

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL WORK SESSION  
HELD TUESDAY, FEBRUARY 1, 2022, AT 4:00 P.M. IN THE COTTONWOOD  
HEIGHTS CITY COUNCIL WORK ROOM LOCATED AT 2277 EAST BENGAL  
BOULEVARD**

**Members Present:** Mayor Mike Weichers, Council Member Douglas Petersen, Council Member Scott Bracken, Council Member Shawn E. Newell, Council Member Ellen Birrell

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

**1. Welcome – Mayor Weichers.**

Mayor Mike Weichers called the meeting to order at 4:00 p.m. and welcomed those present.

**2. Cottonwood Heights Parks and Recreation Service Area Report – Executive Director Ben Hill.**

Mayor Weichers introduced Cottonwood Heights Parks and Recreation Executive Director, Ben Hill. He emphasized the importance of the relationship between Mr. Hill and the City and welcomed him and his staff to the meeting.

Mr. Hill presented the Cottonwood Heights Park and Recreation Service Area Report and stated their mission statement is to provide exceptional facilities, parks, and services to improve the health and lifestyle of the community. They are part of the National Parks and Recreation Association and are vital to establishing and maintaining the quality of life and community to ensure the health of family and youth and contribute to the economic and environmental wellbeing of the community and region. In 2021, their department was presented with an award for Outstanding District from the Utah Parks and Recreation Association.

Mr. Hill reported that since the time of the City's incorporation in 2005, the Parks and Recreation District along with the City have partnered and collaborated to provide opportunities to enhance the quality of life to the common communities. This collaboration is done monthly through the CH2 meeting and the newly established Cottonwood Heights Parks, Trails, and Open Space Committee. A map reflecting the overlay of two boundaries was displayed. Mr. Hill stated that the Parks and Recreation District have only increased its tax rate five times over the last 55 years. They currently derive 47% of their operating budget from property taxes with the remainder coming from user fees and charges. Membership fees account for 27% of the non-tax revenue. The property tax rate history from 1986 was reviewed.

The Parks and Recreation facility is a 160,000 square-foot facility, open 100 hours per week with four indoor/outdoor pools, a hot tub, sauna, five locker rooms, a family change room, basketball court, running track, fitness room, cross fitness room, cardio room, spin bike room, racquetball courts, ice arena, two aerobic rooms, a nursery, and five community rooms. They continue to partner with the City for multiple community events with the Thanksgiving 5K being the most popular with 1,993 runners.

Mr. Hill explained that the Interlocal Agreement includes an annual update to the exhibit. A rendering identifying parks within the City was displayed. He stated that their partnership with the Canyons School District and the Interlocal Agreement allows for the Parks and Recreation District to use their fields. They also have a lease with the Rec Center for use of the indoor ice arena, indoor pools, locker rooms, and racquetball courts for the middle school physical education programs and the high school swim teams. He noted that they are also involved in a non-profit foundation as part of the District designated primarily for sponsorship opportunities for families going through financial difficulties. Funds for the foundation are provided through the annual charity golf tournament and the Big Cottonwood Canyon marathon which then allows for a Butlerville Days sponsorship back to the City.

Mr. Hill shared excitement with Antczak Park and the future pickleball courts. Lighting issues were discussed.

### **3. Review of Business Meeting Agenda – Mayor Weichers.**

Mayor Weichers reviewed the Business Meeting Agenda.

Mayor Weichers reported that former Mayor Mike Peterson will be honored with a Special Citation and introduced by Representative Gay Lynn Bennion.

City Manager, Tim Tingey, stated that the first agenda item involves the appointment of Laura Garcia and Joy Henriksen to the Arts Council.

Mayor Weichers stated that the next agenda item is for the approval or denial of the declaration of the parking permit area on a portion of Racquet Club Drive. He stated that it was the consensus of the Council to move forward with offering a no parking or resident-only parking restriction. Mr. Tingey stated that a Parking and Traffic Study is being considered for the area and recommended a decision be postponed until that information can be determined.

The next agenda item was a consideration of a Resolution accepting a request for defense and indemnification. City Attorney, Shane Topham, reported that three Cottonwood Heights Police Officers were named as defendants in a lawsuit in September 2021 concerning their response to an alleged domestic disturbance that took place in December 2018. The plaintiffs amended their complaint to add the City and Police Chief, Robby Russo, among others. The resolution would accept the request for defense and indemnification of Chief Russo, as is his right under the Governmental Immunity Act of Utah. The City Council was required to take action within 10 days of filing.

The next agenda item involved consideration of a Resolution accepting a request for the defense and indemnification of Police Officer, Casey Davies. Mr. Topham reported that the family of Zane James filed a lawsuit against the City several years prior in Federal District Court and have since filed a companion case in State Court. The suit names former Cottonwood Height Police Department (“CHPD”) officer, Casey Davies, who has filed a request for defense and indemnification with the City. This too requires the City Council to take action within 10 days of filing.

The next agenda item was the Disposal of Unclaimed Property or Former Evidence. Chief Russo stated that the Evidence Room is audited periodically and disposes of unclaimed property. This is the statutory process for disposing of unclaimed property and the finding agency may donate the items to a public interest use.

#### **4. Committee Reports.**

##### **a. Parks, Trails, and Open Space – Chair Greg Reid and Past Chair Jennifer Follstad Shah.**

Former Parks, Trails, and Open Space Chair, Jennifer Follstad Shah, expressed gratitude to former Mayor Mike Peterson and Council Member Christine Mikell for their effort in creating the Parks, Trails, and Open Space Committee. She also thanked the current Council and those who have served in both volunteer and elected positions. The vision statement for the Committee is to promote the creation of maintenance, safe, sustainable, diverse, and interconnected outdoor spaces to enrich the present and future generations. Their first order of business in 2021 was the drafting and adoption of bylaws. Goals were identified. She stated that walking tours are available on the City’s website and provide a history of the City. She encouraged residents to explore areas within the City.

Ms. Shah stated that it is their intent to create awareness of new parks, trails, and open space opportunities. Ferguson Canyon Park was detailed. They have collaborated with City Staff with the Bark in the Park Event and intend to hold another event during the summer. She recognized that there was an opportunity to develop a pilot Park Amenity Donation program that would allow for donations to purchase bike racks, a dog waste kiosk, water fountains, picnic tables, and benches. Donations would include a commemorative plaque.

Ms. Shah stated it is their goal to enhance the connectivity of trails within the City and adjacent communities through partnerships with community organizations, City Staff, and other municipalities to support efforts to extend the Bonneville Shoreline Trail. The Committee would also provide input on the new Wasatch Rock development near the gravel pit with regard to plant selection, active transportation opportunities, and connection to the future Bonneville Shoreline Trail. The preservation of natural open space and improving the ecological quality of the parks was also a priority of the Committee. Ms. Shah stated that they are working with City Staff in the development of a Riparian Protection Ordinance that is tied to the Sensitive Lands Ordinance revision. She reported they were instrumental in acquiring the 26 acres of land along the east side foothills and Wasatch Boulevard. A new pollinator garden at Mountain View Park was in the works.

Ms. Shaw stated that an additional goal is to improve accessibility and safety related to the Parks, Trails, and Open Space. They are currently working with City Staff on wayfinding to allow citizens the most direct, efficient, and safest pathways to the various parks and trails. Proposed projects were discussed.

The Committee next encouraged the City to consider bike safety and improvements along Bengal Boulevard. Ms. Shah emphasized the importance of interconnectivity within the parks and trails. The amenities of the future off-leash dog park at Ferguson Park were described. The enhancement of partnerships with other local and regional agencies managing parks, trails, and open space was a priority. She stated that it is their intent to advertise to citizens when day of service opportunities arise and contribute to the Cottonwood Heights newsletter and *The City Journal*.

Mayor Weichers expressed appreciation to Ms. Shaw and Chair Reid for their efforts.

Commission Member Birrell thanked the Committee and asked for clarification regarding bike safety along Bengal Boulevard. Ms. Shah reported that Bengal Boulevard is a major thoroughfare for schools. The intent is to create side bike paths that are safe for school children and those utilizing the paths. Hammock stations were discussed.

**b. Historic Committee – Chair Jim Kichas.**

Historic Committee Chair, Jim Kichas, expressed gratitude to the City for their support of the Historic Committee in their effort to preserve and share the history of Cottonwood Heights. He provided background and stated that it is their mission to support and facilitate the City's intention to identify, preserve, protect, and enhance historic buildings, structures, sites, objects, and districts lying within the City limits.

Committee duties included the following:

- Survey and inventory historic resources;
- Review and propose nominations to the National Register of Historic Places;
- Provide historic advice and information to the City and its citizens;
- Advise and assist in the maintenance and rehabilitation of City-owned historic buildings and sites;
- Apply for and administer grants and other financial aid for historic preservation projects in the City under the supervision of the City Manager;
- Cooperate in the enforcement of State Historic Preservation laws;
- Preserve the City's history by organizing historically related performances, displays, and exhibits; and
- Preserve oral and written histories concerning photographs, artifacts, and the like.

The Members of the Historic Committee were identified. Mr. Kichas stated that past efforts included their publication of "The City Between the Canyons, A History of Cottonwood Heights

from 1849 to 1953”, the creation of an annual historic exhibit at Butlerville Days, the establishment of historic signs, and preservation work for historic homes and buildings on behalf of the City.

Mr. Kichas reported that the committee has been broken down into distinct working groups to provide initiatives that focus on their committee duties. The archive group will be concentrating on building an archive of historic maps, records, manuscripts, photographs that will be allowed on-site and will be digitized. Another group will conduct world history interviews with community members providing additional information to the online digital archive. Priorities include the completion of an exhibit for Butlerville Days and an exhibit located in City Hall for Brighton High School during the month of October. A veteran monument was considered.

**c. Arts Council – Chair Laura Garcia.**

Arts Council Chair, Laura Garcia, stated their mission statement is to enrich the lives of residents by providing engaging cultural events and educational opportunities that foster creativity and passion for the arts within the community. Opportunities include theater, photography, literature, and visual arts events. Events are available through the Zoo Arts and Parks (“ZAP”) and Utah Division of Arts and Museums (“UDAM”) funding, City funding, sponsorships, local businesses, and residents with venues at the Butlerville stage. A summary of events was provided. Mr. Garcia indicated that the focus will be on more kid-friendly events and working in conjunction with local schools with the possibility of a community choir and orchestra.

Ms. Garcia provided details of the commissioned sculpture to be located in the City Hall plaza. The sculpture would include a Cottonwood leaf while incorporating recycled materials and be made of metal and mounted on a portion of a large boulder and measure six feet by five feet. A detailed description was to follow.

**5. Staff Reports.**

**a. Title 8 and Title 9 Ordinance Discussion on Animals, Vehicles, and Nuisances – City Attorney, Shane Topham and Police Chief, Robby Russo.**

Police Chief, Robby Russo, presented the Titles 8 and 9 Ordinance detailing animals, vehicles, and nuisances. He reported that the ordinance language has been enhanced to specify that if an animal has been left in a vehicle unattended if the animal is in danger due to heat or cold, inadequate ventilation, or lack of food or water, the Police or Fire Department can take the steps necessary to remove the animal from the vehicle. The ordinance provides for liability and prohibits the transportation of an unrestrained animal in the back of a truck or vehicle where it may pose a danger.

Mayor Weichers asked for input regarding the general nuisance ordinance. Chief Russo explained that the nuisance often includes reports of dog issues, noise violations, weed control, vehicle parking, removal of graffiti, and short-term rentals. Court proceedings for short-term rental citations were reviewed.

Council Member Birrell raised an issue with the nuisance and noise of southbound speeding vehicles along Wasatch Boulevard. Traffic calming measures were recommended. Chief Russo stated that from time to time, noise and enforcement are managed through the Health Department. He stated that checkpoints are often set up at the mouth of Big Cottonwood Canyon. The Police Department will continue to enforce these types of complaints.

**b. Mid-Valley Active Transportation Plan Introduction – Community and Economic Development Senior Planner, Andrew Hulka.**

Community and Economic Development Senior Planner, Andrew Hulka, introduced himself and stated that he is a long-term resident and Cottonwood Heights employee of five years. He presented the Mid-Valley Active Transportation Plan and stated that it is a Regional Master Plan for non-motorized travel regardless of ability or skill level. The plan has been in development since 2019 and was presented to the City in October 2021 and again in January 2022, where the Planning Commission recommended approval. A plan rendering was displayed. He explained that the proposal is consistent with the recent Parks, Trails, and Open Space Master Plan as well as other corridor plans. Once a plan is adopted, Staff works to make proposals to implement such as development requirements, seeking funding, or holding discussions in Council priorities. He remarked that this is a long-range master plan and provides direction as Staff makes land use decisions and informs the City Council as to which projects to focus on. Changes to the plan were highlighted.

**c. Clarification of Planning Commission Bylaws – Community and Economic Development Director, Michael Johnson.**

Community and Economic Development Director, Michael Johnson, reported that the City Council is the authority when establishing rules and procedures for committees and commissions. The guiding bylaws detail the procedure for electing a new Chair and at what time they assume their position. At the last Planning Commission Meeting, a New Chair and Vice-Chair were elected. The current Chair requested that the New Chair take his seat at the next Planning Commission Meeting rather than waiting for the July date when Commission terms generally renew. He explained that this action requires informal Council consent. It was the consensus of the City Council to allow the requested changes.

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

- a. City Hall will be Closed Monday, February 21, 2022, in Observance of President's Day.**
- b. Cottonwood Heights Arts Council Willy Wonka Musical Auditions – March 11-12, 2022, at City Hall.**
- c. Cottonwood Heights Butlerville Days – July 28-30, 2022 (Volunteers and Sponsors needed. For more information, visit [Bultervilledays.com](http://Bultervilledays.com) or call Ann Eatchel at 801-550-8225).**

Mayor Weichers stated the March 15, 2022, meeting will be rescheduled to March 22, 2022, to allow himself and Mr. Tingey to attend the National League of Cities and Towns Conference in

Washington D.C.

7. **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 go into a Closed Session for the purpose of discussing real estate matters. The motion was seconded by Council Member Newell. The motion passed with the unanimous consent of the Council.

The City Council was in Closed Meeting from 6:05 p.m. to 6:56 p.m.

8. **Adjourn City Council Work Session.**

**MOTION:** Council Member Bracken moved to close the Close Meeting, return to the Work Session, and adjourn. The motion was seconded by Council Member Newell. The motion passed with the unanimous consent of the Council.

The Work Session adjourned at 6:56 p.m.

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL BUSINESS MEETING  
HELD TUESDAY, FEBRUARY 1, 2022, AT 7:00 P.M. IN THE COTTONWOOD  
HEIGHTS CITY COUNCIL CHAMBERS LOCATED AT 2277 EAST BENGAL  
BOULEVARD**

**Members Present:** Mayor Mike Weichers, Council Member Douglas Petersen, Council Member Scott Bracken, Council Member Shawn E. Newell, Council Member Ellen Birrell

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

**1.0 WELCOME**

Mayor Mike Weichers called the meeting to order at 7:01 p.m.

**2.0 PLEDGE OF ALLEGIANCE**

The Pledge was led by Council Member Scott Bracken.

**3.0 ACKNOWLEDGEMENTS**

**3.1 Citation in Honor of Mike Peterson – Introduced by Utah State Representative Gay Lynn Bennion.**

Mayor Weichers introduced Former Mayor Mike Peterson and Utah State Representative Gay Lynn Bennion.

Representative Bennion expressed appreciation to former Mayor Peterson for his involvement in the community. She has had the privilege of getting to know Mr. Peterson not only as the Mayor but also as her neighbor. She displayed a flag that was flown over the Utah State Capitol Building on January 25, 2022, by the Utah House of Representatives in honor of Mayor Michael J. Peterson for his decade's long dedication to his community and public service. A Citation signed by Representative Bennion and the Speaker of the House was presented.

As a native of Cottonwood Heights, Mayor Peterson grew up near the mouth of Cottonwood Canyon and chose to focus on recreation work and Parks and Recreation Administration. For 26 years he was employed by Salt Lake County leading the Parks and Recreation Department, as Director of Aging Services, and the Director of Criminal Justice Services. He spent 15 years working with the Cottonwood Heights Parks and Service area and has served in political capacities as a District 3 Council Member 3. In 2019 he was elected Mayor. He is best remembered for his



focus on listening to the needs of those around him. He is married to Charlene and has five children.

Former Mayor Peterson expressed gratitude to Representative Bennion and the City Council for the recognition. He stated that it was an honor to serve as Mayor and he wished the best for those new to the Council and Mayor Weichers.

#### **4.0 CITIZEN COMMENTS**

*Nancy Hardy* was interested in previous responses to citizen comments and asked if they were referenced somewhere in the minutes or on the City website. She noted the congestion with skiers and questioned the Utah Department of Transportation (“UDOT”) and their decision regarding the widening of the Canyon and the proposed gondola.

*Beckett Harris* commented that Wasatch Boulevard lacks sidewalks, and a 55 MPH speed limit makes it very difficult to access any of the public areas. He suggested paths or sidewalks be constructed to ensure the safety of bikers and pedestrians.

*Micki Harris* reported that she previously attended a meeting where safety along Danish Road was discussed. She was informed by a Council Member that there were no funds available for sidewalks. She stressed the importance of finding the needed funds to prevent a death in the area and to ensure the safety and walkability of the community. She appreciated Mayor Weichers and his efforts to implement these issues into the Master Plan and leading discussions with UDOT.

Mayor Weichers stated that Mr. Hulka presented a Mid-valley Active Transportation Plan during the Work Session that includes six cities working together on issues. He noted that it is focused on the safety of residents.

*Alan Mark* commented that he previously commented during a City Council Meeting regarding safety along Creek and Danish Roads, there was a temporary increase in police patrols and two flashing stop signs were installed. He believed the City contains an abundance of concrete and asphalt and was unable to find a restaurant with seating that doesn’t look onto a busy street. He asked the City to prioritize creating a more quiet, livable, and safe environment. An application for a preliminary assessment of traffic conditions along Danish Road with required signatures was presented to Staff for review.

*Robert Tomskey*, a Hidden Oak Drive resident, and due to safety concerns and high speed along Wasatch Drive, is no longer able to walk his dog. He believed that skier and overflow traffic from Wasatch Boulevard to Danish Avenue is unacceptable and being used as a shortcut. A speed trailer was placed for three days that indicated that 191 vehicles were traveling faster than 35 MPH. He also provided a speed study for Danish Avenue and asked the Council to repeal Ordinance 14.12.090 Section F.

*Theresa Heinrich* shared concern with vehicle speeds between Big and Little Cottonwood Canyons. She stated that the flashing sign near the La Caille turnoff has been broken and

determined that it is owned by UDOT. She asked that the City place another traffic trailer along the west side for southbound traffic to ensure that the northbound portion is working properly.

Chief Russo stated that the traffic trailer is working correctly, and the flashing lights have been disabled to record an accurate traffic speed count. The traffic survey is being conducted to identify various speeds at different times of day as traffic tends to alter speeds if the light is flashing. Data will be available upon completion of the study.

*Jeff Chatelain* resides on Racquet Club Circle and addressed the Canyon Center apartments approval. He reported that the Planning Commission voted 5-to-1 against the expansion of the project and believed the developer purchased the property with a specific number of units in mind. He has taken advantage as his attorney has been documented as saying “sins of the past”. He stated that the traffic studies being used are from 2011 and 2016 and are outdated as the City has since doubled in size. He questioned how one person can overturn a 5-to-1 vote by stating that the Planning Commission did not respond appropriately.

Mayor Weichers noted that an enhanced study was recently approved and will include Wasatch and Fort Union Boulevards.

*Reza Ahmadi* identified himself as a resident of Cottonwood Heights who lives near Little Cottonwood Canyon. He relayed his experience with an increase in traffic. He commented that he travels Wasatch Boulevard daily and stated that it is being treated as a highway. He believed the area is unsafe as both a pedestrian and driver with three near incidents in the last month. He suggested matching development and revenue with infrastructure that can oversee the development while being responsible and providing access.

City Manager, Tin Tingey, reported that online public comments will be forwarded to the City Council and included as part of the record.

*Leslie Kovach*, a Cottonwood Heights resident, asked the City Council to do better in terms of enforcement and action along Wasatch Boulevard. She works out of her home and emphasized that she cannot work effectively while listening to traffic, speed, and development in the City.

## **5.0 ACTION ITEMS**

### **5.1 Consideration of Resolution No. 2022-08 Approving Appointments to the Arts Council.**

Mr. Tingey reported that the above item involves the approval of the reappointment of Joy Henriksen and Laura Garcia to the Arts Council. He stated that both do exceptional work and Staff recommended approval.

**MOTION:** Council Member Newell moved to approve Resolution No. 2022-08. The motion was seconded by Council Member Petersen. Vote on motion: Council Member Petersen-Aye, Council Member Bracken-Aye, Council Member Newell-Aye, Council Member Birrell-Aye, Mayor Weichers-Aye. The motion passed unanimously.

**5.2     Consideration of Resolution No. 2022-09-A Declaring a Parking Permit Area on a Portion of Racquet Club Drive**

**OR**

**Consideration of Resolution No. 2022-09-D Denying Declaration of a Parking Permit Area on a Portion of Racquet Club Drive.**

Community and Development Director, Mike Johnson, presented the Staff report and stated that the above resolution involves consideration of a petition following Section 11.20 of City Code. It allows the City Council to consider petitions for resident-only parking with only a certain criterion being met. A previous Staff analysis showed that they felt that in this area those criteria are not met and recommended not approving the petition. They are in the early phases of starting a City-initiated traffic study that goes beyond the previous study and includes more detail. Alternatives were being considered.

**MOTION:** Council Member Bracken moved to approve Resolution 2022-09-D. The motion was seconded by Council Member Petersen. Vote on motion: Council Member Petersen-Aye, Council Member Bracken-Aye, Council Member Newell-Aye, Council Member Birrell-Aye, Mayor Weichers-Aye. The motion passed unanimously.

**5.3     Consideration of Resolution No. 2022-10 Accepting a Request for Defense and Indemnification.**

City Attorney, Shane Topham, reported that the above request is for defense and indemnification. The Government Immunity Act of Utah is a series of statutes that govern when and how governmental units within Utah may be sued. One provision states that government employees who are sued due to their actions during the scope and course of their employment are entitled to defense and indemnity from their employer or the governmental entity. A written request must be filed for the defense and indemnity and then the governing body of the governmental entity must respond within 10 days.

He reported that three City police officers were named as the original defendants in a civil rights lawsuit filed in or about November 2021 concerning their response to an alleged domestic violence incident at an “extended stay” hotel in the City on December 8, 2018. The plaintiffs amended their original complaint to name additional defendants, including Chief Russo. Chief Russo also has filed with the City a request for indemnification pursuant to the State’s Immunity Act cited above.

The resolution will accept the request for defense and indemnification subject to a reservation of rights if the subject acts or omissions did not occur within the proper parameters. The City is required to accept such requests and provide defense and indemnity to its employees to the extent that the subject acts or omissions occurred during the performance of the employees’ duties, within the scope of the employees’ employment by the City, or under color of authority.

**MOTION:** Council Member Newell moved to approve Resolution 2022-10. The motion was seconded by Council Member Bracken. Vote on motion: Council Member Petersen-Aye, Council

Member Bracken-Aye, Council Member Newell-Aye, Council Member Birrell-Aye, Mayor Weichers-Aye. The motion passed unanimously.

**5.4     Consideration of Resolution No. 2022-11 Accepting a Request for Defense and Indemnification.**

Mr. Topham stated that the above resolution involves a request for defense and indemnification and companion lawsuit to the suit filed previously by the family of Zane James. Former CHPD Officer, Casey Davies, is named as a defendant in a lawsuit recently filed in Utah State court. Mr. Davies filed with the City a request for indemnification pursuant to the Governmental Immunity Act of Utah. The resolution will accept that request for defense and indemnification subject to a reservation of rights if the subject acts or omissions did not occur within the proper parameters. The City is required to accept such requests and provide defense and indemnity to its employees to the extent that the subject acts or omissions occurred during the performance of the employees' duties, within the scope of the employees' employment by the City, under color of authority.

**MOTION:** Council Member Petersen moved to approve Resolution 2022-11. The motion was seconded by Council Member Bracken. Vote on motion: Council Member Petersen-Aye, Council Member Bracken-Aye, Council Member Newell-Aye, Council Member Birrell-Aye, Mayor Weichers-Aye. The motion passed unanimously.

**5.5     Consideration of Resolution No. 2022-12 Approving Disposal of Unclaimed Property or Former Evidence.**

Chief Russo stated that the Evidence Room is audited periodically for the disposal of unclaimed property. The above resolution includes cash in the amount of \$250 accumulated from various areas with unidentified donors. He explained that this is the statutory process for disposing of unclaimed property and the finding agency may donate the items to a public interest use.

**MOTION:** Council Member Bracken moved to approve Resolution 2022-12. The motion was seconded by Council Member Birrell. Vote on motion: Council Member Petersen-Aye, Council Member Bracken-Aye, Council Member Newell-Aye, Council Member Birrell-Aye, Mayor Weichers-Aye. The motion passed unanimously.

**6.0     CONSENT CALENDAR**

**6.1     Approval of the City Council Work Session and Business Meeting Minutes for January 18, 2022.**

**MOTION:** Council Member Birrell moved to approve the City Council Work Session and Business Meeting minutes for January 18, 2022. The motion was seconded by Council Member Newell. The motion passed with the unanimous consent of the Council.

## **7.0     ADJOURN CITY COUNCIL BUSINESS MEETING**

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

The City Council Meeting adjourned at 7:57 p.m.

*I hereby certify that the foregoing represents a true, accurate, and complete record of the Cottonwood Heights City Council Work Session and Business Meeting held Tuesday, February 1, 2022.*

Teri Forbes

Teri Forbes  
T Forbes Group  
Minutes Secretary

Minutes Approved: February 15, 2022