

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL WORK SESSION  
HELD TUESDAY, JUNE 15, 2021, AT 5:00 P.M. IN THE COTTONWOOD HEIGHTS  
CITY COUNCIL CHAMBERS LOCATED AT 2277 EAST BENGAL BOULEVARD**

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

**Staff Present:** City Manager Tim Tingey, City Attorney Shane Topham, Police Chief Robby Russo, Assistant Fire Chief Riley Pilgrim, Records Culture and Human Resources Director Paula Melgar, Community/Economic Development Director Michael Johnson, Public Works Director Matt Shipp, Administrative Services Director S. Scott Jorges, Network Administrator Matt Ervin

**1. Welcome – Mayor Peterson.**

Mayor Mike Peterson called the meeting to order at 5:06 p.m. and welcomed those present.

**2. Review of Business Meeting Agenda – Mayor Peterson.**

Mayor Peterson reviewed the Business Meeting Agenda.

Mayor Peterson reported that a Juneteenth Proclamation would be presented and introduced by a former Cottonwood Heights resident.

Community and Development Director, Michael Johnson, reported that the first action item involves consideration of a rezone of .3-acres of real property located at 2751 East Fort Union Boulevard. Interest was expressed in limiting several uses in the proposed zone that involved medical offices or clinics, to which the applicant agreed. He confirmed that the revised Ordinance includes zoning conditions that would prohibit medical-related uses.

The adoption of a final budget for 2021-2022 would also be discussed. Mayor Peterson reported that the current budget includes the Storm Water Fee. If they chose to do something different with the fee, it would be adopted subject to.

Public Works Director, Matt Shipp reported the Storm Sewer Utility Fee, and the related Usage Fee will be presented for discussion.

Mayor Peterson stated that the next action item involves the reappointment of Jessica Chappell to the Planning Commission.

City Manager, Tim Tingey stated that the reappointment of Greg Reid, Sarah Ricketts, and Jennifer Shah to the City's Parks, Trails, and Open Space Advisory Committee would also be considered.

Mr. Tingey reported on the appointment of Sarah Kovac to the City's Architectural Review Commission. Ms. Kovac has an extensive background and has experience in architecture and land use processes.

The next action item involved consideration of the City Manager's appointment of Cottonwood Heights Police Department ("CHPD") Assistant Chief, Paul Brenneman as the City's Emergency Manager.

Mayor Peterson reported on the approval of the proposed entry into an Interlocal Agreement regarding the Community Renewable Energy Program. Mr. Tingey reported that it also includes a funding commitment that would be built into the budget.

Council Member Petersen commented on approval of "Production Team" Contracts for the 2021 City-sponsored Play, *Matilda*.

The last action item involved approval of Performance Contracts for 2021 Butlerville Days.

### **3. Staff Reports.**

#### **a. Gravel Pit Discussion – Community and Economic Development Director, Michael Johnson.**

Mr. Johnson gave an update on the gravel pit and stated that there was a desire among the City Council to allow for more time to discuss outstanding concerns. The estimated assessed value of each building at completion was calculated. He explained from those derived estimates on annual property tax revenue and annual local sales tax revenue is not the full 7% but the 1% that comes to the City both directly and through redistribution by the State of Utah. At full build-out of what is currently proposed, the estimated annual property tax revenue equals \$183,000 with the residential exemption applied or 55% of the actual assessed rate. There was a budget request for additional police officers based on this development application and the ratio of officers per resident. The ratio would warrant one and one-half to two additional officers at a cost of roughly \$85,000 per year. He reported that there is growth and development elsewhere in the City and increasing demand for these types of services.

Mr. Johnson reported that the Wasatch Master Plan promotes redevelopment at these types of sites at the density proposed or greater. They have the potential to create a place that captures tourism and visitors. The proposed development would create new residents with the potential to create new jobs and the affordable housing piece helps the City achieve the State mandated affordable housing goals. He indicated that the one-time estimated fee for permits based on building valuation would total \$1 million. The applicant has expressed interest in proposing annexation into the recreation service area providing potential customers and additional tax revenue to which their director has expressed interest.

Council Member Bruce expressed support of maximum height provided it is safe, does not obstruct views, and is located against the mountains.

Mayor Peterson emphasized that he continues to have an issue with the height as it is 30 to 40 feet higher than what exists through the Cottonwood Corporate Center. He believed anything higher would set a precedent and change the feel of the community. A property rendering was displayed. He commented that appropriate reclamation of the gravel pit hillside will keep it attractive.

The height of the condominiums was discussed. Mr. Johnson suggested one option that could be considered included the PUD as part of the approval but subject to the mass and density of the building when that condominium phase is preparing to begin construction. He explained that it would essentially entitle the use but leave the massing and density to the Council's consideration.

Council Member Mikell was not in favor of the frontage and wished to discuss options. Mr. Johnson commented that the applicant has proposed an elevation change with landscaping and rock wall buffering. One of the Architecture Review Commission's ("ARC") stipulations was that vehicle headlights not be visible from Wasatch Boulevard. Traffic flow issues were discussed.

Mr. Johnson next reviewed open space and trails. He commented that if the project trail connects to a public trail system in the future, the City may require dedication. Mayor Peterson stated that reclamation is critical as it includes regrading the hillside and revegetating. He did not believe it was a scar issue. Height remained a concern. Mr. Johnson explained this will be included with Phase I and the language will be built into any final Ordinance ensuring every phase must comply with sensitive lands and implement whatever mitigation standards were identified in the original report. Currently, reports have been prepared that identify known and suspected hazards. They also layout plans for how those hazards will be mitigated including trenching each building pad and engineering. He confirmed that the ARC will review each phase and guardrails could be required to prevent the project from exceeding what is proposed. Staff had begun compiling the final package.

Council Member Bruce expressed concern with the ground motion. Mr. Johnson explained that the plan is to base the ground motion concern on what is in the Sensitive Lands Ordinance. It would apply if it is part of the required mitigation.

Council Member Bracken asked if it would be possible to take some floors off the condo, and maybe add those to the apartments. He believed that what is proposed is risky. Council Member Petersen stated that the issues have been verified and he questioned the stop build. Mr. Johnson confirmed that the towers measure 80 to 90 feet in height. He recognized that height was of concern.

Council Member Bruce expressed concern with the Ordinance requiring a 25-foot setback from the fault line. She felt that that distance was not enough to ensure the safety of residents. Mr. Johnson explained that what is stated in the Ordinance is the minimum and was based on the study.

The applicant, Alan Thorpe, stated that their application complies with the Ordinance, and they are not asking for anything it does not allow. He expressed frustration with the City's willingness to transform an eyesore and questioned why no decisions have been made. He stated that they are running out of time and the only option would be to have the gravel pit continue, fight against the

City, or produce a much more aesthetic development as they have proposed. He emphasized that they have been working through the issues and concerns of the City for seven years, which he considered excessive. He suggested a vote be taken at the July 6, 2021, meeting.

Mayor Peterson stated that the City has been cooperative and supportive. The PDD Zone is different because it is legislative. Broad parameters were set to allow the Council to have discretion in the process and review the impact of height. He explained that they have the right to discuss height and determine what is acceptable. They are trying to move through the process and provide answers, but height remained a concern.

Council Member Mikell understood the timeline and the concerns of the applicants. When a developer goes into a community and creates something new, they are entering into a partnership while working with a community. She did not appreciate the applicant's tone and emphasized that the City has not taken litigious action in removing the abundance of idle material and machinery on the proposed property. She noted that they have not been able to meet in person due to the pandemic in over one year and the extra time has benefitted the project.

Mr. Thorpe did not agree and reiterated that three years is too long. He stated that going back to gravel was their only option.

Mayor Peterson agreed to review timing issues and coordinate with Mr. Johnson and staff.

Council Member Bruce was excited about the proposal when she ran for office but became concerned when they learned that it was riddled with fault lines. She explained this was the first time she felt comfortable having those issues addressed. She stressed the importance of slowing down and getting it right.

**b. Storm Water Fee Discussion – Public Works Director, Matt Shipp.**

Public Works Director, Matt Shipp presented the Storm Water Fee manual and opened the Storm Water Fee discussion for the proposed \$7.50 per month ERU fee. Mayor Peterson appreciated the credits and waivers addressed in the manual. Council Member Bruce was in favor of a credit for xeriscaping.

Mr. Shipp confirmed that the yield on the \$7.50 monthly fee is \$1.4 million. They are anticipating \$1 million annually for capital projects and ongoing maintenance and have approximately \$600,000 in existing costs for a total of \$1.6 to \$1.7 million. He confirmed that it is included in the budget.

Mayor Peterson expressed concern with the \$7.50 fee and felt that the City has a healthy enough budget with what is currently in the fund balance along with an additional \$4 million from the American Recovery Act. He firmly believed they need to proceed with the Storm Water Ordinance to ensure that it does not compete with public safety and is a dedicated fund. He was in favor of implementing a much lower fee and confirmed that Cottonwood Heights is the only City along the Wasatch Front without a Storm Water Fee.

Mr. Tingey reported that there is presently \$11 million in capital project needs. The allocation will be discussed over the next several months once the Treasury Department standards are received. He considered it to be a potential way to bridge the gap.

Council Member Mikell was in favor of the fee and utilizing the General Fund for other needs within the City. Mr. Tingey confirmed that they will not be self-sufficient without utilizing the General Fund. Budget funding options were discussed. Council Member Mikell supported the fee and believed the service provided to residents will be beneficial.

Council Member Bracken suggested care be taken when allocating one-time funds to one-time items going forward. Mayor Peterson remarked that that is why capital projects work well.

City Attorney, Shane Topham, reported that the fee structure is being incorporated into the City's Consolidated Fee Schedule, which can be changed as needed by the Council. Mayor Peterson stated that there is no question as to whether the Storm Water Fee is needed, however, the amount of the fee was of concern to him. He confirmed that the amount adopted is strictly based on the fee schedule and may be amended at any time.

Council Member Petersen commented that over the last 15 years, the City has raised taxes only once. He suggested that that be clarified. He expressed his support for the proposed fee.

Mayor Peterson was in favor of the Ordinance with the understanding it can be changed at a future date.

**c. 2021-2022 Budget Discussion – City Manager, Tim Tingey and Finance and Administrative Services Director, Scott Jurges.**

Mr. Tingey introduced the 2021-2022 budget and stated that the levy rate has been included in the budget and is set by the County. Finance and Administrative Services Director, Scott Jurges reported that the rate comes from the County. Property taxes were budgeted at \$8,153,450 and include delinquent collections. The actual new growth totaled \$90,313. The new tax rate was .001740, which was significantly less than the previous year's tax rate of .001898. It was clarified that the tax rate goes down when property values go up.

Mayor Peterson wished to discuss a capital item regarding the 1700 East sidewalk. At a cost of up to \$400,000, he asked the Council to consider the idea of possibly using the CDRA funds for the Union Park Project to fund that expense. He explained that using those funds would require the City to reevaluate the specifics of the Coronavirus Aid, Relief and Economic Security ("CARES") Act.

**d. Splash Pad Discussion – City Manager, Tim Tingey.**

Mayor Peterson reported that the City made the decision at the beginning of the year to close down the Mountain View splash pad. He has received comments both for and against the decision. Mr. Tingey indicated that staff met with the CH2 Committee with the Recreation District and evaluated issues discussed by Governor Cox related to drought. The decision to keep the splash pad closed

was based on that discussion. They also had discussions with the Salt Lake Water Utilities group and a Conservation Specialist on two separate occasions. The Conservation Specialist explained they are currently in Phase 2 and although there is not mandatory shut down of this type of amenity, there is an increased likelihood as they move into the summer, they will move into a Phase 3 or Phase 4, both of which include mandatory shutdowns.

Council Member Petersen stated they have discussed the splash pad issues and considered the expense of recirculating the water. If they allow limited opening, weekend use will be higher than weekday use. He was unaware of the water consumption use. Mr. Tingey confirmed that use is at 2.4 million gallons during a regular summer season. Mayor Peterson commented that the splash pad is a popular amenity for children and confirmed that it is not a continuous fountain and requires activation.

Council Member Bruce was in favor of having it open in August on Food Truck Mondays but expressed concern with COVID-19 Delta Variant, and the potential spread among unvaccinated children under the age of 12.

Options for recirculation and reclaiming of the water were discussed. Council Member Mikell was in favor of a two-day per week use and suggested some type of public messaging about water consumption.

Mr. Tingey agreed to coordinate with the Recreation Center to discuss opening two to three days per week and potentially six hours each day.

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

**a. July 19-24, 2021 – Butlerville Days.**

Council Member Bracken clarified that Butlerville Days will have a reduction in activities but will include multiple free activities each evening.

**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 Bruce. The motion passed with the unanimous consent of the Council.

The Work Session adjourned at 6:55 p.m.

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL BUSINESS MEETING  
HELD TUESDAY, JUNE 15, 2021, AT 7:00 P.M. IN THE COTTONWOOD HEIGHTS  
CITY COUNCIL CHAMBERS LOCATED AT 2277 EAST BENGAL BOULEVARD**

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

**Staff Present:** City Manager Tim Tingey, City Attorney Shane Topham, Police Chief Robby Russo, Assistant Fire Chief Riley Pilgrim, Records Culture and Human Resources Director Paula Melgar, Community/Economic Development Director Michael Johnson, Public Works Director Matt Shipp, Administrative Services Director S. Scott Juges, Network Administrator Matt Ervin

**1.0 WELCOME**

Mayor Peterson welcomed those in attendance.

**2.0 PLEDGE AND ACKNOWLEDGEMENTS**

The Pledge was led by Council Member Christine Mikell.

**3.0 ACKNOWLEDGEMENT**

**3.1 Juneteenth Proclamation.**

Mayor Peterson introduced Jerri Hartwell, a former Cottonwood Heights resident, who previously served on the Historical Committee and was actively involved prior to the City's incorporation. The Mayor stated June 19<sup>th</sup> is known as Juneteenth. He invited Ms. Hartwell to provide insight on the Juneteenth Proclamation.

**4.0 CITIZEN COMMENTS**

There were no citizen comments.

**5.0 PUBLIC HEARINGS**

**5.1 Proposed Adoption of City's Budget for Fiscal Year 2021-2022.**

Finance and Administrative Services Director, Scott Juges, presented the budget for fiscal year 2021-2022. He reported that minor changes had been made since the adoption of the Tentative Budget on June 4, 2021. The only change incorporated into the budget pertained to the final property tax rate of 0.001740 and a new growth number from Salt Lake County totaling \$90,313, which is \$40,313 higher than the placeholder. Property taxes included \$8,153,000 of which \$150,000 is for delinquent collections and additional items. A summary of budget changes was

presented. Mr. Jurgens explained that State law requires the City to reserve 5% of the fund balance per City Ordinance with one additional percent added for a total of \$1.3 million. A compensated absence reserve will be reviewed with the budget sub-committee as they move forward. He reported that the unrestricted fund balance is anticipated to be approximately \$3.75 million. The Capital Projects Fund was projected at \$250,000 of unrestricted fund balance. The Storm Water Fund was described as the new fund associated with the Storm Water Fee. He explained that the Debt Service Fund services the debt of the City Hall Building and Public Works and Police Department vehicles. He confirmed that the year is expected to end with a 25% fund balance.

Mr. Jurgens reviewed changes to the Public Works area. He confirmed that the adjustments now include a flat fee of \$300 as opposed to the previous fee of \$50 per square foot with a \$250 minimum. Mr. Tingey reported that the evaluation was the result of a comparison between cities with the assistance of an Intern. City Attorney, Shane Topham, confirmed that adoption of the Storm Water Utility Fee incorporates the fee into the Consolidated Fee Schedule.

Mayor Peterson explained that the budget involves an annual process. They have established a Benefits and Compensation Committee that conducts a General Budget Review where the budget is vetted and returned to the City Council.

Council Member Bruce expressed appreciation to Messrs. Tingey and Jurgens for their efforts. She indicated that she has received pushback when she has sought transparency with regard to budgeting and outsourcing services. She recommended that those numbers be disclosed. She felt that as a business owner it is fair to know those costs. She recognized, however, that business and government are not comparable. She expressed frustration with not being supported in her desire for that level of transparency.

Mayor Peterson emphasized that the Council is transparent and everything they do is available to anyone wishing to review it. He respectfully disagreed with Council Member Bruce's interpretation. Council Member Bruce contended that the last time they were honest about the Police Department was in the 2018-2019 budget where there was a breakdown. In addition to the 16,000 square feet occupied in the City Hall Building, the cost was just over \$9.1 million. She did not have the most current numbers because only salaries were disclosed. She stated that the City of Holladay currently has a \$5.2 million budget for the upcoming year and questioned whether Cottonwood Heights is twice as safe with much faster response times. She felt it was fair for citizens to know how every dollar is spent.

Council Member Bracken did not understand the numbers, the analysis, or the basis of Council Member Bruce's comments. He explained that the City of Holladay is 10% or 15% smaller than Cottonwood Heights and for at least the last two years, the certified tax rate for the Salt Lake Valley Law Enforcement Service Area (SLVLESA) was actually higher than the entire tax rate for Cottonwood Heights.

Council Member Petersen stated that Council Member Bruce has brought up issues with the Police Department many times and recognized that there is friction between the two. He asked Mr. Jurgens if anything said has merit. Mr. Jurgens explained that if they were conducting an analysis and going outsourcing it, there could be elements of support from other areas within the government. The



question was if anything could be reduced if the service were outsourced. Using Human Resources as an example, he explained that there are multiple services provided which is not a simple analysis to perform. He stated that the reality is that if someone were taken from a full-time equivalent to 30 hours per week, there would be a high turnover since people depend on a certain level of income. It would be necessary to create an analysis on every division within the City and would require a significant amount of time to conduct. He explained that if there were an allocation, the only area that would work would be entities that actually contract out for their services.

Council Member Petersen had confidence in the numbers provided and stated that when reviewing the budget, he felt it was imperative to spend every dollar wisely. He stated that the service provided by the Police Department is much better than the service provided previously by the County. He commented that his mother is still alive due to the quick response of the Police and Fire Departments. He reiterated that the City is very careful with tax dollars and expressed his thanks for the services provided.

Council Member Bruce argued that response times have tripled since switching to Valley Emergency Communications Center (“VECC”). As a restaurant owner, she knows percentages and the cost of goods sold. She suggested acquiring software that will provide those budget algorithms.

Mayor Peterson indicated that he spent four years as the Director of County Criminal Justice Services and advocates for self-providing in these situations, which gives the City the ability to customize the types of services provided. The Council is held accountable for the amount of money allocated, the types of services provided and will continue to evaluate the level of service they provide.

Mayor Peterson opened the public hearing.

*Runar Bulman* reported that he has been a resident of Cottonwood Heights since 2016 and understands that property taxes increase. If he sees his tax dollars at work and benefits from what they provide, he will not object to them. He has listened in on previous meetings and was aware that the City promotes the health, safety, and welfare of its citizens. He was frustrated with the decision to install solar panels on City Hall, which offers no benefit to the residents of the City. The panels also divert money from another potential project and are intermittent with minimal benefit. He questioned the rationale behind pursuing the project and considered the Renewable Energy Police Resolution document dated March 2019 to be extremely flawed.

*Edward Schwartz* commented that it appears that the City has budgeted \$6.2 million for the Police Department and more than \$100,000 in rent each month. He questioned the amount of square footage the Cottonwood Heights Police Department (“CHPD”) utilizes at an ongoing regular rate. He reported that there is a chargeback built into the budget for operational efficiency. He was surprised to discover that only \$7,500 is allotted for police training and believed that with a budget reduction of 10% to 15%, the City could still operate efficiently and safely without compromising the efficacy of the department.

An additional public comment was not audible.

Council Member Bracken clarified that although he did not know the exact amount, he did know that the police spend significantly more than \$7500 per year on training.

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

## **5.2 Proposed Storm Water Fee.**

Public Works Director, Matt Shipp, provided a timeline for the Storm Water Fee and stated that in September 2019, the City contracted to update the Storm Water Master Plan. The plan is a document used to identify projects coming forward and items that need to be completed. It was adopted in 2006. Staff hired TO Engineers to assist in updating the plan. In February 2020, the Storm Water Master Plan was finalized, and staff met with the Council to discuss a possible fee based on that plan. A Fee Study was commissioned in March 2020 based on the plan under the direction of the Council. Zions Bank provided further review on September 15, 2020, at which time options were discussed. In December 2020, the City contracted with Bowen Collins & Associates to help with program development based on the proposed fee and projects. A kickoff meeting was held on January 19, 2021, to discuss the manual followed by a progress meeting on April 6, 2021. An open house took place on April 26, 2021, to accept comments from the public both in-person and online for the proposed fee of \$7.50 per month per Equivalent Residential Unit (“ERU”). Staff returned to the Council on June 1, 2021, to present the information and further discuss the progress.

Mr. Shipp reported that staff had presented the Council with the best option to address stormwater issues. There is a dedicated fund that enables the Council to direct Staff and determine what needs to be done.

Mayor Peterson opened the public hearing.

*Mike Shelton* identified himself as a resident of District 1 and as he has listened to the conversations regarding a stormwater fee, he believed it is called a fee but is essentially a tax the residents will face. He found it interesting a tax has been proposed at a time when the City has record spending and has made significant decisions regarding how to spend the taxpayer’s money. He indicated in addition to record spending, the City will have a record fund balance and a record Federal subsidies of \$4 million. He was frustrated with the City spending more than ever before and proposing to raise taxes as well. He indicated that Cottonwood Heights’ property taxes are 33% higher than Sandy City, 38% higher than the City of Holladay, 35% higher than Draper City, and 3% higher than Millcreek City. He commented that what the City does not charge in fees, more than makes up for what is charged in additional property tax. He asked if the rate of spending is inflating at a rate that is faster or slower than the income of the residents.

*Craig Bevan* objected to the City finding one more way to get money out of City residents. If the Council feels they need to improve the storm drain system, he suggested passing a bond and having it voted on and allow the residents to decide. He stated that when his property was developed in 1977, there was a fee paid in addition to the construction costs to tie into the existing storm drain

system. He recognized that the storm drain system requires maintenance and believed it should be handled as part of the day-to-day operations of the City.

*Ferris Shaw*, a long-time resident, agreed with the previous comments. He was frustrated by contractors being forced to pay a fee to the City to work on his furnace and water heater. Those costs are ultimately passed on to him. He commented that taxes were raised two years ago and many in the City are on fixed incomes. He urged the Council to use caution in imposing additional costs on the citizens.

*Edward Schwartz* agreed with the previous comment regarding the term ‘fee’ being a hidden tax. He suggested that a bond be proposed to allow the public to determine the outcome. He stated that the Council serves the public and asked them to allow the public to have the final say or get creative and make cuts in other departments.

Mayor Peterson confirmed that property taxes were raised three years ago, which was the only time in the City’s 15-year history.

Council Member Bruce stated that the stormwater issue has been postponed and neglected for 15 years. She believed that time was of the essence for homeowners that are being flooded. She too is fiscally conservative and doesn’t believe in raising taxes, and this does feel like a large increase. She would not be opposed to placing the issue on the ballot, however, because it has been neglected, they are now faced with a crisis, and she considered the fee to be a form of taxation.

Council Member Bracken stated this is not simply a 15-year-old problem. He stated that his home was home built in the 1950s and the storm drain near his home is over 40 years old. The City has been built out for years and inherited the system.

Council Member Petersen questioned the advantages of a bond. He understood that it is difficult to put money toward something that cannot necessarily be seen, however, he believed it was necessary and federally mandated. He noted that a bond has been discussed. He reported that \$600,000 from the General Fund is spent annually to pay for maintenance and repair. Cameras have been run throughout the system to identify issues and perform maintenance.

Mayor Peterson reported that bonding is a valuable tool and has a lot of positive aspects. He encouraged the Council moving forward to not take bonding off the table. Federal regulations have pushed the City to act, as have other cities. He believed that the key is for the Storm Water Fee to be a dedicated fund. A dedicated fund does not compete with other departments and the majority of those in attendance at previous public meetings supported having the fund take care of the problem while being proactive and efficient. Because the City has a healthy fund balance, he believed the beginning amount is more than he would propose but he still would support a well-written Ordinance.

Council Member Mikell stated they are fortunate as Utahans to have a 2.8% unemployment rate. With respect to Sandy City, she too would like to have a stadium, car dealerships, and ski areas that provide the same property taxes. She explained that even with the \$7.50 fee, they will still have to take \$200,000 from the General Fund each year. Other needs include a shed for Public

Works vehicles. Although there is a surplus, there are many other needs. She believed that for \$600 per year, the City is fortunate to have police and fire crews who arrive on scene within a few minutes. She asked residents to consider if for \$600 they like their roads, stormwater, Police Department, Fire Department, and quick response times. She believed that Cottonwood Heights is a great place to live and was in favor of paying a little more to have those services available.

There were no further public comments. Mayor Peterson closed the public hearing.

## **6.0 STAFF REPORTS**

### **6.1 Financial Report - Property Tax Rate Discussion – Finance and Administrative Services Director, Scott Jurges.**

Mr. Jurges presented the Financial Report and stated that the property tax rate is calculated by the Salt Lake County Auditor's Office and totaled \$8,153,000, which includes some delinquent taxes. The new growth is \$90,313 with the current year's rate of .001898% and the 2021-2022 fiscal year rate of 0.001740%. He explained that as home values increase, the tax rate decreases.

### **6.2 Fire Report – Firework Restriction Areas Discussion – UFA Assistant Fire Chief, Riley Pilgrim.**

Assistant Fire Chief, Riley Pilgrim, presented the Fire Report and stated that there has been a great deal of discussion regarding fireworks and firework safety due to the ongoing drought. He noted that the situation may persist throughout the summer. A City map was displayed. Assistant Chief Pilgrim explained that the challenge is responding to one small firework fire while others are being set off creating other issues. He was comfortable that the restrictions are adequate, however, due to the ongoing drought situation, there is concern that there will be more significant problems due to fireworks. The Fire Marshall covering Salt Lake County has paid close attention to current and future predictions using trends and historical data as well as fuel moisture to predict future circumstances. There is a collaborative effort in the Valley between Salt Lake and Draper to push the restrictions eastward. Millcreek and Salt Lake City are planning to go only as far as 900 East. Public safety is their top priority and he recommended more stringent restrictions.

Mayor Peterson stated this information was presented at a recent Unified Fire Authority ("UFA") Board Meeting to the Board. He confirmed that Salt Lake City has banned everything east of 900 East. East Millcreek polled their council who proposed banning fireworks east of 900 East. He reported that the City of Holladay has yet to set its restrictions. Sandy and Draper Cities have banned everything east of 1300 East. He confirmed that they have discussed and received a legal opinion from the UFA attorney who outlined his justification of the potential restrictions.

Mr. Topham reported that there are two ways for cities to prohibit fireworks. The first is to identify specific areas in consultation with the UFA and the Fire Marshall as historic problem areas identified on a published map showing historic problem areas. The second is based on current conditions and does not have to involve UFA and can be determined by the City Council. The statutory parameters for the expanded areas based on current areas must be mountainous, brush-covered, forest-covered, or dry grass-covered areas or within 200 feet of waterways, trails, washes,

or similar areas. He confirmed that it is up to the City Council to determine if everything east of 1300 East fits those parameters. Enforcement would also be a concern once the parameters are established.

Mayor Peterson explained that historically as a City, they have taken the position that if given the choice without legal challenges, they would ban fireworks completely. He was in favor of the current map and restrictions but was of the understanding the interpretation of the legislation to be more assertive was unclear. He believed that the question was to accept the map, have it published and posted at the firework sales areas, or follow suit with other cities on the east side recognizing the extreme fire danger and setting 1300 East as the boundary.

Mr. Tingey stated that if the Council decides to expand the area, they will need to hold a Special Meeting with 24-hour notice.

Mr. Topham reiterated that in reviewing the statute, the areas must be mountainous, brush-covered, forest-covered, or dry grass-covered. The Fire Marshall has reviewed the environmental conditions and moisture content and determined that they are located in a “tinder box”. He wished the statute included verbiage stating, “or otherwise vulnerable based on environmental conditions.”

Assistant Chief Pilgrim commented that most fires they deal with on July 4 are caught in time as the firework tends to land in well-maintained watered brush. When conditions are drier, it becomes much more problematic.

Council Member Mikell asked where the crews will come from to fight a fire east of Wasatch Boulevard. Assistant Chief Pilgrim stated that most will come from Cottonwood Heights. The restrictions will allow more engines to respond to a single fire rather than a single engine responding to multiple fires throughout the City. He confirmed that in Utah there are four UFAs in the process of establishing a certified 20-person Hot Shot Crew.

Mayor Peterson found comfort in neighboring cities having already imposed restrictions. He stated that the City’s actions can be defended with respect to life and safety concerns. He reported that he received six emails prior to the meeting from multiple homeowners urging a ban. He confirmed that it was the consensus of the Council to hold a Special Meeting to ban fireworks east of 1300 East.

Police Chief, Robby Russo, stated that enforcement is challenging in the restricted areas, but they will do their best to provide enforcement. He stated that if a resident complains, they will be required to sign a citation as a complainant. He confirmed that the Police Department does not have the resources to enforce all the calls they receive and still provide the other services required. Mayor Peterson confirmed that a Special Meeting would be held on Tuesday, June 21 at 5:00 p.m.

## **7.0 ACTION ITEMS**

### **7.1 Consideration of Ordinance 357-A Approving the Rezone of .3-Acres of Real Property Located at 2751 East Fort Union Boulevard from R-1-8 (Residential Single-Family) to RO (Residential Office) and Amending the Zoning Map.**

Mr. Johnson reported that the above item involves an amendment to the zoning map. There was concern about several uses allowed in the RO zone. He stated that they are not proposed uses but would be allowed as a conditional use if the rezone is approved. The recommendation was made by the Council to follow up with the applicant to see if he would be willing to amend his application and strike the medical office and medical clinic-related uses from potential allowed future uses in the RO zone. The applicant agreed to the change reflected in the proposed Ordinance.

Mr. Johnson stated that the applicant had difficulty logging in to provide public comment and sent a message stating that an approved rezone is necessary if he wishes to grow his business and add more staff. He believed that as a business owner, growth is the goal. By expanding, they retain and create jobs for Cottonwood Heights residents, generate revenue, maintain an attractive appearance along one of the City's busiest roads, and prevent the property from becoming a run-down rental home. Staff found that the proposal complies with the General Plan and recommended approval.

**MOTION:** Council Member Bracken moved to approve Ordinance 357-A. The motion was seconded by Council Member Petersen. Vote on motion: Council Member Mikell-Aye, Council Member Bracken-Aye, Council Member Bruce-Nay, Council Member Petersen-Aye, Mayor Mike Peterson-Aye. The motion passed 4-to-1.

Council Member Bruce stated she voted against the Ordinance after speaking with Planning Commission Members who were thoughtful when they created a residential zone in the area. She agreed that it should remain residential.

**7.2     Consideration of Ordinance 358 Adopting a Final Budget for the Period of 1 July 2021 through 30 June 2022; Making Appropriations for the Support of the City of Cottonwood Heights for Such Period; and Determining the Rate of Tax and Levying Taxes Upon All Real and Personal Property within the City of Cottonwood Heights.**

Mayor Peterson stated that the above ordinance adopts a final budget for the period of 1 July 2021 through 30 June 2022 making appropriations for the support of the City of Cottonwood Heights for such period and determining the rate of tax and levying taxes on all real and personal property in the City of Cottonwood Heights.

Council Member Bruce commented that it is not easy being the dissenting vote and at times comes with dire consequences. She stated that she has never uttered the words "defund the police" but she has been vilified and the hatred and betrayal in her direction have been staggering. She was of the opinion that a healthy democracy requires robust debate and the type of representation she would like requires asking uncomfortable questions. She reiterated that she would like to see a level of transparency in the budget that she has not been able to obtain and that is why she does not support this Ordinance.

**MOTION:** Council Member Bracken moved to approve Ordinance 358. The motion was seconded by Council Member Mikell. Vote on motion: Council Member Mikell-Aye, Council

Member Bracken-Aye, Council Member Bruce-Nay, Council Member Petersen-Aye, Mayor Mike Peterson-Aye. The motion passed 4-to-1.

**7.3     Consideration of Ordinance 359 Enacting Code Chapter 17.29 Concerning a Storm Sewer Utility.**

Mayor Peterson reported that the above ordinance enacts Code Chapter 17.29 regarding a storm sewer utility.

Council Member Bruce asked if the item could return to the Council for further discussion. Mayor Peterson confirmed that it can be if the Council majority wishes to do so. Council Member Bracken believed now was the appropriate time to act. Mayor Petersen was in favor of the Ordinance and having a dedicated fund but was opposed to the fee amount and would pursue further discussion.

**MOTION:** Council Member Mikell moved to approve Ordinance 359. The motion was seconded by Council Member Bracken. Vote on motion: Council Member Mikell-Aye, Council Member Bracken-Aye, Council Member Bruce-Nay, Council Member Petersen-Aye, Mayor Mike Peterson-Aye. The motion passed 4-to-1.

**7.4     Consideration of Resolution 2021-26 Consenting to a Reappointment to the Planning Commission.**

Mr. Tingey stated that the proposed resolution involves the reappointment of Jessica Chappell to the Planning Commission. He stated that Ms. Chappell is a Structural Engineer by profession with an impressive background. He indicated that she is an asset to the Commission. Staff recommended approval.

**MOTION:** Council Member Bruce moved to approve Resolution 2021-26. The motion was seconded by Council Member Petersen. Vote on motion: Council Member Mikell-Aye, Council Member Bracken-Aye, Council Member Bruce-Aye, Council Member Petersen-Aye, Mayor Mike Peterson-Aye. The motion passed unanimously.

**7.5     Consideration of Resolution 2021-27 Consenting to Reappointments to the Parks, Trails, and Open Space Committee.**

Mr. Tingey reported the above resolution involves the reappointment of Greg Reid, Sarah Ricketts, and Jennifer Shah to the Parks, Trails, and Open Space Committee. Staff recommended approval of all three appointments as they have done an excellent job serving on the committee.

**MOTION:** Council Member Petersen moved to approve Resolution 2021-27. The motion was seconded by Council Member Mikell. Vote on motion: Council Member Mikell-Aye, Council Member Bracken-Aye, Council Member Bruce-Aye, Council Member Petersen-Aye, Mayor Mike Peterson-Aye. The motion passed unanimously.

**7.6     Consideration of Resolution 2021-28 Consenting to an Appointment to the Architectural Review Commission.**

Mr. Tingey reported that the above item involves the consent of the Council for the appointment of Sarah Covak to the Architectural Review Commission. Ms. Covak has an excellent background as an Architect. She currently serves as the Director of Architecture and Engineering for Maverik, Inc. and is well versed in land use processes. Staff recommended approval.

**MOTION:** Council Member Bruce moved to approve Resolution 2021-28. The motion was seconded by Council Member Mikell. Vote on motion: Council Member Mikell-Aye, Council Member Bracken-Aye, Council Member Bruce-Aye, Council Member Petersen-Aye, Mayor Mike Peterson-Aye. The motion passed unanimously.

**7.7. Consideration of Resolution 2021-29 Consenting to the Appointment of an Emergency Manager.**

Mr. Tingey reported that the above resolution involves the consent of the Council to the appointment of an Emergency Manager. During the 2021 Legislative Session, HB 96 passed and required political subdivisions to appoint an Emergency Manager. Assistant Chief, Paul Brenneman has been serving as Emergency Manager. Council Member Bruce stated as the Emergency Management Liaison, she has found Assistant Chief Brenneman to be an asset and stated that organizational skills are phenomenal.

**MOTION:** Council Member Bruce moved to approve Resolution 2021-29. The motion was seconded by Council Member Petersen. Vote on motion: Council Member Mikell-Aye, Council Member Bracken-Aye, Council Member Bruce-Aye, Council Member Petersen-Aye, Mayor Mike Peterson-Aye. The motion passed unanimously.

**7.8 Consideration of Resolution 2021-30 Approving Entry into an Interlocal Agreement Regarding the Community Renewable Energy Program.**

Mr. Johnson reported that the above resolution approves entry into an Interlocal Agreement regarding the Community Renewable Energy Program that was created several years prior by the State Legislature as House Bill 411. This is an opportunity for participating cities throughout the State to work toward having their energy from Net 100 renewable energy sources through a partnership with Rocky Mountain Power. The Governance Agreement allows the City to continue to be a participating community in the program and allows them to begin the detailed and technical study used to determine the rates and send out notices to residents from all participating communities. He reported that there is a budgetary component to help with the rate finding study. The noticing cost of \$33,000 over two years was included with the current budget.

**MOTION:** Council Member Bruce moved to approve Resolution 2021-30. The motion was seconded by Council Member Petersen. Vote on motion: Council Member Mikell-Abstained, Council Member Bracken-Aye, Council Member Bruce-Aye, Council Member Petersen-Aye, Mayor Mike Peterson-Aye. The motion passed unanimously with one abstention.

**7.9 Consideration of Resolution 2021-31 Approving “Production Team” Contracts for the 2021 City-Sponsored Play.**



Mr. Tingey reported that the above resolution involves approval of the “Production Team” contracts for the 2021 City-sponsored production of *Matilda*. The cost includes a fee of \$650 for Director Adam Cannon, a \$450 fee for choreographer Xhing Yu, and a \$400 and \$450 fee for both Music and Orchestra Director, Robert Badaunt. Staff recommended approval.

**MOTION:** Council Member Petersen moved to approve Resolution 2021-31. The motion was seconded by Council Member Bruce. Vote on motion: Council Member Mikell-Aye, Council Member Bracken-Aye, Council Member Bruce-Aye, Council Member Petersen-Aye, Mayor Mike Peterson-Aye. The motion passed unanimously.

**7.10 Consideration of Resolution 2021-32 Approving Performance Contracts for 2021 Butlerville Days.**

Mayor Peterson reported that the above resolution approves a Performance Contract for Charley Jenkins and Melissa Halvorsen dba Hawkwatch International for entertainment at 2021 Butlerville Days.

**MOTION:** Council Member Bracken moved to approve Resolution 2021-32. The motion was seconded by Council Member Bruce. Vote on motion: Council Member Mikell-Aye, Council Member Bracken-Aye, Council Member Bruce-Aye, Council Member Petersen-Aye, Mayor Mike Peterson-Aye. The motion passed unanimously.

**8.0 CONSENT CALENDAR**

**8.1 Approval of the City Council Work Session and Business Meeting Minutes for June 1, 2021.**

**MOTION:** Council Member Petersen moved to approve the City Council Work Session and Business Meeting Minutes for June 1, 2021. The motion was seconded by Council Member Mikell. Vote on motion: Council Member Mikell-Aye, Council Member Bracken-Aye, Council Member Bruce-Abstained, Council Member Petersen-Aye, Mayor Mike Peterson-Aye. The motion passed unanimously with one abstention.

**9.0 ADJOURN CITY COUNCIL BUSINESS MEETING.**

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

The meeting adjourned at 9:19 p.m.

*I hereby certify that the foregoing represents a true, accurate, and complete record of the Cottonwood Heights City Council Work and Business Meetings held Tuesday, June 15, 2021.*

Teri Forbes

Teri Forbes  
T Forbes Group  
Minutes Secretary

Minutes Approved: July 6, 2021