

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL WORK SESSION HELD TUESDAY, AUGUST 27, 2019 AT 5:00 P.M. IN THE COTTONWOOD HEIGHTS CITY COUNCIL CONFERENCE ROOM LOCATED AT 2277 EAST BENGAL BOULEVARD, COTTONWOOD HEIGHTS, UTAH**

**Members Present:** Mayor Mike Peterson, Council Member Scott Bracken, Council Member Tali Bruce, Council Member Mike Shelton

**Staff Present:** City Manager Tim Tingey, City Attorney W. Shane Topham, Police Chief Robby Russo, Assistant Fire Chief Mike Watson, Records Culture and Human Resources Director Paula Melgar, Community and Economic Development Director Michael Johnson, Public Works Director Matt Shipp, Finance and Administrative Services Director S. Scott Jorges, Communications Manager Tim Beery, Assistant Police Chief Paul Brenneman, Senior Planner Matt Taylor, City Planner Andrew Hulka

**Excused:** Council Member Christine Mikell

**WORK SESSION**

Mayor Peterson called the meeting to order at approximately 5:00 p.m. and welcomed those present.

**1.0 Review of Business Meeting Agenda – Mayor Mike Peterson**

Mayor Peterson reviewed the upcoming business meeting agenda.

Public Works Director, Matt Shipp, reviewed the proposed Consulting Agreement with Horrocks Engineering for a Transportation Study and Transportation Program. He reported that they are updating a section of the transportation portion of the General Plan and looking at continuing the impact fee. The study will include a review of the main arterials and traffic counts and provide a basis for determining whether to proceed with a full impact fee study.

Community and Economic Development Director, Michael Johnson, reviewed the Consulting Agreement with Blu Line Designs for a Master Plan for a segment of the Bonneville Shoreline Trail. He confirmed that the scale of the project includes two open houses. One will formalize the goals and concerns while the second will include conceptual ideas for additional public comment. The agreement will cost \$38,520 and utilize the Bonneville Shoreline grant received from Salt Lake County.

Mayor Peterson next described the Interlocal Cooperation Agreement with the City of Holladay for Cost Sharing concerning the 3000 East roadway improvements. Mr. Shipp reported that the project is currently out for bid and moving forward. They expect the project to be constructed and finalized in the fall. Mr. Tingey stated that the project will cost a total of \$298,000. Holladay City will be responsible for \$112,000 and Cottonwood Heights will pay \$178,000.

## **2.0 City Council and Staff Reports.**

### **a. Street Dedication Process for Lexi Lane – Community and Economic Development Director, Michael Johnson and Public Works Director, Matt Shipp.**

Mr. Johnson reviewed the Lexi Lane street designation dedication and stated that there is a very detailed ordinance included any time a resident wishes to petition the City to accept a privately constructed lane. The ordinance clearly defines who is responsible for each phase. They are currently in the third phase, which specifies that it is the responsibility of the City Council to consider the petition. The Council may authorize the inspection of the road and a report of its current condition. Assuming the Road Report is authorized, there is a 45-day timeline for completion. The steps of completion were described. Mr. Johnson stated that the Council may authorize the survey work, studies, or professional services to be completed by an engineer selected by the petitioners and guided by the City Engineer. Regardless, the ordinance allows the City to collect the fees for the work. Mr. Tingey suggested they a resolution be drafted for consideration at the September 3 meeting.

The property layout was described. Mr. Johnson explained that if the Council recommends proceeding with a report, staff would prepare the inspection to present the analysis. A subdivision amendment and rezone application would be required to change the land use and zoning of the lots. Mr. Tingey explained that based on the process outlined in the ordinance, their biggest concern is ensuring that the road is built to City standards if they take over the road, and that the costs built into the ordinance are incurred through the process.

## **3.0 Review of Calendars and Upcoming Events**

Council Member Schedules for the next week - 2019 Calendar:

- a. Every Monday in August – 5:00 p.m. to 8:00 p.m. – Bites in the Heights – Food Trucks at Mountain View Park
- b. September 21st – 10:00 a.m. – Pancake Breakfast at Fire Station 21 or 4
- c. September 21st – 10:00 a.m. to 1:00 p.m. – Bark in the Park at Mountain View Park
- d. October 1 through 31 – Art Show Reception at City Hall
- e. October 3rd – 7:00 p.m. to 9:00 p.m. – Art Show Awards at City Hall
- f. October 25th – Monster Mash at the CWHRC
- g. November 5th – General Election
- h. December 2nd – Light the Heights at City Hall

## **4.0 Closed Meeting to Discuss Litigation, Property Acquisition and/or the Character and Professional Competence or Physical or Mental Health of an Individual Security Procedures.**

**MOTION:** Council Member Bracken moved to close the Work Session and open the Closed Session for the discussion of pending litigation. The motion was seconded by Council Member Bruce. The motion passed with the unanimous consent of the Council.

The City Council was in Closed Session from 5:35 p.m. to 6:57 p.m.

## **5.0     ADJOURN CITY COUNCIL WORK SESSION**

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

The Closed Session adjourned at 6:57 p.m.

**MOTION:** Council Member Bracken moved to adjourn the Work Session and conduct the Business Meeting. Council Member Bruce seconded the motion. The motion passed with the unanimous consent of the Council.

The Work Session adjourned at 6:57 p.m.

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL BUSINESS MEETING  
HELD TUESDAY, AUGUST 27, 2019 AT 7:00 P.M. IN THE COTTONWOOD HEIGHTS  
CITY COUNCIL CONFERENCE ROOM LOCATED AT 2277 EAST BENGAL  
BOULEVARD, COTTONWOOD HEIGHTS, UTAH**

**Members Present:** Mayor Mike Peterson, Council Member Mike Shelton, Council Member Scott Bracken, Council Member Tali Bruce

**Staff Present:** City Manager Tim Tingey, City Attorney W. Shane Topham, Police Chief Robby Russo, Assistant Fire Chief Mike Watson, Records Culture and Human Resources Director Paula Melgar, Community and Economic Development Director Michael Johnson, Public Works Director Matt Shipp, Finance and Administrative Services Director S. Scott Jorges, Communications Manager Tim Beery, Assistant Police Chief Paul Brenneman, Senior Planner Matt Taylor, City Planner Andrew Hulka

**Excused:** Council Member Christine Mikell

**BUSINESS MEETING**

**1.0 WELCOME/PLEDGE**

Mayor Peterson called the meeting to order at approximately 7:00 p.m. and welcomed those present.

The Pledge of Allegiance was led by Council Member Shelton.

**2.0 ACKNOWLEDGMENTS**

**2.1 International Drug Overdose Day Awareness – Mayor Peterson.**

Mayor Peterson read the Proclamation recognizing International Drug Overdose Awareness Day in its entirety. He reported that he previously served as the Director of County Criminal Justice Services and helped create the Third District Drug Court Program that dealt with hundreds of individuals with addiction concerns and overdose issues.

**2.2 Recognition of Alex Fankhauser - valedictorian, semifinalist for the National Merit Scholarship, and 2019 Deseret News Mr. Soccer award winner– Mayor Peterson.**

Mayor Peterson introduced Alex Fankhauser and read a Proclamation recognizing him as the Brighton High School Valedictorian, semi-finalist for the National Merit Scholarship, and the 2019 *Deseret News* Mr. Soccer award winner. Mr. Fankhauser has demonstrated excellence both on and off the field and has been a tremendous example to his teammates, classmates, and the entire Cottonwood Heights Community. Mr. Fankhauser plans to attend Brigham Young University and play soccer for one semester and then serve a mission for the Church of Jesus Christ of Latter-day Saints.

### 3.0 ACKNOWLEDGMENTS

#### 3.1 Certificate of Achievement for Excellence in Financial Reporting for the Cottonwood Heights Comprehensive Annual Financial Report (CAFR), by the Government Finance Officers Association – City Manager, Tim Tingey.

Mr. Tingey expressed appreciation for the efforts and professionalism of the Financial Department. He presented the City Treasurer and Financial Reporting Manager, David Muir with a Certificate of Achievement for Excellence in Financial Reporting for the Cottonwood Heights Comprehensive Annual Report (CAFR). The achievement is the highest recognition in governmental accounting and financial reporting and its attainment represents a significant accomplishment. Mr. Tingey stated that this is the City's seventh year receiving the award.

#### 3.2 Award of Financial Reporting Achievement by the Government Finance Officers Association to David Muir, City Treasurer/Financial Reporting Manager – City Manager Tim Tingey.

Mr. Tingey reported that the above acknowledgement pertains to the 2018-2019 budget document that qualified the City to receive the Government Finance Officers Association Distinguished Budget Presentation Award. This is the highest recognition for governmental budgeting and is a great achievement. He presented the award to Finance Director, Scott Jurgens and pointed out this is the twelfth consecutive year it has been awarded to the City.

### 4.0 CITIZEN COMMENTS

John McIntyre stated that his quality of life was impacted severely on August 8, 2019 when a 54-inch storm drain failed. He noted that the section to the west failed four years prior. The force of the water collapsed the pipe due to rot and water came directly into his basement. Mr. McIntyre called the City and was given a claim number with Travelers Insurance who told him that the matter was an act of God and not the responsibility of the City. The claim was given to another adjuster who told Mr. McIntyre that they cannot accept liability for the City. He was disappointed in the City and that the process has moved so slowly.

Mayor Peterson expressed his sympathy to Mr. McIntyre for his situation and stated that as a City, they have the responsibility to be insured and go through a specific process to allow the adjusters to evaluate the situation and report back. He was confident that they will respond appropriately.

Rex Leetham was present to discuss a storm and flooding issue that affected his home as well. He was recently informed that a claims adjuster assigned to his case has been on vacation. As of the previous day, the adjuster had not received any of the information requested from Cottonwood Heights. Mr. Leetham reported that he lives on Scottish Drive and the flooding resulted in him needing to pumped 33,000 gallons of water out of his home. The force of the water broke windows and tore off a door. Neighboring residents informed the City that the four storm drains along Scottish Drive are not sufficient to handle the water. Mr. Leetham stated that his home was damaged due to the overflow. After reviewing the City's storm drain system, he discovered that his drain connects

into the master drain line that runs above Wasatch Boulevard. It does not drain properly because the main line is always full. He asked for assistance in getting the issue resolved and asked that staff provide the requested documentation to the insurance company.

Mayor Peterson apologized for the delay and confirmed that they have been briefed by the City Manager and the adjusters. They were trying to move the matter along as quickly as possible. He was sympathetic to the circumstances of both men.

Mr. Leetham reported that he contacted Brad Gilson from Gilson Engineering who indicated that his contract with the City was ending and he had been kept out of the loop. Mr. Leetham then contacted Mr. Shipp who confirmed that Mr. Gilson had been rehired on a contract basis. Mr. Tingey explained that Gilson Engineering is still under contract and has been for years. Mr. Gilson was out of town at the time the incident occurred.

## **5.0 ACTION ITEMS**

### **5.1 Consideration of Resolution 2019-28 Approving Entry into a Consulting Agreement with Horrocks Engineers, Inc. for a Transportation Study and Program.**

Mayor Peterson reported that the above Resolution approves entry into a Consulting Agreement with Horrocks Engineering for a Transportation Study in the amount of \$15,000. Mr. Shipp clarified that it would be a study for future growth.

**MOTION:** Council Member Bracken moved to approve Resolution 2019-28. The motion was seconded by Council Member Shelton. Vote on motion: Council Member Bracken-Aye, Council Member Bruce-Aye, Council Member Shelton-Aye, Mayor Peterson-Aye. The motion passed unanimously.

### **5.2 Consideration of Resolution 2019-46 Approving Entry into a Consulting Agreement with Blu Line Designs Corp. for a Master Plan for a Segment of the Bonneville Shoreline Trail.**

Mayor Peterson reported that the above Resolution approves Entry into a Consulting Agreement with Blu Line Designs for a Master Plan for a segment of the Bonneville Shoreline Trail. Mr. Johnson explained that an RFP was put out to complete a Master Plan for trailhead and trail access for the Bonneville Shoreline Trail. With the funding received from Salt Lake County and the Transportation Choice Fund, they believed it would be a positive step to formalize a Master Plan to study trailhead access, capacity, and infrastructure needs. Mr. Johnson confirmed that Blu Line Design was the most qualified and reasonably priced submittal. The timeline was expected to proceed through the end of the year. Mayor Peterson reported that the proposed agreement is part of the \$1.5 million grant received from last quarter's Transportation Funds.

**MOTION:** Council Member Bruce moved to approve Resolution 2019-46. The motion was seconded by Council Member Bracken. Vote on motion: Council Member Bracken-Aye, Council

Member Bruce-Aye, Council Member Shelton-Aye, Mayor Peterson-Aye. The motion passed unanimously.

**5.3 Consideration of Resolution 2019-47 Approving Entry into a Professional Services Agreement with Y2 Analytics, LLC.**

Mayor Peterson reported that the above Resolution approves entry into a Professional Services Agreement with Y2 Analytics, LLC. Mr. Tingey explained that the request is for a survey to receive public opinion on a variety of issues. The intent is to select individuals and residents in the community and establish a public opinion panel. Once the panel members are appointed, they will be given an opportunity to reply to the survey either online or via telephone. He expected it to take approximately six weeks to conduct the 800 to 1,000 interviews at a cost of \$13,600.

**MOTION:** Council Member Shelton moved to approve Resolution 2019-47. The motion was seconded by Council Member Bracken. Vote on motion: Council Member Bracken-Aye, Council Member Bruce-Aye, Council Member Shelton-Aye, Mayor Peterson-Aye. The motion passed unanimously.

**5.4 Consideration of Resolution 2019-48 Approving Entry into an Interlocal Agreement with the City of Holladay for Cost Sharing Concerning the 3000 East Roadway Improvements.**

Mayor Peterson reported that the above Resolution approves an Interlocal Agreement with the City of Holladay for cost sharing the 3000 East roadway improvements. Mr. Shipp stated that the request is for a Reimbursement Agreement for an overlay of 3000 East from 6200 South to the intersection. They will be managing and bidding the project and this is the reimbursement for their side of 3000 East. He confirmed that the City of Holladay has approved the agreement.

**MOTION:** Council Member Bruce moved to approve Resolution 2019-48. The motion was seconded by Council Member Shelton. Vote on motion: Council Member Bracken-Aye, Council Member Bruce-Aye, Council Member Shelton-Aye, Mayor Peterson-Aye. The motion passed unanimously.

**6.0 CONSENT CALENDAR**

There were no items to consider.

**7.0 ADJOURN CITY COUNCIL BUSINESS MEETING.**

**MOTION:** Council Member Shelton moved to adjourn the Business Meeting and reconvene to the Work Session and Closed Session. The motion was seconded by Council Member Bruce. The motion passed with the unanimous consent of the Council.

The Council was in Closed Session from 7:34 p.m. to 8:22 p.m.

**MOTION:** Council Member Bracken moved to adjourn the Closed Meeting and Work Session. The motion was seconded by Council Member Bruce. The motion passed with the unanimous consent of the Council.

The meeting adjourned at 8:22 p.m.

*I hereby certify that the foregoing represents a true, accurate and complete record of the Cottonwood Heights City Council Business Meeting held Tuesday, August 27, 2019.*

Teri Forbes

Teri Forbes  
T Forbes Group  
Minutes Secretary

Minutes Approved: September 17, 2019