

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL WORK SESSION
HELD TUESDAY, JANUARY 18, 2022, AT 4:00 P.M. IN THE COTTONWOOD HEIGHTS
CITY COUNCIL WORK ROOM LOCATED AT 2277 EAST BENGAL BOULEVARD**

Members Present: Mayor Mike Weichers, Council Member Douglas Petersen, Council Member Scott Bracken, Council Member Shawn E. Newell, 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, Finance and Administrative Services Director Scott Jurges, Public Works Director Matt Shipp, Police Chief Robby Russo, Assistant Fire Chief Riley Pilgrim

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 Weichers.

Mayor Weichers reviewed the Business Meeting Agenda.

It was reported that Cottonwood Heights Police Department (“CHPD”) Sergeant Tazoi will present the Autism Awareness Award. Police Chief, Robby Russo reported that the department has a program in place where those with disabilities are entered into the system alerting officers of special circumstances should they ever respond to a call. The officers will be presenting funds raised to the Director of the program that provides their training.

Staff reports will include Finance and Services Director, Scott Jurges with the Monthly Finance Report and Assistant Fire Chief, Riley Pilgrim with the Quarterly Fire Report.

Agenda Item 6.1 was for consideration of Ordinance 374 amending the Code Section for automatic fire sprinklers. Community and Economic Development Director, Michael Johnson, reported that language was found in a different area of the Ordinance and the amendment will enhance that verbiage. Much of the language discussed can already be found in the Code.

Agenda Item 6.2 was for consideration of Resolution 2022-05 approving a Public Opinion Research Services Agreement with Y2 Analytics.

Agenda Item 6.3 is for the consideration of Resolution 2022-06 approving an agreement with Browns Amusement for the Butlerville Days carnival. The agreement is for a three-year term and allows a date to be set. A Thursday evening carnival only will be considered.

Agenda Item 6.4 involved the consideration of Resolution 2022-07 regarding entry into a Consulting Agreement with T-O Engineers, Inc. for stormwater system services. Public Works Director, Matt Shipp reported that the City Council previously approved an agreement with the

same firm where they were faced with a few legal issues. This agreement was for the resigning of the agreement after both legal representatives worked through the item. City Attorney, Shane Topham, stated that the provider returned with the indemnification provision that would indemnify the City from the consequences of the provider's negligence. Language was discussed and the agreement included changes requiring it to return for approval.

Mr. Shipp commented that the agreement will be to update the stormwater model and include surveying of all stormwater utilities and the engineering required to locate the manholes to uncover. Public Works will need to return for the camera, contract, and raising of the manhole contract.

The final agenda item was approval of the minutes from January 3 and 4, 2022.

3. Staff Reports.

a. Y-2 Analytics Survey Agreement – City Manager, Tim Tingey.

Mr. Tingey reported that the Y-2 Analytics Survey Agreement is being considered will include challenges understanding the focus of public interest. In 2016, Staff initiated a City-wide survey where a random group of participants was selected to provide input. A second survey was conducted in 2019 with Y-2 Analytics asking residents a broad range of questions regarding a variety of issues. The budget for the current Survey Agreement was approved in an amendment prior to the current City Council. They are now moving forward with the agreement with Y-2 Analytics which brings expertise to the process. Once the agreement is completed, they will begin working to develop the survey instrument to return to the Council.

In response to a question regarding the CH Tomorrow Survey, Mr. Tingey explained that it will be utilized for broad input into the General Plan process with the Y2 Analytics Survey providing a more broad range of issues within the City.

b. Public Works Building Discussion – Public Works Director, Matt Shipp.

Mr. Tingey introduced the Public Works Building discussion to the City Council. He provided information regarding cost and the proposed building layout.

Public Works Director, Matt Shipp, reported that there is a misconception regarding having a large yard and equipment storage. A map rendering was displayed. He confirmed that the current shed is owned by the Utah Department of Transportation (“UDOT”) and trucks are being stored outside with an on-site trailer to house Staff. There are two sheds and garages on the site. One is used for salt storage. They intend to convert the salt bay into storage and install a wall to split the double bay allowing vehicle storage with the other side to be used as a mechanic shop. The project would house storage for signs, barricades, and various pieces of equipment. A locker room, break room, and lobby were included with the plan allowing for future expansion. He highlighted the project would eliminate additional storage being paid for monthly and bring everything under one roof.

Mayor Weichers reported that the proposal would allow for a more immediate response time with trucks loaded with salt and improve the efficiency of snow removal.

Mr. Tingey emphasized the critical need to have a place that is conducive to allowing the Public Works Staff to rest when they return after hours of plowing. Efficiency is a priority and this type of facility will protect the equipment year-round. Mr. Shipp stated that the proposal will provide housing for the larger trucks. He referred to the layout detailing the location that will protect the trucks and equipment that is utilized during the summer months. Salt distribution procedures were reviewed. He explained that the facility was expected to cost \$6.2 million and take approximately one year to construct.

Finance and Services Director, Scott Jurges, reviewed the proposed budget and stated that the cost will be approximately \$422,000 per year at a cost of \$6.278 million at a 3% interest rate over 20 years. The department claimed savings that go with the 2014 and 2016 building bonds that went toward the existing building, the land around it, and the existing sheds. Currently, the trailer is being rented for \$26,000 per year with five cubed storage units utilized by various City departments at a cost of \$15,000 per year. Additional funds for both power and gas would need to be included. With the additional savings, he believed the net annual impact would be around \$300,000.

The option of a down payment was discussed. Mr. Jurges explained that a down payment option would reduce the bond payments. The overall debt service cost may be shared between the Storm Water and General Funds of the City. Staff confirmed that the matter would be discussed further at the Retreat.

c. **America Rescue Plan Act (“ARPA”) Funding – Community and Economic Development Director, Michael Johnson.**

Mr. Johnson reported that the above item involves a small portion of the America Rescue Plan Act (“ARPA”) Funding to be used to develop a small economic support grant for small businesses within the City. \$200,000 of the total ARPA funding was proposed to be set aside for the business grant. The intent is to assist as many small businesses within the City as possible that were or continue to be affected by the COVID-19 pandemic.

It was proposed to allow reimbursement grants of up to \$5,000 per business. Staff believed that the funds should be targeted at small businesses in the City that may have not had the resources to receive funding that was previously available. The City is working to develop a simple and efficient application process while requiring the business to provide its licensing information, business information, and rationale to demonstrate how they have been impacted by the pandemic. Qualifications would include the following:

- Compliance with the Federal Governments Guidelines for small business assistance;
- No more than 25 employees;
- In operation since January 2021;
- Registered business owner 18 years or older; and

- A valid Employee Identification Number (“EIN”).

Mr. Johnson reported that the application process will open in early spring and remain open for one to two months to allow applicants to submit their grant request. The applicant would be required to demonstrate how their business will be impacted and the proposed funding would allow them to get caught up to where they would be had COVID not impacted their business. Awardees would be chosen and required to sign grant agreements that would be distributed as a reimbursement grant. Examples were provided. After receiving Council input, the Economic Development Specialist will provide a full program framework and criteria will be submitted for review to ensure that guidelines and concerns are addressed. He confirmed that a Staff member will be available to assist businesses in the application process.

d. Racquet Club Circle Parking Petition Discussion – Community and Economic Development Director, Michael Johnson.

Mr. Johnson introduced the Racquet Club Circle Parking Petition and reported that per the Ordinance, the City Council is required to make a decision to vote on this item within 30 days. City Council input was invited. Action was scheduled for the first meeting in February. It was noted that the petition, as submitted, did not demonstrate a clear need for permit parking. Options were reviewed.

Mayor Weichers reported that he reached out to the Petitioner who confirmed that they would be agreeable to a no parking designation as opposed to permit only parking.

Council Member Birrell suggested that as the Canyon Centre complex is finalized the City consider easements that allow a walkable area to mitigate safety concerns.

Staff confirmed that there are areas currently posted as no parking. Continuing the signage was a feasible option. Twin homes and duplexes are located along the west side and may benefit from a no-parking restriction. It was recommended that the City be made aware of the free parking structure located within the development.

e. Review of City Budget Timeline – Finance and Administrative Services Director, Scott Jurges.

Mr. Jurges presented the City budget timeline and reported that the Budget Retreat will be held on January 25, 2022. Mr. Tingey will meet with Finance Directors to provide direction based on learned issues during the retreat. The Budget Committee Meeting will be held on February 15 while updates and preliminary budget outlines are typically presented at the second meeting of each month. Compensation and Budget Committee Meetings will continue to take place in between. He stated that by the first meeting in May, the City is required by the State statute to set a Tentative Budget. That budget is then available to the public allowing input with further discussion at the May 17 meeting. Typically, the public hearing process takes place the first meeting in June and continues through the meeting on June 21 where by June 22, the City is

required to adopt a budget. He encouraged the Council Members to approach the Finance Department with any concerns.

f. **Police and Public Works Vehicles Lease – City Manager, Tim Tingey; Finance and Administrative Services Director, Scott Jorges; Public Works Director, Matt Shipp; and Police Chief, Robby Russo.**

Mr. Tingey presented the Police and Public Works Vehicle Lease Agreements and stated that the City would support having its own capital to purchase its fleet, provide maintenance, and rotate the fleet regularly. This, however, comes with a multi-million-dollar price tag. He stated that they have opted to move forward with a lease product at a cost of \$330,000 per year. After working with both the Police and Finance Departments, they were able to produce a savings of \$70,000 after looking at the various vehicle options.

Mr. Tingey provided the Lease Memo to the Council for review. He explained that the Ken Garff Auto Group has been vetted through the State contract process. The most cost-effective route was a two-year lease at a comparative savings of \$40,000 to \$50,000 less than other options. The Dealer Buyback Component is far better residual comparatively. This would include 42 proposed police vehicles with a mix. Electric hybrid vehicles were considered but came at a considerably higher cost of \$6,000 per vehicle during the two years. Fleet pricing was discussed. Mr. Jorges remarked that the City leases the vehicles at an upfront cost of \$2 million and will sell them back for slightly more than \$1.5 million at the end of the lease term.

With regard to Public Works vehicles, Mr. Tingey stated that the City has acquired an allocated amount of one vehicle per year at a cost of \$48,000. After working with Ken Garff, the City recommended rolling the vehicles into the lease program as well. He proposed selling their current vehicles and using the budgeted \$48,000 to roll into the Lease Program with an anticipated cost of \$41,000, a savings of \$7,000 per year. A two-year lease program was recommended. He confirmed that one hybrid model would be included with the first Lease Agreement.

g. **COVID-19 Safety and Protocol Discussion – City Manager, Tim Tingey**

Mr. Tingey led the Covid-19 safety and protocol discussion and stated that after being online and transitioning to in-person meetings, there is currently an option for a hybrid model. With COVID numbers reaching record levels, he asked the Council for their comfort level regarding meeting. It is their intent to ensure safety and good health practices while being aware of potential infection.

Council Member Petersen appreciated having both in-person and remote meeting options and suggested monitoring the situation as they move forward. In-person meetings were his preference.

Mayor Weichers reported that he recently attended a meeting where both options were exercised. He believed that it allows those who are comfortable meeting in person to do so.

Council Member Bracken felt that the hybrid option was here to stay and believed it made it easier for those who may be sick to participate.

Council Member Birrell concurred with the previous comments and shared an article that stated that those who have chosen to receive their booster shots have seen lower numbers of hospitalizations and death.

Mr. Tingey thanked the Council for their input and planned to discuss favorable options with the department heads.

4. Review of Calendars and Upcoming Events.

- a. **Local Officials Day – Wednesday, January 19 at Utah State Capitol and Salt Palace Convention Center.**
- b. **City Council Retreat – Tuesday, January 25 at 8:30 a.m. at City Hall – City Council Work Room.**
- c. **City Hall will be Closed Monday, February 21, 2022, in Observance of President’s Day.**

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 Bracken moved to adjourn. The motion was seconded by Council Member Birrell. The motion passed with the unanimous consent of the Council.

The Work Session adjourned at 5:56 p.m.

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL BUSINESS MEETING
HELD TUESDAY, JANUARY 18, 2022 AT 7:00 P.M. IN THE COTTONWOOD HEIGHTS
CITY COUNCIL CHAMBERS LOCATED AT 2277 EAST BENGAL BOULEVARD**

Members Present: Mayor Mike Weichers, Council Member Douglas Petersen, Council Member Scott Bracken, Council Member Shawn E. Newell, 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, Finance and Administrative Services Director Scott Jorges, Public Works Director Matt Shipp, Police Chief Robby Russo, Assistant Fire Chief Riley Pilgrim

1.0 WELCOME

Mayor Mike Weichers called the meeting to order at 7:00 p.m.

2.0 PLEDGE OF ALLEGIANCE

The Pledge was led by Council Member Shawn E. Newell.

3.0 ACKNOWLEDGEMENTS

3.1 Autism Awareness Award – Introduced by Cottonwood Heights (“CHPD”) Sergeant Tazoi.

Police Sergeant Tazoi introduced the Autism Awareness Award and stated that the Cottonwood Heights Police Department (“CHPD”) continuously strives to provide a high level of service and professionalism to the citizens. The officers joined forces to put together a fund-raising campaign within the department that would allow them to help residents when needed. When two department families were recently struck by tragic events, the department was able to donate the funds raised.

In 2021, the Police Department was approached by Autism Council of Utah Director, Cheryl Smith, who asked for their response procedure when responding to a call involving someone with Autism or special needs. The department invited long-time Autism advocate, Ms. Smith, to provide education and training regarding their response to those types of situations. They were then able to take their training results to the Attorney General’s Office and the Legislature. Sergeant Tazoi expressed gratitude to Ms. Smith for her work in the community and presented her with the Autism Awareness Award and a donation in the amount of \$1,700. Appreciation was expressed for the amazing Cottonwood Heights Police Department.

Mayor Weichers expressed gratitude to the Police Department for their efforts in raising funds and reaching out to the community.

Council Member Petersen reported that he has met with many citizens who have children with autism and emphasized the importance of the officer's knowledge when responding to an emergency. He appreciated Chief Russo's willingness to provide training to ensure that officers know what is expected and how to respond.

4.0 CITIZEN COMMENTS

There were no citizen comments.

5.0 STAFF REPORTS

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

Finance and Administrative Services Director, Scott Jurges, presented the monthly Financial Report and stated that all information is available under the Budget and Financial Reporting tab on the City's website. He reported that Sales Taxes run approximately two months behind and are distributed through the Utah State Tax Commission. At the current time, they are 33% through the year and have received 37.53% of the budgeted or \$272,000 more than the previous year of \$7.9 million. The uncertainty of the uptick in volatility, although positive, remained a concern.

Mr. Jurges reported that the County Option Highway Transportation Sales Tax was instituted in fiscal year 2020 and went out via a vote of the County with 2022 tracking ahead of 2021. This tax has a shared component throughout Salt Lake County where sales taxes are shared throughout the State. The Energy Tax for 2022 is budgeted at \$1.950 million and is currently \$7,000 of the 2021 fiscal total of \$2.125 million. A 3.5% tax is applied to the sale of power or gas. The Cable Franchise Tax has eroded over the years and cable TV is taxed where the internet is not. With one quarter collected, they are \$3,500 ahead of the previous year.

Mr. Jurges stated that the Class C Road Tax is applied per gallon of fuel sold. A portion goes to the State, local area, and where vehicles are registered. They have collected for six periods at 57.08% with a budget of \$7,000 less than was received the previous year. They are, however, still \$97,000 ahead of the previous year.

The General Fund Budget Adjustment in October 2021 deals directly with the American Rescue Plan Act ("ARPA") Funds of which \$750,000 has been paid out in terms of the cost associated with those funds. Mr. Jurges reported that they are \$999,000 ahead of 2021 with a sizable portion being associated with those expenditures. There were no areas of concern and they are seeing positive results in terms of sales tax and others tracking slightly ahead of budget.

5.2 Unified Fire Authority ("UFA") Report – Assistant Chief, Riley Pilgrim.

Unified Fire Authority ("UFA") Assistant Chief, Riley Pilgrim, presented the Quarterly Fire Report and stated that there were 559 incidents, of which 55 were classified as emergent requiring a light and sirens response. With new dispatching protocols in place, their emergent responses have dropped significantly and they are averaging 180 calls per month. There were six mobile

property fires and five structure fires or structures with evidence of fire. Medical calls included falls and sick person. Top calls for the “other” category included unintentional detectors, public service assistance, electric equipment or detector malfunction, and spills and leaks.

Assistant Chief Pilgrim reported that Station 110 has one ambulance as does Station 126 in Midvale and the Holladay Fire Station. Response times for lights and siren calls averaged 5:48 or less with the remaining call response time averaging 8:30. A scatter plot map detailing calls was displayed.

UFA has completed its first strategic three-year plan and began the new three-year plan in 2021. Each plan spans a three-year period and motivates the divisions to work hard toward the established initiatives and goals. Much of the focus is community-driven. The plan was developed by surveying their employees and external partners to better understand what they value in their service. Based on those responses, they can develop their Strategic Plan with action items that go toward helping build the budget. It was reported that they have completed 25% of their 161 action items over three years, many of which began in July with the new fiscal budget.

Chief Peterson, who has been with UFA since 2017, is retiring at the end of March and they are in the process of selecting the New Fire Chief. The selection process will run from the middle of January 2022 to March 2022. The Board will review final candidates on March 15 at which time they will make a determination with a goal to have the New Chief in place on April 2.

Assistant Chief Pilgrim stated that Recruit Camp will begin in February. They are looking to move approximately 32 recruits into that camp. They have hired eight new Paramedics and noted that because of the time it takes to go through school and acquire the skillset, paramedics are difficult to replace when someone is promoted or moves on. Stations 110 and 116 will both be receiving seismic upgrades. Recent retirees were identified.

Mayor Weichers expressed gratitude to Chief Peterson for his leadership and Assistant Chief Pilgrim for his efforts as Cottonwood Heights’ Liaison.

6.0 ACTION ITEMS

6.1 Consideration of Ordinance 374 Amending Code Section 9.65.020 (D) Concerning Automatic Sprinkler Systems.

Mr. Johnson reported that the above Ordinance is a request to amend City Code Section 9.65.020 (D) concerning automatic sprinkler systems that would be required in homes over 10,000 square feet in size during the Building Permit review process. Exceptions were enumerated in the Staff Report. The UFA has reviewed the proposed language and supports the amendment

MOTION: Council Member Petersen moved to approve Ordinance 374. The motion was seconded by Council Member Newell. Vote on motion: Council Member Petersen-Aye, Council Member Bracken-Aye, Council Member Newell-Aye, Council Member Birrell-Aye, Mayor Weichers-Aye. The motion passed unanimously.

6.2 Consideration of Resolution 2022-05 Approving a Public Opinion Research Services Agreement with Y2 Analytics.

Mr. Tingey reported that the above Resolution involves the approval of a Public Opinion Research Services Agreement with Y2 Analytics. It is for a scientific survey with respondents randomly selected for participation with approximately 800 to 1,000 interviews. The cost was estimated at \$15,600 and approved as part of this budget cycle. Staff recommended approval.

MOTION: Council Member Bracken moved to approve Resolution 2022-05. The motion was seconded by Council Member Petersen. Vote on motion: Council Member Petersen-Aye, Council Member Bracken-Aye, Council Member Newell-Aye, Council Member Birrell-Aye, Mayor Weichers-Aye. The motion passed unanimously.

6.3 Consideration of Resolution 2022-06 Approving an Agreement with Brown's Amusements, Inc. for the Butlerville Days Carnival.

Council Member Bracken reported that the above Resolution involves the approval of an agreement with Brown's Amusements, Inc. for the Butlerville Days Carnival.

MOTION: Council Member Newell moved to approve Resolution 2022-06. The motion was seconded by Council Member Bracken. Vote on motion: Council Member Petersen-Aye, Council Member Bracken-Aye, Council Member Newell-Aye, Council Member Birrell-Aye, Mayor Weichers-Aye. The motion passed unanimously.

6.4 Consideration of Resolution 2022-07 Approving Entry into a Consulting Agreement with T-O Engineers, Inc. for Stormwater System Services

Mr. Shipp reported that the above Resolution involves the approval of entry into a Consulting Agreement with T-O Engineers, Inc. for the stormwater system, manhole identification, system survey, and upgrading the stormwater model. The Resolution was previously signed by the City Council and approved, however, T-O Engineers' legal counsel had issues with the agreement. City Attorney, Shane Topham reported that there was concern with an indemnification provision where the City was requiring the provider to indemnify the City from any ill effects of the performance of their services. Inconsequential changes were made that were accepted and the agreement signed.

MOTION: Council Member Birrell moved to approve Resolution 2022-07. The motion was seconded by Council Member Petersen. Vote on motion: Council Member Petersen-Aye, Council Member Bracken-Aye, Council Member Newell-Aye, Council Member Birrell-Aye, Mayor Weichers-Aye. The motion passed unanimously.

7.0 CONSENT CALENDAR

7.1 Approval of the City Council Work Session and Business Meeting Minutes for January 3 and 4, 2022.

MOTION: Council Member Newell moved to approve the City Council Work Session and Business Meeting Minutes for January 3 and 4, 2022. The motion was seconded by Council Member Petersen. The motion passed with the unanimous consent of the Council.

8.0 ADJOURN CITY COUNCIL BUSINESS MEETING

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

The City Council Meeting adjourned at 8:16 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 Tuesday, January 18, 2022.

Teri Forbes

Teri Forbes
T Forbes Group
Minutes Secretary

Minutes Approved: February 1, 2022