staff to provide updates in the monthly newsletter.
- The City Council has determined that they will not continue with Ranked-Choice Voting but emphasized that she will continue to support the election cycle.

3.2 Committee Reports by Council Member Shawn Newell.

Council Member Newell reported on the following:

- He is a member of the Arts Council and looking forward to the upcoming *Guys and Dolls* performance.
- The Great Shakeout Event will take place on Saturday, April 22. The event helps prepare the community in the event of a massive earthquake along the Wasatch Front. Different color ribbons will be available to place on front doors to notify emergency services of their special needs in the event of an emergency.
- Implementing and expanding the Neighborhood Watch Program was discussed. Council Member Newell also serves on the Budget Committee and is conscious of the impact of Council decisions on the City.

3.3 Committee Reports by Mayor Mike Weichers.

Mayor Weichers reported on the following:

- The City formally issued bonds to finalize the sale of the Hillside Plaza property, which Cottonwood Heights City now owns. He emphasized the City's commitment to involving the citizenry in determining what takes place on the property.
- Flood control is a major concern. Mayor Weichers stated that he has been in communication with the Salt Lake County Flood Manager along with Assistant Police Chief, Paul Brenneman, who heads up the Emergency Management Team. They will do everything in their power to mitigate the flood potential. It was noted that the speed at which water comes down depends on rising temperatures.
- The City has prepared over 40,000 sandbags with the help of residents. The Public Works Yard is open Monday through Friday from 3:00 p.m. to 8:00 p.m. and Saturdays from 8:00 a.m. to 2:00 p.m.

3.4 Committee Reports by Council Member Scott Bracken.

Council Member Scott Bracken was not present.

3.5 Committee Reports by Council Member Doug Petersen.

Council Member Petersen was not present.

4.0 CITIZEN COMMENTS

Carol Ruddell identified herself as a resident of District 4 and expressed support of Vote By Mail. She believed this was an opportunity to voice her opinion. She stated that many have disabilities, are elderly, or are unable to get to the voting locations. She urged the City Council to continue Vote By Mail so that every citizen can vote.

Mike Hansen reported that he listened to the Work Session where Ranked-Choice Voting ("RCV") was discussed and specifically Council Member Bracken's comment regarding faith and trust in the election system. He understood that it is a pilot program used to collect data. The State of Utah has laws that prevent the collection of that data, which makes it flawed. Although he supports the

program, he believed it creates a difficult situation until the State determines how to gather the data. He hoped the City could continue in the next election cycle and renew faith and trust in the election system with both candidates and voters.

Chanel Stewart listened to the Work Session and the discussion on RCV. She believed that voting should be important to every citizen. She worked as an Election Official at a voting center during the 2022 mid-term election where she was able to witness the election process. She noted that the only issue found was with several residents who tried to vote twice. She stated that the election system in Salt Lake County is secure. She spoke with the former Utah County Clerk regarding her experience and was excited to see that her vote was counted. She intended to submit numerous RCV studies to the Council for their consideration.

Mr. Tingey confirmed that all submitted written public comments would be included in the record.

5.0 STAFF QUARTERLY REPORTS

5.1 Police Department Support Services Supervisor, Candie Terry Reported on the Police Department Statistics for the Last Quarter.

Police Department Support Services Supervisor, Candie Terry presented the Police Department Statistics Quarterly Report. She reported that 1,555 calls for service were received with 274 on-view calls. Calls for service for District 1 totaled 565, District 2 had 227, District 3 had 351, and District 4 had 277 calls. Response times for Priority 1 calls averaged 5:30 minutes. The UCR Crime Report reflected a decline in crime. There were 34 adult arrests and six juvenile arrests. There were 267 traffic citations with 117 warnings and six DUIs. There were 46 accidents, 46 with damage, and nine with damage and injury. Code Enforcement received 105 calls for service and issued 66 citations. There were three attended deaths and one unattended death. Overall property crimes were described.

The Safety Message addressed different types of child abuse. Ms. Terry reported that the most difficult type of abuse to substantiate is verbal with the most difficult to detect being emotional.

6.0 ACTION ITEMS

6.1 Consideration of Resolution 2023-15 Adopting a Revised Use Policy and Fee Schedule for Non-City Use of Cottonwood Heights City Hall.

Council Member Birrell commented that City Hall should be a welcoming place for all residents and taxpayers. She preferred there be no fee to use the meeting room when left in the original condition by residents. She was opposed to the Community Rooms being unavailable on holidays.

MOTION: Council Member Bracken moved to APPROVE Resolution 2023-15, Adopting a Revised Use Policy and Fee Schedule for Non-City use of Cottonwood Heights City Hall. The motion was seconded by Council Member Birrell. Vote on motion: Council Member Bracken-Aye, Council Member Newell-Aye, Council Member Birrell-Aye, Mayor Mike Weichers-Aye. The motion passed unanimously.

6.2 Consideration of Resolution 2023-16 Approving and Ratifying Additional Settlements in the National Opioid Litigation.

MOTION: Council Member Newell moved to APPROVE Resolution 2023-16 Approving and ratifying additional settlements in the National Opioid Litigation. The motion was seconded by Council Member Bracken. Vote on motion: Council Member Bracken-Aye, Council Member Newell-Aye, Council Member Birrell-Abstained, Mayor Mike Weichers-Aye. The motion passed unanimously with one abstention.

6.3 Consideration of Resolution 2023-17 Consenting to Reappointments to the Architectural Review Commission.

MOTION: Council Member Bracken moved to APPROVE Resolution 2023-17 Consenting to reappointments to the Architectural Review Commission. The motion was seconded by Council Member Birrell. Vote on motion: Council Member Bracken-Aye, Council Member Newell-Aye, Council Member Birrell-Aye, Mayor Mike Weichers-Aye. The motion passed unanimously.

6.4 Consideration of Resolution 2023-18 Consenting to an Appointment to the Arts Council.

MOTION: Council Member Birrell moved to APPROVE Resolution 2023-18 Consenting to an Appointment to the Arts Council. The motion was seconded by Council Member Newell. Vote on motion: Council Member Bracken-Aye, Council Member Newell-Aye, Council Member Birrell-Aye, Mayor Mike Weichers-Aye. The motion passed unanimously.

6.5 Consideration of Resolution 2023-19 Consenting to Appointments to the Parks, Trails, and Open Space Committee.

Council Member Birrell appreciated the Parks, Trails, and Open Space Committee and wished to continue to see members have a commitment to walkability in the City. She supported the appointments.

MOTION: Council Member Bracken moved to APPROVE Resolution 2023-19 Consenting to Appointments to the Parks, Trails, and Open Space Committee. The motion was seconded by Council Member Newell. Vote on motion: Council Member Bracken-Aye, Council Member Newell-Aye, Council Member Birrell-Aye, Mayor Mike Weichers-Aye. The motion passed unanimously.

Council Member Bracken was excused from the remainder of the meeting.

7.0 CONSENT CALENDAR

7.1 Approval of the Minutes of the City Council Legislative Work Session of March 2, 2023, and the City Council Work Session and Business Meeting of April 4, 2023.

MOTION: Council Member Birrell moved to APPROVE the Minutes from the City Council

Legislative Work Session of March 2, 2023, and the City Council Work Session and Business Meeting of April 4, 2023. The motion was seconded by Council Member Newell. The motion passed with the unanimous consent of the Council.

8.0 ADJOURN CITY COUNCIL BUSINESS MEETING.

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

The City Council Meeting adjourned at 7:43 p.m.

I hereby certify that the foregoing represents a true, accurate, and complete record of the Cottonwood Heights City Council Work Session and Business Meeting held Wednesday, April 18, 2023.

Teri Forbes

Teri Forbes
T Forbes Group
Minutes Secretary

Minutes Approved: May 2, 2023