

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL WORK SESSION
HELD TUESDAY, APRIL 20, 2021, AT 5:00 P.M. THE MEETING WAS HELD
ELECTRONICALLY, WITHOUT A PHYSICAL LOCATION, AS AUTHORIZED BY
UTAH CODE ANNOTATED §52-4-207(4).**

Members Present: Mayor Mike Peterson, Council Member Scott Bracken, Council Member 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, Administrative Services Director S. Scott Jurges

Excused: Council Member Tali Bruce, Public Works Director Matt Shipp

1. Welcome and Determination – Mayor Peterson.

Mayor Mike Peterson called the meeting to order at 5:00 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. Central Wasatch Commission (“CWC”) Presentation – CWC Deputy Director, Blake Perez.

Central Wasatch Commission (“CWC”) Deputy Director, Blake Perez provided an update on the Mountain Transportation System (“MTS”) Planning process. He reported that the CWC recently closed its call for short-term projects and received requests for approximately 26 different projects totaling \$300,000. The CWC funded 10 projects totaling nearly \$100,000 and have a similar amount of budget and are determining how many can be funded with that amount.

Mr. Perez stated that the CWC recently signed a contract for an Interlocal Agreement with Utah State University for a Visitor Use Study. The study originated from the CWC’s Stakeholders Council and was brought before the CWC Board followed by Request for Proposals (“RFP”). The study is intended to determine the thresholds of different areas of the Central Wasatch mountains and the range of reasonable change. The outcome will provide information regarding transportation, management, and investment in different economic and recreation opportunities. An update was expected to be available by June 2021 with Phase 1 being completed by the end of the year.

Mr. Perez reported that the Stakeholders Council is made up of an Advisory Board with 35 stakeholders. Approximately half of those members' terms will expire within the next few months. They will be doing a call for new members from the end of April through May. He confirmed that there are six openings and applications and new members will be approved at the July CWC meeting.

The Environmental Dashboard was next described. Mr. Perez reported that the Dashboard is on track to be completed by the end of the year. It will serve as an online tool for the public, policy makers, and educators to look at the health of the ecological systems within the Central Wasatch in real time. The CWC received appropriations this year from the State Legislature for approximately \$150,000 to go toward three different projects. Projects include the Visitor Use Study, graffiti remediation to be performed by Graffiti Busters, and the Bus Bypass Service. He explained that the concept behind the Bus Bypass Service is the involvement of several police departments to provide bus escorts during heavy congestion days.

Transportation issues were next discussed. The MTS effort is still underway with a parallel effort from the Utah Department of Transportation (“UDOT”) Environmental Impact Study (“EIS”). Mr. Perez reported that the Evaluation Matrix was shared previously and since then the CWC hosted a Mountain Transportation Summit with Commissioners in hopes of trying to come to a consensus agreement. It was suggested that an effort be made to reach a consensus recommendation to share with UDOT prior to the release of their draft EIS later in the summer.

Mayor Peterson commented that these types of presentations are intended to keep Council Members updated on projects that are occurring throughout the City. He believed that to this point the Commissioners did not have a consensus but there is a general feeling that bussing is part of the short-term resolution and possibly long-term as further discussions take place.

Council Member Petersen asked about the threshold of the Canyons and when the true threshold will be available. Mr. Perez replied that ideally it would be available in November and provide details prior to a final record of decision from UDOT. He emphasized that it looks at a range of reasonable change in different areas and is not a cap.

Council Member Mikell requested confirmation that the Mayor will not vote without Council input on the CWC Transportation Mode. Mayor Peterson stated that he wants the City Council to be well informed and there will be ample time to discuss the priorities and feelings of the Council prior to the vote. It was his intent to vote based on the consensus of the Council. He recognized that buses are critical to solving the transportation issue, particularly in the short term. He was not prepared to take a position in the long term.

Mr. Perez stated that Cottonwood Heights is known as the “City between the Canyons” with Wasatch Boulevard being the lynchpin to the Regional Transportation System. He expressed appreciation for the City’s engagement.

3. Review of Business Meeting Agenda – Mayor Peterson.

Mayor Peterson reviewed the Business Meeting Agenda.

City Manager, Tim Tingey reported that Neils Valentiner and Scott Henriksen were to be reappointed to serve on the Architectural Review Committee and recommended approval.

The next item was a request to accept indemnification. Council Member Bracken asked about the meaning of “qualified immunity” to clarify any confusion. City Attorney, Shane Topham

explained that the situation does not involve qualified immunity as it is a judicially constructed legal principle originated by the U.S. Supreme Court. It grants governmental officials certain immunities from civil suits unless the official clearly violated generally established statutory or Constitutional rights. He confirmed that the situation does not involve qualified immunity but does involve a Utah State Statute Act called the Governmental Immunity Act of Utah. The Act states that Utah Governmental bodies are obligated to provide defense and indemnity to their employees who are sued based on the employee's actions, which occur within the course and scope of the employee's employment by the public entity. He read from the Code which specifies that a governmental entity shall defend any actions brought against its employees arising from an act or omission occurring during the performance of the employee's duties within the scope of the employee's employment. If the governmental entity determines that the actions being complained of in the lawsuit were actually not within the course and scope of the employee's employment, the defense and indemnity can be limited or withdrawn. The indemnity process was reviewed. It was noted that a lawsuit was filed where the employee alleges concerns with the course and scope of employment.

4. Staff Reports.

a. 2021 Municipal Election Discussion – City Manager, Tim Tingey and Records, Culture, and HR Director Paula Melgar.

Mayor Peterson reported that the above item involves discussion of the 2021 Municipal Elections. The City has two Council seats and one Mayoral seat. He reported that he will not be running for re-election. In 2018, the Council reviewed a change in how the City handles elections and approved Ranked-Choice Voting. Council Member Bracken explained that Ranked-Choice Voting was conducted two years ago in the cities of Vineyard and Payson. He spoke with the Elections Clerk and received a copy of their ballots. Choices were ranked and tabulated according to choice. The tabulation process was described. Council Member Bracken commented that in Cottonwood Heights a similar process would work and potentially eliminate the need for a primary election, which would reduce the campaign season and the cost. Exit poll comments were discussed. He noted that under State Statute, if they continue with traditional voting, the filing period for 2021 candidates will be from June 1 to 7. If they go with Ranked-Choice Voting, the filing dates would be August 10 to 17.

Mayor Peterson was conceptually in favor of Ranked-Choice Voting as reviewed previously by the Utah League of Cities and Towns. He recognized that there may be some confusion with the process and his concern at this point was with the City's demographics and seniors having difficulty dealing with change. He questioned whether there was adequate time to ensure that they have educated the public well enough to make this effective.

Kory Holdaway stated that in Utah County, they visited several senior centers and without any instruction, presented a Ranked-Choice ballot for their favorite National Parks in Utah. There was little to no misunderstanding among the group with nothing other than instructions on the ballot asking for their preference. He pointed out that two years prior, Cottonwood Heights showed interest in Ranked-Choice Voting, however, the County Election Office did not have the equipment at the time. Unfortunately, information about the equipment and their ability to provide

a Ranked-Choice Voting election did not come from the County Clerks Office until March. He confirmed that the cities of Riverton and Bluffdale have committed to using it and Sandy, Salt Lake City, and Millcreek are all in discussions. He believed that Ranked-Choice Voting is advantageous to the City. It reduces costs by eliminating the need for a primary election and compresses the campaign season.

Council Member Petersen supported a compressed election season. He stressed the need for voters to understand the ballot and stated that education is imperative. He questioned whether the Ranked-Choice voting option gives candidates enough time to learn enough about the candidates. Mr. Holdaway agreed with the importance of voter education. He explained that for the purpose of educating other cities such as Payson and Vineyard, \$250,000 was set aside prior to 2018. Of that amount, there is \$200,000 remaining specifically for cities to use. The money saved by avoiding a primary election could also be put toward education. He confirmed that more people vote in November than in a primary election. Having a mail-in ballot helps with education as well.

Council Member Mikell asked what percentage of people vote in a primary on a non-presidential year. She pointed out that people wanting to serve can help educate voters.

Mr. Tingey stated that staff would need Council direction to include the matter on the May 4 agenda. Filing with the State must occur prior to May 10. He thanked Records, Culture, and Human Resources Director, Paula Melgar for her efforts in tracking this issue and educating staff on the process.

Council Member Bracken reported that for the 2018 Primary Election for District 1 there were 1,200 votes cast and 2,000 for the General Election. Ms. Melgar believed that not holding a Primary Election and moving straight to the Ranked-Choice Voting election prevents negative campaigning and spending more time addressing the issues. She noted that the Lieutenant Governor has funds available for education.

b. Arts Council Proposed Sculpture – Records, Culture, and HR Director, Paula Melgar and Culture Manager, Ann Eatchel.

Ms. Melgar reported that in November 2020 the Arts Council issued an RFP to select an artist to design a concept of a tree for the City. The City received two applications and based its selection on the design layout, architecture, safety, durability, cost, and preference for the use of sustainable materials. The Arts Council selected Marlin Pearson.

Council Member Petersen stated that the Arts Council has faced many challenges with COVID-19 and is excited as they gear up for upcoming activities. The contracted art piece will be constructed from reclaimed iron and located outside of City Hall. It will represent the Canyons and Cottonwood Heights.

Culture Manager, Ann Eatchel presented a visual rendering of Mr. Pearson's proposed art piece and reported that the leaves of the tree will symbolize bloom buds, leaves represent the growing City, roots show a connection to the past and a foundation to build upon, and the branches represent

community and diversity. The tree will be 12 feet tall and located in a cement casing that will be smooth and safe for sitting. The finish will oxidize to a patina over time.

Mayor Peterson expressed concern with potential vandalism and asked how it will be protected. Ms. Eatchel reported that the art will be located on the northeast corner plaza of City Hall. The leaves and branches will be high enough that they cannot be touched. Options for a plaque were discussed.

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

Community and Economic Development Director, Michael Johnson provided an update regarding site access on the northern side. Staff met with the developer and found a solution they feel is similar to what was originally proposed and resolves outstanding concerns with limiting stops in certain directions. A visual rendering of the property was displayed. The reconfigured preliminary design was presented and resolves the concern while maintaining safe and effective levels of service in terms of traffic impact. He explained that the new configuration does not modify the existing access point and creates a branching road and intersection point that accesses Wasatch Boulevard. The plan will also allow traffic patterns to remain largely unchanged and traffic from SR-190 to and from Wasatch Boulevard in the City of Holladay will flow as it does currently. The project does not propose any direct access onto Gun Club Road.

Mr. Johnson stated that the intersection will go through UDOT’s permitting process as part of the implementation and future construction of the phases of the project. When the full gravel pit to the south develops, the matter may need to be revisited to accommodate the anticipated traffic congestion or development intensity. He believed it could act as a permanent solution but will be reviewed again to determine if it is the best long-term solution.

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

a. **April 21 to 23 – Utah League of Cities and Towns (“ULCT”) Annual Conference- Saint George, Utah.**

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

MOTION: Council Member Bracken moved to close the Open Session and move into a Closed Session to discuss litigation, property acquisition, and/or the character and professional competence or physical or mental health of an individual. The motion was seconded by Council Member Petersen. Vote on motion: Council Member Petersen-Aye, Council Member Bracken-Aye, Council Member Mikell-Aye, Mayor Peterson-Aye. The motion passed unanimously.

The City Council was in closed session from 6:34 p.m. to 7:13 p.m.

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

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

The Work Session adjourned at 7:13 p.m.

MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL BUSINESS MEETING HELD TUESDAY, APRIL 20, 2021, AT 7:00 P.M. THE MEETING WAS HELD ELECTRONICALLY, WITHOUT A PHYSICAL LOCATION, AS AUTHORIZED BY UTAH CODE ANNOTATED §52-4-207(4).

Members Present: Mayor Mike Peterson, Council Member Scott Bracken, 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, Administrative Services Director S. Scott Jorges

Excused: Council Member Tali Bruce, Council Member Christine Mikell, and Public Works Director Matt Shipp

BUSINESS MEETING

1.0 WELCOME AND DETERMINATION

1.1 Mayor Peterson, as the 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 Annotated §52-4-207(4).

Mayor Mike Peterson called the meeting to order at 7:17 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

The Pledge of Allegiance was led by Council Member Petersen.

3.0 ACKNOWLEDGEMENT

3.1 Child Abuse Awareness Month – Mayor Peterson.

Mayor Peterson read the proclamation declaring the month of April “Child Abuse Awareness Month” in the City of Cottonwood Heights. According to the Utah Children’s Justice Center, the Division of Child and Family Services received 40,365 reports of child abuse and neglect in 2020.

4.0 CITIZEN COMMENTS

City Manager, Tim Tingey reported that he will admit into the record any written public comments submitted to the City Recorder prior to 5:00 p.m. on the meeting date. Deborah Case submitted a comment on Ranked-Choice Voting that was submitted and made part of the record.

Tim Hallbeck was in favor of Ranked-Choice Voting and appreciated Council Member Bracken's efforts. He suggested residents be given a practice ballot or the process postponed until the next election cycle.

Ellen Birrell was pleased that the City Council has been in favor of Ranked-Choice Voting in the past and understood that it may be used in the upcoming election. She believed it would be positive for candidates, streamline the election process, and be advantageous for voters.

Ken Garner expressed support for Ranked-Choice Voting and believed more voters will be able to rank their first and second choices and feel more connected. He considered it a great way to engage youth and encouraged the City Council to approve it for 2021. He was also in favor of the proposed art sculpture at City Hall and recommended it be illuminated to prevent vandalism. He stated that the potential traffic at the gravel pit intersection is not the safest option and stressed the need for a "T" intersection.

Brandon Dodge reported that the labor union he belongs to uses Ranked-Choice Voting and it has been a good system. He believed it was a good middle ground and expressed his support.

Michael Hanson expressed appreciation to Council Member Bracken for his research on Ranked-Choice Voting. At the last meeting, Lieutenant Bartlett presented the Police Report and there was an issue brought up concerning a study published by Rebecca Edwards in March 2021 that showed the City ranked 26th of the 306 cities in the State. He further reviewed those numbers and found that within Salt Lake County, Cottonwood Heights ranked third behind South Jordan and Draper. He found it odd that someone would bring the study up and he considered it irrelevant. Council Member Bracken stated that there is a lot of support for the Police Department. He hoped the residents will respect the processes taking place nationally and locally. He encouraged citizens to express their opinions peacefully.

5.0 PUBLIC COMMENT

5.1 Gravel Pit Development – Introduction by Community and Economic Development Director, Michael Johnson.

Community and Economic Development Director, Michael Johnson, presented the staff report and stated that the gravel pit development application was formally submitted in August of 2019. The Architectural Review Commission ("ARC") reviewed the proposal at four different meetings with a unanimous recommendation of approval. The matter was next considered by the Planning Commission over the course of six meetings and received over 100 comments and informational feedback. The Planning Commission forwarded a positive recommendation with a 5-to-1 vote. Mr. Johnson explained that the request is for a rezone, which is a legislative item that comes before

the City Council for final consideration. He confirmed that the recently amended affordable housing provision in the Planned Development District (“PDD”) will apply to this project. An additional public hearing was scheduled for May 4. Staff will be prepared to present a final decision document and package for Council consideration and final vote in May.

Mr. Johnson reported that there is a City ordinance that allows an applicant to propose a rezone and adopt a customized zoning ordinance that is only applicable to one unique property in the City. The goal of the PDD Ordinance is to develop a more creative approach to the development process. The request is for a zone change to PDD-2. It comes with a Master Development Plan and zoning text that will govern the site as each phase of the project moves forward. Each phase will require site plan approval with the ARC prior to Building Permits being issued. A site rendering was displayed.

The site is proposed to have a central road with an apartment and condominium building to the east and a mix of retail uses and a hotel to the west. Mr. Johnson reported that the proposed hotel will have five stories with three stories for the mixed-use buildings. A trail was proposed along the hillside that will be accessible to the public and connect to the future Bonneville Shoreline Trail. Site massing renderings were reviewed. He stated that the proposed uses include 325 apartments and 99 condominiums. 15% will be affordable to 80% or less of the Area Median Income (“AMI”). The project will feature four retail pads with approximately 20,000 square feet in one story, a five-story hotel with 140 rooms, and two mixed-use buildings near the front of the site. The hillside will go through a substantial reclamation process with revegetation and detailed engineering work. Landscaped areas will measure over 200,000 square feet with 40,000 square feet of plaza space.

A map depicting challenges with the property was displayed. Mr. Johnson explained the area contains steep slopes with fault lines and fault setback areas. Diagonally across the site is a waterline easement owned by Metropolitan Water District. There was a minor modification to the proposed intersection to the site that allows the existing Wasatch Boulevard into the City of Holladay to remain largely unmodified and creates a stopped controlled intersection for traffic leaving the new project site. The full design will be done as part of Phase 1. Staff believed this was indicative of the alignment and felt that it works better than the resolution reached with the previous intersection configuration given the City of Holladay’s concerns and Cottonwood Heights’ desire to work with them. He emphasized that it is their intent to create the safest approach possible. The solution has been vetted for the project and its impact on the area. It was noted that staff received two written comments that were submitted and made part of the public record.

Mayor Peterson opened the public hearing.

Lori Khodadad was pleased that the City is reviewing the traffic flow and believed the updated plan was better than the previous one. She has lived on Canyon Crest Drive backing Gun Club Road for 22 years and understood that there will eventually be development in the gravel pit. She believed it will be an improvement over what exists currently. She expressed concern that the traffic flow will not only affect Canyon Cove but those who recreate in the area. She was opposed to the turn from SR-190 and believed that having to stop at a stop sign heading east is unsafe. She

proposed two turning lanes from SR-190 to Wasatch Boulevard with one flowing into the new development and the second continuing north onto Wasatch Boulevard. She expressed concern with the proposed height of the condominiums and the direct impact on Canyon Cove. At the April 6 meeting, the developer was asked if the proposed structure was above Gun Club Road level and she believed it was not portrayed correctly. She was also concerned with the mounds of dirt that have been dumped on the old Gun Club site and the surrounding property that has a history of slides. She believed the night sky issue had been addressed and was frustrated that the developer had not taken the concerns of the Canyon Cove residents seriously.

Ken Garner stated that due to the size of the proposed development, he encouraged the developer to add Electric Vehicle charging stations in the parking garage and retail spaces.

Mayor Peterson expressed concern with the height of the condominium structure.

Mr. Tingey indicated the public hearing should remain open as the public notice included public comment for the current meeting and the next Business Meeting.

Council Member Bracken suggested asking the developer to construct a KMZ file that could be dropped into Google Earth and include the massing and heights of the proposed buildings.

6.0 STAFF QUARTERLY REPORTS

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

Finance and Administrative Services Director, Scott Jurges, presented the Monthly Financial Report. Through January's collections, the City has received sales tax revenue of \$4,429,000, which is \$460,000 over the previous year. The City is on track to receive \$7.2 million in collections. The County Option Transportation Sales Tax was reported to be \$42,000 ahead of the previous year and they are transitioning well with a budget of \$600,000. The Municipal Energy Tax trend over the last several years has shown a slight decline as the City has become more efficient in the use of energies. He explained that when the base drops the revenue drops as well. Collections through February totaled \$34,000, which is ahead of the previous year. He expected to finish around \$2 million. Mr. Jurges reported that the Cable Franchise Tax has seen a slight decline over the past several years ending between \$335,000 and \$325,000. The collections are received quarterly and at mid-year, they are \$4,000 behind the previous year. He expected the year-end to be between \$315,000 and \$320,000. He explained that Class C Road Funds are directly related to fuel purchases as taxes per gallon are applied. As cars become more efficient and the population grows through the southwest end of the valley, this revenue declines. He stated that this tax is trending approximately \$47,000 behind last year's collections. He expected it to end around \$1,240,000, which is slightly better than budgeted.

The General Fund expenditures were next described. Mr. Jurges stated that the main adjustment to the budget included a Capital rebudget, which does not directly impact the General Fund. Grants, the market, and merit increases were incorporated in the adjustments. Trends in prior years increased modestly with \$200,000 in 2018 and 2019 and \$400,000 from 2019 to 2020.

Coronavirus Aid, Relief, and Economic Security (“CARES”) Act funding from the previous year was considered. The current fiscal year reflects \$12,500,000, which is \$89,000 ahead of the prior year with an anticipated 3% to 4% under expended at year-end.

Mayor Peterson reported that the City will be receiving another major influx from the Federal Government within the next 90 days. He noted that the Unified Fire Authority (“UFA”) will be requesting another contribution from the previous year. Mr. Jurgens confirmed that they are under the impression that the City will receive those funds but do not yet have full details on how they can be spent. Once received, the funds will be set aside in the fund balance and will not be available until details are provided regarding how they can be used.

6.2 Unified Fire Report and Fireworks Restrictions – Assistant Fire Chief, Riley Pilgrim.

Assistant Fire Chief, Riley Pilgrim presented the Unified Fire Quarterly Report. He reported that 509 calls were received of which 159 were emergent. Top fire calls included four structure fires and two vehicle fires. Medical calls included sick people, falls, unknown calls, public service for unlocking doors or triggered alarms, and weather-related issues. Stations 110 and 116 cover the majority of calls in Cottonwood Heights and are receiving fewer services from the Fire District. He reported that there was a significant increase in call processing time. After researching the cause, it was discovered that some calls were coming into the old system. When the Dispatcher moved the calls to fire or into the new Versaterm system, they would remain open. This resulted in them counting against their data even though resources responded. He stated that they are working toward a resolution and confirmed that emergent call time responses were six minutes or less.

Mayor Peterson asked if Station 116 will be the primary responder for the area when the gravel pit is fully developed. Assistant Chief Pilgrim confirmed that Station 116 will be the responding station.

The fireworks report was next presented. Assistant Chief Pilgrim reported that the private property off of Hilden Court was of concern and it was recommended that it be a fireworks restricted area. A property map of the City was displayed. The next area in question is between Michelle Way and Riverwood Drive. The third area is between the east side of Wasatch Boulevard and Danish Road. The area includes a mixture of homes and open space and he suggested that the space be restricted. A resident of Field Stone Circle expressed concern to the Fire Department. His recommendation was to go from at least Brighton Point to Enchanted View or from Enchanted Hills to Country Hollow. Assistant Chief Pilgrim reported that the criteria for restriction includes the property being located within an urban interface area with a significant fire history.

Due to unforeseen drought conditions and highly reliable forecasting with the location being in proximity of open space, he felt there was enough justification for the second and third areas. He stated that restrictions are implemented by the City Council and although not popular, doing what is best for the City is of utmost importance. Mayor Peterson was supportive of the recommendations and preferred to take a more aggressive approach. Council Member Bracken also supported the recommendations.

Council Member Petersen thanked Assistant Pilgrim and Officer Brenneman for their efforts.

Police Chief, Robby Russo stated that what has been proposed is consistent with what has been done in similar years. He agreed with the map and recommended no changes be made.

7.0 ACTION ITEMS

7.1 Consideration of Resolution 2021-15 Consenting to Reappointments to the Architectural Review Commission.

Mayor Peterson stated that the above resolution approves the reappointments of Scott Henriksen and Neils Valentiner to the Architectural Review Commission. Mr. Tingey recommended approval of both appointments for two-year terms.

MOTION: Council Member Bracken moved to approve Resolution 2021-15. The motion was seconded by Council Member Petersen. Vote on motion: Council Member Bracken-Aye, Council Member Petersen-Aye, Mayor Peterson-Aye. The motion passed unanimously.

7.2 Consideration of Resolution 2021-16 Accepting a Request for Indemnification.

Mayor Peterson reported that the above Resolution accepts a request for indemnification.

City Attorney, Shane Topham reported that the Governmental Immunity Act includes a series of state statutes that govern when a governmental entity can and cannot claim immunity. One portion of the Act provides that when employees of a Utah governmental entity are claimed in a lawsuit and actions concern the actions performed arguably within the course and scope of their employment, the governmental entity is required to agree to defend and indemnify the employee. The proposed resolution involves a situation where a City employee has been named as a counter-claimed defendant in a lawsuit regarding insurance coverage. The employee has filed a request with the City for defense and indemnity under the Governmental Immunity Act claiming any liability would be based on the employees' actions within the course and scope of employment.

MOTION: Council Member Bracken moved to approve Resolution 2021-16. The motion was seconded by Council Member Petersen. Vote on motion: Council Member Bracken-Aye, Council Member Petersen-Aye, Mayor Peterson-Aye. The motion passed unanimously.

8.0 CONSENT CALENDAR

8.1 Approval of the City Council Work Session and Business Meeting Minutes for March 4 and April 6, 2021.

MOTION: Council Member Petersen moved to approve the City Council Work Session and Business Meeting Minutes of March 4 and April 6, 2021. The motion was seconded by Council Member Bracken. Vote on motion: Council Member Bracken-Aye, Council Member Petersen-Aye, Mayor Mike Peterson-Aye. The motion passed unanimously.

Council Member Petersen thanked Carlos Cardon for his participation in the “Shake Out” and for those who keep residents safe.

9.0 ADJOURN CITY COUNCIL BUSINESS MEETING.

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

The meeting adjourned at 8:48 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, April 20, 2021.

Teri Forbes

Teri Forbes
T Forbes Group
Minutes Secretary

Minutes Approved: May 4, 2021