

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL WORK SESSION  
HELD TUESDAY, JANUARY 19, 2021, AT 5:00 P.M. THE MEETING WAS HELD  
ELECTRONICALLY, WITHOUT A PHYSICAL LOCATION DUE TO THE CURRENT  
COVID-19 PANDEMIC AND AS AUTHORIZED BY THE GOVERNOR'S EXECUTIVE  
ORDER DATED 18 MARCH 2020**

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

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

**1. Welcome and Determination – Mayor Michael Peterson.**

Mayor Mike Peterson called the meeting to order at 5:05 p.m. and welcomed those listening. He read in its entirety the declaration giving the Council the authority to hold the meeting via Zoom, pursuant to Utah Code Annotated §52-4-207(4).

**2. Gravel Pit Discussion – Community and Economic Development Director Michael Johnson with Planning Commission Chair Christine Coutts.**

Community and Economic Development Director, Michael Johnson invited Planning Commission Chair, Christine Coutts, to provide an overview of the public process involved with the Gravel Pit. Chair Coutts explained that this project is the second Planned Development District (“PDD”) to come through the Planning Commission. This PDD is the first half of the Gravel Pit and involves the smaller of the two parcels. The Gravel Pit site was assigned the highest tier, which would allow for it to be the densest development in Cottonwood Heights. The developer had a fair amount of latitude as to what could be installed on the site. Chair Coutts commented that the developer worked well with the Planning Commission and was quite responsive. One goal of the PDD was to allow the developer to partner with the City in determining what will work best for a particular development. She stressed that with the PDD, it is the developer’s role to submit a proposed ordinance for the site.

The Planning Commission worked with the developer and received public input over the course of seven to eight months. Chair Coutts explained that the application initially submitted by the developer was quite different from the final product. The developer worked extensively with staff and the Architectural Review Commission (“ARC”) to orient the project in a manner that is user friendly and connected to what already exists in Cottonwood Heights.

Chair Coutts noted that the Gravel Pit is a very visible site, so a great deal of time was spent with the Planning Commission to ensure that the developer was aware of and responding to input regarding the Gateway Overlay District. The site is also a Sensitive Lands area and the

developer was required to address each of the elements in addition to preparing the PDD Ordinance for the parcel.

Chair Coutts reported that the PDD allowed for a give and take process with the developer and noted that the developer had the opportunity for higher building heights they did not take. She shared that most of the public feedback received about the project came from the Canyon Cove neighborhood. The primary concern was traffic and, to a lesser extent, building height. The City of Holladay partnered with the Planning Commission as well and shared their concerns with the project.

The opportunities presented by the PDD allow the developer to give Cottonwood Heights a Gateway project that will serve the City for years to come. The Planning Commission spoke at length with the developer about the importance of the City being a gateway to the Canyons and what goes along with that including traffic and parking. Chair Coutts noted that a future parking structure is planned for the southern portion of the Gravel Pit. Traffic was definitely a focus, however, not as significantly as for the remainder of the Gravel Pit.

As a whole, the Planning Commission recognized that the primary parking and traffic issues would be addressed in the next application for the remaining parcel but were cognizant of these issues as they pertain to this application.

Chair Coutts reported that this would be a phased development very similar to the Canyon Centre. Portions of the development may be sold prior to development of specific buildings, however, the developer will complete development on the apartments and condominiums.

In addition to Sensitive Lands, there are significant seismic impacts associated with the site. A five-foot water pipe runs through the parcel that will not be built on. Other aspects that presented challenges included connections to future trails, including the Big Cottonwood and Bonneville Shoreline Trails. The developer had been working with the Utah Department of Transportation (“UDOT”) regarding traffic access off of Wasatch Boulevard.

Chair Coutts reported that the public input process was healthy. The developer completed all of the steps required by the PDD and held public meetings where the public could view the plans and ask questions. Canyon Cove was very organized in submitting its public comments. She noted that this project was a monthly agenda item for the Planning Commission as the developer worked through different aspects of the development. The developer spent a significant amount of time working with staff to get the ARC engaged. That is reflected in the revisions to the PDD. Having the ARC work with the developer in writing design guidelines specific to their application helped flesh out details of the project that were important to the Planning Commission.

Council Member Bracken asked about the placement of parking on the southern parcel and how it will connect to the subject parcel. Chair Coutts explained that the Planning Commission did not dictate the placement of the public parking, which would be part of a broader conversation. Conversations with the Wasatch Front Regional Council (“WFRC”) are a UDOT initiative and

they would be looking at the southern parcel for the parking structure that was proposed some time ago.

Mr. Johnson added that UDOT estimated that they will need 15 to 20 acres of flat land to provide the amount of parking envisioned. As the current parcel only consists of 20 acres, not all of which is buildable, they could not find a way to fit the parking structure into this development.

In response to a concern expressed about the connections between the two parcels, Mr. Johnson stated that UDOT is still looking at a number of alternatives and much will depend on the transportation modes selected. They would look at buses versus other transportation alternatives. Chair Coutts explained that the two parcels will be connected through the center roadway that will accommodate public buses.

Council Member Bracken wanted more information on what is planned for parking and transit alternatives.

Mayor Peterson raised the issue of the Planning Commission's recommendation regarding affordable housing. Chair Coutts explained that for this project, the developer initially requested 10% of the available units be available to those at 50% of the Area Median Income ("AMI"), which is the guideline set forth in the PDD. There was significant discussion among the Planning Commission and with the developer on this issue and the developer came back with a proposal of 80% AMI. The Planning Commission felt that if they were to allow 80% AMI they would request more affordable units. The Planning Commission's recommendation was to provide 20% of the available units at 80% AMI.

Chair Coutts addressed a question regarding the issue of building heights within the PDD. The City of Holladay expressed concerns about building heights as did residents of Old Mill. She reiterated that this represented part of the tradeoff between the City and the developer. The developer would get more density, which potentially means more height, and the City would receive more amenities. The tallest building in the project is the condominium building, which is also the closest to the residential area. The renderings showed what the height actually looked like at different elevations. She remarked that the context of this building in relation to the hillside shows how the building fits. The Council was shown renderings for the different angles of the proposed condominium building.

In response to an inquiry from Council Member Mikell regarding what the City would receive for concessions on certain issues, Chair Coutts noted that they received a significant amount of sensitivity in the landscaping and the approach off of existing Wasatch Boulevard. The developer seemed responsive and worked to provide a pedestrian network that they likely would not have otherwise included.

The developer also worked to ensure that the central street that will be the connector for the Gravel Pit was fronted with retail, would provide access to the apartments, and can accommodate buses. Additionally, the developer worked to provide parking for access to the Bonneville Shoreline Trail. Chair Coutts stated that another tradeoff that they tried to achieve was Below

Market Rate (“BMR”) Housing, which was still under discussion. She stated that the Commission will likely encourage the developer more on the BMR aspects of the project.

Chair Coutts stated that the primary focus for public amenities was the connection to the Bonneville Shoreline Trail. She pushed for easements to connect to the future multi-use trail along Wasatch Boulevard. She also stated that surface parking along Wasatch Boulevard should be addressed and they would push for more specifics as the project moves forward. Mr. Johnson noted that one of the conditions imposed by the ARC was that the vegetation and wall that separates the State road from the project should be aesthetically compatible with the rest of the site and high enough to block headlights and the view of vehicles from Wasatch Boulevard into the site. Mr. Johnson stated that the PDD Ordinance specifically provides that the development must comply with the Outdoor Lighting Ordinance.

Mr. Johnson explained that the focus of discussion at the next meeting will be on Sensitive Lands. Thereafter, they will come back to address Council questions and concerns. It was suggested that traffic, parking, and mass transit be topics of discussion in future meetings. Mr. Johnson stated that UDOT has looked at a number of options for a potential parking structure and concluded that there are too many constraints on this parcel to accommodate the requested parking structure. UDOT was still assessing the options.

### **3. Review of Business Meeting Agenda – Mayor Michael Peterson.**

Mayor Peterson noted that after citizen comments, the Council would consider the proposed Budget Amendment. Finance and Administrative Services Director, S. Scott Juges explained that the main items included in the proposed Budget Amendment are Coronavirus Aid, Relief, and Economic Security (“CARES”) Act funds, which resulted in an increase to the General Fund Balance of approximately \$983,000. Most of it is money that was used to offset Unified Fire Authority (“UFA”) costs for the first quarter of the fiscal year. Mr. Juges reported that the additional items included in the Budget Amendment to the General Fund include grants received, proceeds from the sales of surplus property, and restitution for property damage to City property.

Mr. Juges reported that two of the items included in the Budget Amendment to the Capital Improvement Fund include Tourism, Recreation, Culture, and Convention (“TRCC”) funding related to improvements to Big Cottonwood Trail. The third item involved the utilization of a portion of the fund balance for the design and planning of Ferguson Canyon Park and Dog Park.

The Council was to address three action items related to the budget amendment, targeted residential picketing, and guest permit parking. Mr. Johnson stated that since the last discussion, they have added a provision that the guest permits are not transferable and that there may be replacement costs for lost permits.

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

##### **a. Proposed Budget Amendment for 2020-2021 Fiscal Year – Administrative and Fiscal Services Director, Scott Jurges.**

The Council was invited to ask questions regarding the Proposed Budget Amendment, as summarized by Mr. Jurges earlier in the meeting. There were no questions or comments by the Council.

##### **b. Storm Water Fee Discussion – Public Works Director Matt Shipp with Mr. Justin Dietrich with Bowen Collins & Associates.**

Public Works Director, Matt Shipp introduced Messrs. Craig Bagley and Justin Dietrich from Bowen Collins & Associates. Mr. Shipp stated that the Council approved the contract with Bowen Collins to consult in developing the City's Stormwater Program. Bowen Collins is the same firm that performed similar work for the City of Millcreek.

Mr. Dietrich reported that most of the construction and development of Cottonwood Heights occurred from the 1970s to the 1990s. When the City incorporated, it inherited a stormwater system that was built of corrugated metal pipe that has a design life of approximately 25 years. Some of the pipes in Cottonwood Heights are nearly doubled their design life. Photographs were displayed showing deterioration in the pipes. He reported that last year, the City received approximately \$150,000 in emergency funding to repair emergency conditions discovered within the storm drain system. He referenced a severely deteriorated corrugated metal pipe discovered in Millcreek's stormwater system that showed the importance of addressing infrastructure needs.

Another issue facing was buried manholes throughout the City. Mr. Dietrich presented a map showing the location of manholes known to be buried. Buried manholes cause system problems and do not allow the system to vent properly, which in turn, increases the deterioration of the pipes. Additionally, the buried manholes prevent access for maintenance purposes. Mr. Dietrich highlighted a buried manhole to demonstrate the caverns that could occur beneath roads located above deteriorated pipes. He explained that the City needs capital improvements made to the system to locate and repair deteriorated piping and to conduct regular maintenance. This will protect the property within the City, make the City safer from floods and collapsed roads, and increase the service life of the roads.

From a regulatory standpoint, Mr. Dietrich noted that stormwater was historically been unregulated. That changed with the passage of the Clean Water Act, which imposed heavy regulations on stormwater systems due to concern over keeping water sources clean. Stormwater runoff is notorious for carrying hydrocarbons into lakes and streams. He noted that the Jordan River was designated as a compromised water source.

Mr. Dietrich described the MS4 permit requirements that include six minimum control measures. Every municipality in the County is bound by the same regulations, which are administered by the State under the auspices of the Federal Environmental Protection Agency ("FEPA"). He

highlighted more recent regulations and stressed that stricter regulations will be implemented in the future.

Mr. Dietrich listed some of the activities the City must take to come into regulatory compliance including inspections, enforcement of violations, water quality testing and reporting, audits, education and outreach, street sweeping, and working with private stormwater systems. These activities are in addition to maintaining and improving the stormwater system. He noted that there is a significant administrative component to the regulatory requirements.

Mr. Dietrich discussed the funding history for Cottonwood Heights, including the collection of taxes that are then apportioned to various City activities, including stormwater. With increased regulation and capital improvements to the system, Mr. Dietrich stated that it would be difficult to adequately fund a compliant stormwater system. He presented a graphic illustrating what other municipalities have done to address these issues.

Mr. Dietrich added that all local jurisdictions, with the exception of Cottonwood Heights, South Salt Lake, and Alta have implemented a Stormwater Fee. Fees are pending in unincorporated areas and South Salt Lake. The Storm Water Fee changes the funding stream and is paid by all users. It is considered to be a fair way to distribute costs because it is based on impervious area (hardscape).

Mr. Dietrich reported that his team needs to take the work already performed by the City, including the rate study and the Stormwater Master Plan, and create a program that is defensible, easy to administer, meets Cottonwood Heights' needs, and can be implemented. He reported that over the next few months, they will keep the Council updated on their progress in preparing a final deliverable, which will be a policy manual that is specific to Cottonwood Heights, for the Stormwater Fee Program. His team will also work with the City Attorney on the ordinance language.

Council Member Bracken asked about restrictions on the use of the Stormwater Fee funds from a State or Federal perspective. Mr. Shipp explained that the Stormwater Fee is a fee that is implemented by the City. The City's policies will regulate how the funding is spent. There are Federal and State guidelines that dictate that there will be a funding source but does not specify what it is. Currently, Cottonwood Heights' funding source is the General Fund. It was noted that if the Stormwater Fee is adopted, language will also be adopted defining how the funds will be spent.

In response to an inquiry, Mr. Dietrich confirmed that the stormwater challenges facing Cottonwood Heights exist across the entire Wasatch Front. He noted that it is especially uniform with respect to the MS4 permit because each municipality is a permittee on the same permit through the State. Mr. Dietrich added that some older communities, including Cottonwood Heights, have the additional challenge of significant capital improvements that are required in addition to addressing regulatory compliance. Some newer communities have new systems and are focused more on complying with the regulations than capital improvements. It was confirmed that the City of Holladay recently adopted a Stormwater Fee and is in the process of getting their program up and running.

Mr. Shipp reported that the Council provided direction on the fee to be presented to the public and noted that public comment would be a significant part of the process. The final decision regarding the amount of the fee would be determined by the Council.

c. **Agreement with Horrocks Engineers for Transportation Master Plan – Public Works Director, Matt Shipp.**

Mr. Shipp reported that they are not looking to formalize an agreement at this meeting but plan on presenting an agreement and scope at the next meeting for consideration. He noted that currently, the City does not have a Transportation Master Plan. It will serve as a long-range transportation infrastructure investment and guide the City in the development of roadways and related projects. The Transportation Master Plan will include a complete Street Cross-Sections Plan and a complete intersection design. Mr. Shipp also reported that the Transportation Master Plan will include existing and future pedestrian plans. He noted that the pedestrian plans will pertain to roadway corridors only and will not include trails outside of the roadway corridors. A separate Master Plan will be used for trails. Existing and future bicycle and transit plans will also be added to the Transportation Master Plan as well as active transportation strategies.

Mr. Shipp stated that in the development of a comprehensive plan the focus will be on the needs of all users. Right-of-way access for bicyclists, pedestrians, and other transit options was being pushed and will be considered in a Transportation Master Plan taking into account the issue of safe access, regardless of age or ability.

Mr. Shipp explained that the Transportation Master Plan will look at multi-modal street design standards and show connections for smooth traffic transitions. It will also include traffic calming strategies. He noted that there is already a traffic calming policy in place that requires updating that would be included as well.

Traffic Impact Studies for developments will be included as a requirement in the Transportation Master Plan. He noted that the importance of Traffic Impact Studies was demonstrated in the discussion regarding the Gravel Pit development. Mr. Shipp highlighted the importance of these issues not only to citizens of Cottonwood Heights but to neighboring cities as well. To be a success, the Transportation Master Plan should evaluate the existing conditions and evaluation criteria for prioritizing projects should be created. He stressed the importance of prioritizing needs from a budget perspective and action plans to implement the recommended infrastructure.

Mr. Shipp reported that the goals of the Transportation Master Plan were improved accessibility, comfort, and safety for roadway users, promotion of active transportation by offering safe corridors, improved connectivity, and street design, and a tool for the Council, staff, and developers to use in development activities in the City. Mr. Shipp reported that they are in the process of updating the General Plan but noted that the General Plan is a high level, long-range view. The Transportation Master Plan will serve as a workable document to implement the long-range goals of the General Plan.

Mr. Shipp explained that the Transportation Master Plan will be funded by the Transportation Impact Fee, which was a limited scope fee dedicated, in part, to the creation of the Transportation Master Plan. The desire was to move forward with the Transportation Master Plan and present the Council with a scope and contract for consideration. Mr. Shipp clarified that the Transportation Plan will be separate from the General Plan and will contain the specifics of how to implement the goals set forth in the General Plan. Mr. Johnson added that the General Plan contemplates the creation of a Transportation Master Plan. He noted that the work done on a New General Plan will be coordinated with the Transportation Master Plan to ensure that the two plans are compatible. Mr. Shipp stated that the expected cost of preparing the Transportation Master Plan will be \$35,000 to \$40,000.

Council Member Bracken asked if the traffic calming policy will be included. He suggested that the Plan show the path between what currently exists and what they want to achieve. Currently, the impact fees are being held for this project and will not require diversion from other projects. It was noted that it is important to have this document so that as developments come in there will be some control over what can be built. Council Member Bruce suggested that the Plan include designs around school zones to make them safer for pedestrians and bicyclists.

**d. Affordable Housing Text Amendment – Community and Economic Development Director, Michael Johnson.**

Mr. Johnson reiterated the options provided to the Council and noted that based on their research and representations by the applicant concerning the ability to finance, approving 15% of the units at 80% AMI was reasonable and represents a fair share of affordable housing to be provided by the developer. Affordable housing at this level is more than is required by the Code and furthers the City's affordable housing goals.

Mr. Johnson acknowledged the Planning Commission's view, which differed from the applicant's proposal. One option was for the Council to move forward with the applicant's specific proposal of 80/15, which would result in either a positive or negative vote. Another option would be to remand the matter back to the Planning Commission and ask for a recommendation specific to the 80/15 proposal by the developer. It was confirmed that the Planning Commission did not take a position on the applicant's 80/15 proposal. Mr. Johnson noted that when the Planning Commission considered the initial proposal, they recommended approval at 80/20. Based on that determination, the applicant agreed to amend their proposal to 15% of available units but indicated that they could not go to 20% of the available units.

Mayor Peterson supported either adopting the Planning Commission's recommendation at 80/20 or remanding it back to the Planning Commission for consideration of the applicant's amended proposal of 80/15. Mr. Johnson indicated that they have held the City-initiated text amendment to allow this PDD development application to play out because it is vested under the existing ordinance.

In response to an inquiry, Mr. Johnson stated that the developer has a phasing plan that includes seven or eight phases. The apartment structure that will house the affordable housing is included



in Phase One. Engineering, design, and construction of that building was to begin immediately upon approval.

Because the application was initiated by the developer, the Council must either accept or reject it. If it were initiated by staff, there would be more leeway in terms of Council recommendations. It was confirmed that the option of remanding it back to the Planning Commission was viable because the application changed after the Planning Commission made its' recommendation. When it comes back to the Council, the Council will approve or decline the application as presented. Mr. Johnson confirmed that it would be an amendment to the PDD Ordinance that would apply to all future PDD projects.

The Council agreed with remanding the matter back to the Planning Commission for consideration of the amended application at 80/15. Mr. Johnson recounted that the Planning Commission's recommendation of 80/20 was part of a tradeoff for increasing the housing affordability rate from 50% to 80%. They did not consider the 15% number subsequently proposed by the developer.

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

City Manager, Tim Tingey reported that the City Council Retreat will take place on February 10, 2021, from 12:00 p.m. to 5:00 p.m.

**6. Possible Closed Meeting to Discuss Litigation, Property Acquisition, and/or the Character and Professional Competence or Physical or Mental Health of an Individual.**

There was no closed meeting.

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

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

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

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL BUSINESS MEETING HELD TUESDAY, JANUARY 19, 2021, AT 7:00 P.M. THE MEETING WAS HELD ELECTRONICALLY, WITHOUT A PHYSICAL LOCATION DUE TO THE CURRENT COVID-19 PANDEMIC AND AS AUTHORIZED BY THE GOVERNOR'S EXECUTIVE ORDER DATED 18 MARCH 2020**

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

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

**1.0 WELCOME AND DETERMINATION**

**1.1 The Mayor, as Chair of the City Council, will read the Written Determination Concerning an Anchor Location for this Electronic Meeting During the Current Pandemic, Pursuant to Utah Code Ann. 52-4-207(4).**

Mayor Mike Peterson called the meeting to order at 7:01 p.m. He read in its entirety the determination giving the Council the authority to hold the meeting via Zoom, pursuant to Utah Code Annotated §52-4-207(4).

**2.0 PLEDGE AND ACKNOWLEDGEMENTS**

Assistant Fire Chief, Riley Pilgrim led the Pledge of Allegiance.

**3.0 CITIZEN COMMENTS**

There were no citizen comments.

**4.0 PUBLIC HEARING**

**4.1 Proposed Budget Amendment for 2020-2021 Fiscal Year – Finance and Administrative Services Director, Scott Jurgens.**

Finance and Administrative Services Director, S. Scott Jurgens presented the proposed budget amendments beginning with the General Fund. He explained that the adjustments recognize the portion of CARES Act expenses and revenues that are attributable to the current fiscal year. He presented the staff report outlining the proposed budget adjustments. With respect to the General Fund, Mr. Jurgens reported that during the current fiscal year there were \$310,859 in expenditures compared to \$1,294,220 in revenue. This yielded a difference of \$983,361, which represents additional revenue to the General Fund for the current fiscal year.

Mr. Jurges explained that the remaining adjustments to the General Fund consist of the following grants and surplus sales:

- Item #2 was an Arts Council grant from the State in the amount of \$4,500.
- Item #3 was a grant from the State of Utah Clean Air Partnership to be used for a study in the amount of \$12,984.
- Item #4 was a police grant from the State of Utah Highway Safety specifically for DUI overtime in the amount of \$10,798.
- Item #5 was described as a police grant from the State of Utah Highway Safety for speed and seatbelt overtime in the amount of \$3,722.
- Item #6 reflected funds from an evidence sale in the amount of \$3,098. He explained that when they sell police evidence, they typically put that money back into the department for supplies.
- Item #7 was a State Asset Forfeiture Grant to the police to be used for police K-9 expenditures in the amount of \$5,859.
- Item #8 was a police grant from the Utah Commission on Criminal and Juvenile Justice (“CCJJ”) to be used for police training in the amount of \$2,005.
- Item #9 represented restitution for damage incurred to property, including police vehicles. To date, \$6,540 had been received.
- Item #10 and 11 represented the surplussing of three vehicles and one piece of equipment in the amount of \$4,517 and \$10,259. Mr. Jurges stated that they would like to utilize some of these funds in the Police Department to replace an older utility side-by-side vehicle. They would also like to utilize some of the funds in Public Works to replace equipment that has reached its useful life.

Mr. Jurges reported that these line items result in a net increase in expenditures of \$373,141 and an increase in revenue of \$1,356,502.

In the Capital Improvements Fund, Mr. Jurges highlighted three budget adjustment items, two of which are related to TRCC Funding. The first item funds the Big Cottonwood Trail wayfinding educational kiosks in the amount of \$43,695. This item was discussed, but not included in the budget due to the uncertainty as to whether the funds would be available. The second adjustment was for Big Cottonwood Trail improvements and maintenance. Mr. Jurges reminded the Council that this expense was included in the budget, so this funding from Salt Lake County adds \$83,682 to the Capital Improvements Fund balance. He acknowledged the proposed utilization of \$55,600 from the fund balance for the design and planning of the Ferguson Canyon Park and Dog Park.

Mr. Jurges summarized that as part of these adjustments, an additional \$99,295 in expenses would be added to the Capital Improvements Fund along with the addition of \$127,377 in revenue. They added approximately \$28,000 in additional funds into Capital Improvements.

Mayor Petersen opened the public hearing. There were no public comments. The public hearing was closed.

## **5.0 STAFF QUARTERLY REPORTS**

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

Mr. Jurges presented the Financial Report through December 2020 and explained that some of the sales tax and other revenue sources have not been fully reported and were not included in the numbers. Sales tax revenue of \$2,431,000 had been received through the end of October, which was approximately \$279,000 ahead of where they were last year. The current budget was set artificially low due to the uncertainty of the COVID-19 pandemic. Mr. Jurges expressed his belief that they are on a good trajectory moving forward and it would be safe to assume that they will receive at least \$6,719,000 in sales tax revenue for the year. He presented the County Option Highway Transportation Sales Tax, which is a new tax instituted last year. Reported revenue is approximately \$26,000 ahead of this time last year. He expected to end the year slightly ahead of the budgeted amount.

Mr. Jurges presented a graph depicting the Municipal Energy Tax trends. He explained that the Energy Tax is a combination of a tax on power and natural gas distribution. There have been slight declines in this tax revenue each year, although revenue through November is slightly higher compared to last year. This category of revenue is highly dependent on the weather in any given year. Mr. Jurges next presented a graph showing the City's Class C Road Funds. He explained that these numbers are based on funds collected from May through April. Over the last six months, revenue was down by approximately \$58,000 from the previous year. He noted, however, that they bumped the estimate down in the budget by approximately \$80,000. He was not overly concerned that they will be off budget by a substantial amount.

Mr. Jurges presented the numbers on the Cable Franchise Tax showing that they are slightly ahead of budget, but slightly behind last year in terms of the amounts collected. He reminded the Council that this budget item was decreased this year based on the downward trend in previous years. He expected that they would be close to the budgeted number.

Mr. Jurges described the General Fund expense trend through the month of December and noted that there may be items not reflected in the report due to delays in getting year-end invoices entered into the system. Currently, they are at 46 to 47 percent of budgeted expenditures. The newly adopted pay changes will increase the expenditures somewhat during the first half of the year. He did not see anything of concern in his review of the budget.

In response to an inquiry, Mr. Jurgens stated that taking into account the proposed budget adjustment that adds approximately \$1 million to the fund balance, they would close the year nearly even or slightly improved. It was noted that the CARES Act funding strengthens the fund balance and it is critical that they look at the five-year projections.

Council Member Tali Bruce asked about the sale of citizens' assets. She was concerned that every effort be made to get items back to the rightful owners as she believes that we have lied to people in the past about the status of their items. City Manager, Tim Tingey responded that staff was in the process of going through the required processes.

## **5.2 Unified Fire Report – Assistant Fire Chief, Riley Pilgrim.**

Assistant Fire Chief, Riley Pilgrim presented graphs illustrating the number and types of calls received during the last quarter of 2020. There were 536 total incidents in the last three months of 2020, 40% of which were classified as emergent. He presented the comparison of the number of calls in the last quarter of 2020 to the calls during the same time period one year ago. There was a slight spike in calls in October. He noted that when people resumed their routines they saw an increase in calls compared to the earlier months of the pandemic.

Assistant Chief Pilgrim described the top five fire dispatch types and top five emergency medical service ("EMS") types. He explained that approximately one half of the fire calls involved an actual fire situation. They saw an increase in medical calls, which is fairly typical and is the bulk of what they do as a department. He presented a heat map showing the location of the activity, generally located in the higher population facilities such as care centers, apartment complexes, and other dense dwellings. He highlighted the calls received by Station 110 for the past quarter. They responded to just over 300 calls, which is fairly average for the quarter and consistent with the calls received during the last quarter over the past three years. Station 116 received fewer than 100 calls, which is consistent with prior years.

Assistant Chief Pilgrim indicated that he would provide the Council with updated charts with the current numbers through the end of 2020. He added that Captain Jerry Mayne, who was at Station 110 for several years, retired on January 15, 2021, after 27 years with the Salt Lake County Fire Department and the UFA. Captain Mayne was an instrumental part of the Heavy Rescue Program and had been a dedicated Captain serving the citizens of Cottonwood Heights over the last few years of his career.

In response to an inquiry, Assistant Chief Pilgrim described a recent structure fire incident that occurred in Midvale City. 33 units responded, which demonstrated the importance of municipalities working together. He described it as a significant event at a medical office facility that involved a slow-burning fire over several hours. The structure was not equipped with an alarm system or sprinklers. The structure was located just down the street from Station 126 in Midvale so crews were able to respond quickly once called.

By the time the initial responders arrived, they called for additional assistance due to the size of the event. Ultimately, 33 units responded from most of the municipalities surrounding Midvale. Assistant Chief Pilgrim addressed the importance of properly utilizing available resources during

a significant fire event so that there are no gaps while the event is being addressed. He considered this to be a good example of coordination and collaboration of agency resources within and throughout the Salt Lake Valley.

Assistant Chief Pilgrim added that the department recently concluded its 2018-2020 Organizational Strategic Plan, which was the first prepared for the UFA. He reported that they met many of the goals listed in the Plan and it proved helpful for their budgetary process and prioritization and fiscal responses. They looked forward to completing and implementing the Plan for 2021-2023.

Mayor Peterson suggested that for the next quarterly report, the Council be provided with information regarding the Plan.

## **6.0 ACTION ITEMS**

### **6.1 Consideration of Ordinance 352 Approving an Amendment to the 2020-2021 Budget.**

**MOTION:** Council Member Mikell moved to approve Ordinance 352. 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.

### **6.2 Consideration of Ordinance 353 Enacting Chapter 10.42, Cottonwood Heights Code of Ordinances, Concerning Targeted Residential Picketing.**

Chief Robby Russo introduced the proposed ordinance, which would prohibit people from targeting individuals at their homes for political or other purposes. Protests within 100 feet of a residence would be prohibited by the ordinance. Chief Russo added that the proposed ordinance is timely and protects every resident and not just political figures. City Attorney, Shane Topham added that this type of ordinance has been considered in other jurisdictions. The ordinance is based on similar ordinances that have been enacted in a number of cities in Utah.

Council Member Bruce commented that while she supports the theory behind the ordinance, she did not want it to be another opportunity for a police response like the one in August. Mr. Tingey stated that the proposed ordinance implements what other jurisdictions have done and will address future events consistent with the ordinance. It was noted that staff was still awaiting a report from the Attorney General on the events of August 2, 2020.

**MOTION:** Council Member Bracken moved to approve Ordinance 353. 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.

**6.3     Consideration of Ordinance 354 Amending Sections 11.22.130 and 11.22.140, Cottonwood Heights Code of Ordinances, Concerning Guest Permits in Permit Parking Areas.**

Community and Economic Development Director Michael Johnson introduced the ordinance and stated that it clarifies a provision in the current Parking Ordinance to provide that anyone living in a permit parking area will receive two guest permits that can be used at their convenience. The permits will be registered with each resident's name and address, which will allow them to be enforced and ensure that they are being used appropriately.

**MOTION:** Council Member Petersen moved to approve Ordinance 354. 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.

**7.0     CONSENT CALENDAR**

**7.1     Approval of the City Council Work Session and Business Meeting Minutes for January 5, 2021.**

**MOTION:** Council Member Bracken moved to approve the City Council Work Session and Business Meeting minutes of January 4, 2021. The motion was seconded by Council Member Petersen. Vote on motion: Council Member Mikell-Aye, Council Member Bracken-Aye, Council Member Petersen-Aye, Mayor Mike Peterson-Aye, Council Member Bruce-Abstained. The motion passed unanimously with one abstention.

**8.0     ADJOURN CITY COUNCIL BUSINESS MEETING.**

Mayor Peterson announced that would not be present at the next meeting scheduled for February 2, 2021. Council Member Bracken would serve as Mayor Pro Tempore and chair the meeting.

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

The meeting adjourned at 7:50 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, January 19, 2021.*

Teri Forbes

Teri Forbes  
T Forbes Group  
Minutes Secretary

Minutes Approved: February 2, 2021