

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL WORK SESSION  
HELD TUESDAY, OCTOBER 19, 2021, AT 5:00 P.M. IN THE COTTONWOOD  
HEIGHTS CITY COUNCIL WORK ROOM LOCATED AT 2277 EAST BENGAL  
BOULEVARD**

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

**Staff Present:** City Manager Tim Tingey, City Attorney Shane Topham, Police Chief Robby Russo, Assistant Police Chief Paul Brenneman, Community and Economic Development Director Michael Johnson, Finance and Administrative Services Director Scott Jurgens, Public Works Director, Matt Shipp, Records Culture and Human Resources Director Paula Melgar (electronically)

**Excused:** Assistant Fire Chief Riley Pilgrim

**1. Welcome – Mayor Peterson.**

Mayor Mike Peterson called the meeting to order at 5:04 p.m. and welcomed those present.

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

Mayor Peterson reviewed the agenda for the Business Meeting and stated that there were several presentations. One of the presenters, Brooksee, is the sponsor of the half marathon. They provide donations to Cottonwood Heights Recreational Foundation that sponsors children and families who are unable to pay membership fees to participate in youth soccer and classes. The fact that a person receives a sponsorship is confidential. The Mayor also stated that Utah Recreation and Parks Association representatives were present to recognize the service area as an outstanding recreation department.

The Mayor further advised that there will be general citizen comments and public comment on the proposed changes to the short-term rental amendment. The Mayor asked for comment from Community and Economic Director, Michael Johnson, who stated that the amendment was introduced at the last meeting. Most of the proposed changes are clarifications and streamline how the ordinance reads. It was noted that short-term rentals are illegal in single-family areas. The definition of short-term rentals was modified to specify “fewer than 30 days” which matches the State Code language. The amendment also now lists the potential penalties for violations in the ordinance itself rather than appearing elsewhere in City Code.

The next agenda item pertained to two Staff Quarterly Reports regarding a Monthly Financial Report and a Quarterly Report from the Unified Fire Authority (“UFA”). The UFA report was to be presented by Captain Ken Aldridge. Mayor Peterson reported that Fire Chief Petersen is retiring the first of the year. The search for a New Chief was to be conducted by a committee, headed by Mayor Holly Daines, using both internal and external processes. The Mayor also reported that

two of their fire stations, which are owned by Salt Lake County, are going through a seismic retrofit. The work is important, particularly if the stations are ever turned over to the City, as it would be a major capital expense.

The four action items were reviewed. Public Works Director, Matt Shipp, reported that the remainder of the year-four plan will be brought before the council in January. Mayor Peterson stated that this plan is a significant accomplishment by the City Council. Positive feedback was received regarding how much effort had gone into the plan and how much work was being done throughout the Valley.

Item 7.3 involved Planning Commission appointments. Mr. Johnson stated that the resolution does not involve a new appointment but is a modification of existing terms. The standard practice when appointing new Commission Members is to appoint them as an Alternate and make any existing alternate a regular member. For the last two appointments, this action was not taken. This resolution makes sure the newest member is the designated Alternate and makes Commissioner Lucy Anderson a regular member.

Item 7.4 involves a resolution to allow retention of a Consultant to update the Moderate-Income/Affordable Housing Plan. Several years ago, the State adopted an Affordable Housing Master Plan. A specific progress report and updated housing data were to be supplied annually. The report was done last year with GSBS Architects, at a cost of \$1,400. It was noted that some cities are failing to get this done, which is causing angst among the State representatives. Cottonwood Heights, has, thankfully, submitted its updated housing plan and report in a timely manner.

Mayor Peterson agreed with a comment made regarding the loss of Chief Petersen who is retiring. The Chief, who has been in the position for five years, has always been professional and well organized. He will be missed.

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

#### **a. Butlerville Days Discussion – Records, Culture, and Human Resources Director, Paula Melgar and Culture Manager, Ann Eatchel.**

Mayor Peterson reported that a summary of the evaluations by the Butlerville Days Committee was included in the packet and invited comment. Records, Culture, and Human Resources Director, Paula Melgar, stated that they met with the Butlerville Committee on October 7 to evaluate the 2021 Butlerville Days event and identify what the committee wants to do for 2022.

Culture Manager, Ann Eatchel, stated that the Committee consists of volunteers who donate long hours to make it a successful event. Many have served on the Committee for many years. Each member of the Committee oversees an event or area. In terms of evaluation, the Committee met and discussed the event details. Ms. Eatchel appreciated the committee members for their help and support as well as the support received from the Cottonwood Heights Recreation Center, the Police Department, Public Works, and the City Council. She also thanked City staff, specifically Mr. Johnson's team who took phone calls and payments and helped with accounting duties.

The Committee felt that overall, the event was extremely successful. After an extremely difficult year dealing with COVID-19 and not having Butlerville Days, Manager Eatchel's goal going into this year's event was to bring cheer to City residents by having an almost free event. She was proud to say that they were able to pull it off. The only cost to residents was for pickleball and vendors.

Highlights of the event included the marching band from the Canyons School District. The Arts Council did Painting in the Park where 100 attendees painted a picture of a rooster. The attendees indicated that this was something they would like to do again. The Historic Preservation Committee and the Parks, Trails, and Open Space Committee representatives led a Historic Walk, which was enjoyable. The addition of this event was the result of their effort to keep costs down. The "Rocks Hidden in the Park" event was also a success. The Planning Department hid several rocks that had been painted by the Arts Council at no cost to the City. Ninety of the rocks were donated but they were difficult to paint. The event would most likely not be repeated.

The stage was relocated, which proved to be successful as it was easier to get people off the stage, and the band had a closer place to park. They would like to continue to place the stage in the new location. Input from the Police Department was that the tone of the event was better without the carnival.

Going forward, the Committee recommended that the chairs in front of the stage, which were removed to save money, be brought back as there were numerous complaints. There should be an age limit of 15 and over for those participating in BINGO. There were complaints voiced about the number of young children present who did not want to play BINGO that long. The hope was that for the inflatables to remain free to the public, if possible. More volunteers are needed, which has been an ongoing issue. By the time the event ended, it was difficult to get people to help. Last, the majority of the Committee members voted to bring the carnival back but wanted it to be only on Thursday, with no other activity in the field. On Friday and Saturday, they suggested that all of the other activities come back similar to what has been done in the past.

The Council Members commented on the event. It was noted that carnivals will not likely come only for one day but there is support for having a carnival component. It was agreed that solid volunteers, including younger people, are needed. Mayor Peterson noted that a carnival presence is not always positive in that it brings with it a certain atmosphere. When interviewing potential carnival representatives in the past, quality was stressed, and they have been lucky in that regard. There are only two carnivals available for such events. The comment was made that the carnival adds a positive flavor, but the fireworks bring the most people to the event.

The marching band was a plus as the music carried through the whole parade. The number of parade entries also increased. A comment was made that the food lines were very long close to the time of the fireworks, so they drove elsewhere to get food and were able to return in time for the fireworks. There was some question as to the reason behind the long lines. Ms. Eatchel explained that the Committee had initially not wanted as many food trucks. At the last minute, she changed her mind and was able to find more food vendors, but they were three to four vendors short. She reported that they will be bringing three of the food trucks back, but one truck was too

slow in its turnaround time. When determining which vendors to use next year, they will inquire about turnaround times.

The comment was made that it was nice to not have the carnival, as it brings in a lot of children and pulls people in from outside the area. The concern was that it creates a non-community feel. One suggestion was to add another yoga day. Ms. Eatchel reported they also had high-impact aerobics, which attracted a lot of people as well. She offered to check into that possibility. It was noted that the pickleball tournament was the biggest it has ever been.

With regard to the carnival being only on Thursday, it was noted that most carnivals will not agree to only one day, considering the work required to set up and takedown. It was suggested that perhaps the type of rides could be selected to help influence the type of visitors. There was discussion regarding how many days the event should go on and the issue of litter. Ms. Eatchel stated that they will return with the proposed date for next year.

**b. Nuisance/Animal Control Ordinance Change – Police Chief Robby Russo and City Attorney, Shane Topham.**

Staff reviewed the nuisance/Animal Control ordinance to address whether more could be done to address nuisances in the community. Police Chief, Robby Russo, checked with other cities regarding their nuisance ordinances and found that the City’s ordinance is robust. They found that they could modify the ordinance regarding animals left alone in vehicles during the summertime. The ordinance will now allow officers to take the animal that is in jeopardy out of the vehicle and leave a note indicating what had been done. A copy of the proposed ordinance was in the packet. The penalty is a Class B misdemeanor.

Enforcement of nuisance violations was raised. Generally, for the first contact, a warning is given, as the goal is to obtain compliance. Council Member Mikell suggested that if a warning comes first, such action should be codified. Chief Russo pointed out that if the complaint comes from someone who wants to press charges, which is a different issue. Regardless of whether the officer issues a citation or a warning depends on the crime. In either case, they do not want to tie the hands of the officer. Chief Russo noted that it often comes down to communication between the officer and the person being approached. The goal is to reduce the behavior.

It was suggested that the topic be formally raised during a Council Meeting for discussion and feedback. Mayor Peterson stated that it is the philosophy within the department and the community that needs to be considered. There is a need to determine whether a language change would help define enforcement of the ordinance, or if the discussion should be directed toward an operational policy. The Police Department would review the issue further and report back to the Council.

**c. UDOT Reimbursement Agreement – Public Works Director, Matt Shipp.**

Mr. Shipp reported that the Utah Department of Transportation (“UDOT”) Reimbursement Agreement involves traffic flow at the corner of Wasatch and Fort Union Boulevards. He displayed an aerial photo and noted that during the snow season there is a lot of traffic congestion. In the winter, cars traveling eastbound on Fort Union Boulevard will create their own lanes,

resulting in as many as four cars abreast, each trying to cross Wasatch Boulevard into one lane that goes up to Big Cottonwood Canyon. A log jam is created that often results in accidents. Additionally, cars are left in the intersection trying to merge when the traffic light changes, which creates a snowball effect.

Last year the Police Department and UDOT established a plan to address winter traffic. Candlestick holes were established, and candlestick poles were temporarily placed to channel traffic into a single lane. There are candlestick poles along the turn lane going north along Wasatch Boulevard, however, cars still attempt to make double right turns. Others will cut through the parking lot to gain an advantage. They were working to resolve the issues. The use of candlestick poles during the winter months was successful, particularly as they also positioned officers nearby to ensure that vehicles are following the paths guided by the poles.

What is being proposed is to make the candlestick locations permanent and install a six- to eight-inch-high raised pork chop island. Additionally, a curb to hold the candlestick poles could be installed as shown in the photo. The road would be restriped for bicycle lanes. The options would be to install a concrete median with candlestick poles on the island or install raised curbs with candlestick poles.

The issue of how these suggestions will impact the nearby 7-Eleven store was raised with the suggestion that the matter be brought to a Council Meeting for discussion. One option would be to make the 7-Eleven entry a right-in and right-out off of Fort Union Boulevard, with full access off of Wasatch Boulevard where there are several access points. There was discussion on how to get out of the parking area if the desired street is Fort Union Boulevard. Chief Russo stated that the parking lot at 7-Eleven had been discussed and hoped for a reduction in traffic issues there. A Council Member suggested that 7-Eleven be contacted to get their opinion on the matter.

Mr. Shipp stated that UDOT's cost estimate was \$75,000. UDOT is asking the City to pay one-half, which is approximately \$35,000 to \$36,000. Mr. Shipp stated that staff was asked to address a permanent concrete solution to the immediate problem until a more permanent solution is found. A question was raised regarding the nearby apartment building created. Mr. Shipp stated that the amount of traffic has not changed. The analysis was observational and used data from officers on site, UDOT, and staff. It was noted that UDOT would like to proceed quickly for this season.

It was noted that this intersection has been reviewed by the Council before there are major concerns. The Mayor stated that the traffic jam has had a major impact on Big Cottonwood Canyon. Chief Russo stated that the temporary solution using the candlestick poles had proven to be effective. Mayor Peterson stated that because what is being suggested is permanent, they have a duty to speak with UDOT and 7-Eleven representatives first. He was supportive of the fix if that discussion occurs.

The discussion turned to specifics about ingress and egress into the 7-Eleven site and the fact that snow days are particularly difficult. Other difficulties with the site were identified. Chief Russo acknowledged that the intersection is difficult. The benefits and challenges of each option were discussed. The decision was made to speak with 7-Eleven representatives about their concerns.

Staff should also explore the stoplight issues with UDOT and readdress the issue at a future meeting.

**d. Parks, Trails and Open Space Master Plan Discussion – Community and Economic Development Director, Michael Johnson.**

Mr. Johnson reported that Planning Commission held a public hearing in September, and he expressed concern about one future Urban Trail element. The Council has previously seen the long-range plans. He noted that the City cannot purchase land for trails from private parties without the consent of a willing seller or as part of a redevelopment. Therefore, two alternate proposals had been made to the Urban Trail Section as it pertains to Little Cottonwood Creek and Hillside Trails.

After hearing the feedback and concerns from the public, the proposed alternative was to follow the public rights-of-way of the Urban Trail element. The trail would then be incorporated into the public rights-of-way on Danish Road and Siesta Drive. This option still provides the desired connections but avoids many of the concerns expressed at the last meeting. Mr. Johnson presented examples of what an urban trail could look like if placed on a right-of-way. One approach was a wide sidewalk separated from the roadway. The other option shown was a winding path, with wider sidewalks. Mr. Johnson stated that the trails could be designed to be sensitive to the context of where they are placed.

Mr. Johnson stated that the Planning Commission was disappointed in the change as they liked the concept of a Creekside trail. A few Commissioners gave feedback that the Big Cottonwood Canyon Trail would be completely different if built along the creek. They did not believe it was necessary to re-open the public hearing at the Commission level and supported the change. The matter was to be reviewed by the Open Space Committee the following day. The changes were implemented in the draft plan online. After receiving feedback from the Open Space Committee, it will come back to the City Council for consideration. Mr. Johnson expected the proposal for final approval to be ready by November.

Mr. Johnson stated that what is desired is an interconnected trail system throughout the City. It is always problematic to create a trail through fully developed property. Although trails are generally desired, the specific property owner does not want a public trail through his property. The proposed solution was considered a compromise. The neighborhood concern was recognized but the Council has a duty to provide both vehicle and foot traffic access to City parks. Mr. Johnson noted that this is one small aspect of a very large plan. Once adopted, it becomes a tool that can be used to build out the network as the City grows and changes. Changes also create funding opportunities.

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

- a. Cottonwood Heights Arts Council Art Show– October 4-26 – City Hall.**
- b. Trunk or Treat – October 29 – 3:00 p.m. to 4:30 p.m. at the Cottonwood Heights City Hall Parking Lot.**

- c. Monster Mash/Skate Night – October 29 – 5:00 p.m. to 7:00 pm. at the Cottonwood Heights Recreation Center.
- d. Brighton High School – Full Circle, a Historic Committee Exhibit – November 1-19 (tentative dates) City Hall.
- e. City Hall will be Closed November 11 in Observance of Veterans Day.
- f. City Hall will be Closed November 25 and 26 in Observance of the Thanksgiving Holiday.
- g. Light the Heights – November 29 – City Hall.

Mayor Peterson reported that there will be only one City Council Meeting in December. The swearing-in of new public officials was to occur on January 3, 2022.

5. 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 Scott Bracken moved to ADJOURN TO THE CLOSED MEETING for the purpose of discussing property acquisition of real estate. 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 6:29 p.m. to 6:50 p.m.

6. Adjourn City Council Work Session.

**MOTION:** Council Member Bracken moved to CLOSE THE CLOSED MEETING AND ADJOURN THE WORK SESSION. The motion was seconded by Council Member Petersen. The motion passed with the unanimous consent of the Council.

The Work Session adjourned at 6:50 p.m.

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL BUSINESS MEETING  
HELD TUESDAY, OCTOBER 19, 2021, AT 7:00 P.M. IN THE COTTONWOOD  
HEIGHTS CITY COUNCIL CHAMBERS LOCATED AT 2277 EAST BENGAL  
BOULEVARD**

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

**Staff Present:** City Manager Tim Tingey, City Attorney Shane Topham, Police Chief Robby Russo, HR Manager/Deputy City Recorder Heather Sundquist, Community and Economic Development Director Michael Johnson, Public Works Director Matt Shipp, Finance and Administrative Services Director Scott Jurges, Captain Ken Aldridge, Records Culture and Human Resources Director Paula Melgar

**Excused:** Assistant Fire Chief Riley Pilgrim

**1.0 WELCOME**

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

**2.0 PLEDGE AND ACKNOWLEDGEMENTS**

The Pledge was led by Council Member Tali Bruce.

**3.0 ACKNOWLEDGEMENTS**

**3.1 Brooksee Wrap-Up Report and Presentation of a Donation Check to Cottonwood Heights Parks and Recreation Service Area – Police Assistant Chief Paul Brenneman, Brooksee CEO Jared Rohantinsky, and Brooksee Race Director Troy Wheeler.**

Mayor Peterson welcomed those present. He welcomed representatives from the Cottonwood Heights Parks and Recreation Area and introduced Board of Trustees Members Jared Rohantinsky, Carl Evans, and Bart Hopkins, guests from Utah Recreation Parks Association, and representatives from Brooksee. The Mayor reported that Brooksee sponsors the Half Marathon in Big Cottonwood Canyon. Funds from the event are contributed to the Cottonwood Heights Parks and Recreation Service Area Foundation, which uses the money to provide sponsorships for less fortunate residents to access the service area activities and memberships.

A photo was taken of Brooksee CEO, Jared Rohantinsky, Race Director, Troy Wheeler, Board of Trustee members, and Ben Hill. Director Wheeler reported that in September they held their 9<sup>th</sup> Anniversary race. The race went on without major issues or complaints. It was noted that this was the first race since the pandemic. The participation count was down to 2,827, but they were satisfied with that number. They were excited about the 10<sup>th</sup> Anniversary run coming up in 2022.

Mayor Peterson reported that the race continues to get better every year. Cottonwood Heights Park and Recreation Service Area Executive Director, Ben Hill stated that they renamed the foundation two years ago from the Recreation Center Foundation to the Cottonwood Heights Parks and Recreation Foundation, to highlight their partnership. The Foundation helps citizens in need. Their goal is to champion the relationship between the Foundation and its partnership with the City. A check was presented to the Trustees and photographs were taken.

Mayor Peterson pointed out that these types of services make a community and thanked those associated with the service area, the Foundation, and Brooksee for enhancing community life by providing opportunities to be active.

### **3.2 Utah Recreation Parks Association Award Presentation – Cottonwood Heights Parks and Recreation Service Area Executive Director, Ben Hill.**

Mr. Hill introduced Past President, John Bentley Bradley and President-Elect Scott McDonald of the Utah Recreation and Parks Association (“URPA”). Mayor Peterson reported that URPA represents thousands of practitioners throughout the State who provide awards to Parks and Recreation areas. An award of recognition was presented for Cottonwood Heights Parks and Recreation Service Area. Mr. Bradley indicated that URPA recently celebrated its 70<sup>th</sup> anniversary and represents the entire State. He wanted the citizens of Cottonwood Heights to know that they are fortunate to have dedicated professionals working diligently for their community.

Mr. McDonald presented the individual Outstanding Professional Award to the City’s Visual Maintenance Manager, Roz Dalebout, which recognizes professional contributions. Ms. Dalebout has worked for the Recreation Department for the past 27 years and has made a significant impact on the department’s standards and expectations.

Mr. McDonald next addressed the Learn and Lead scholarships, which were recently named The Michael J. Peterson Learn and Lead Scholarship, in honor of Mayor Peterson. Mr. McDonald stated the name change was to honor Mayor Peterson’s inspiration to others and to celebrate his leadership, which has been felt throughout the State and nationally. Mayor Peterson stated that it was important to note that recipients of the scholarship will be able to attend various conferences and take that learning back to share with practitioners. He was proud and honored to have his name on the scholarship. The individual presentations of the awards were made, and photos were taken.

Mr. McDonald presented the Outstanding Organization award to the entity identified as an exceptional URPA agency for its consistent contributions in the field of Parks and Recreation. By receiving this award, the agency selected has shown that it strives to improve the quality of life in the community and the State of Utah. The Cottonwood Heights Parks and Recreation Service Area was selected because of what it brings in terms of programs, facilities, and facility maintenance. The Parks and Recreation staff was presented with the award and photographs taken. Mayor Peterson congratulated the Service Area employees for their great service. He noted that the Service Area was created in 1968 before there were many services in the community. It supplemented the County and has grown from there. Appreciation was also expressed to the Foundation for serving the less advantaged.

#### **4.0 CITIZEN COMMENTS**

*Officer Bryan Griffith* was present representing himself and his family. He has been an officer with the Cottonwood Heights Police Department for 2 ½. His employment background includes 25 years of police and military service. On October 5, 2021, he and his son were present at the Council Meeting as a gesture of thanks for a prior vote by the City Council. Before attending that meeting, he had his son attend a Council Work Session to become familiar with the City government processes. During the meeting, Council Member Bruce photographed him and his 17-year-old son in the audience. Council Member Bruce then posted the photograph to her Facebook page equating them as white supremacists. The post falsely stated that there was a group from Utah Citizens Alarm (“UCA”) and Cottonwood Heights Police Department (“CHPD”) officers meeting with far-right candidates. He questioned when it became acceptable to label those with differing views as “monsters of society”. Council Member Bruce’s fear and smear campaign was designed to degrade the vision of his office.

Without provocation, Council Member Bruce used his son’s photograph in her hate-filled campaign. Officer Griffith stated that because of her previous social media campaign and posting that photograph on social media, his son Cameron will be labeled as a white supremacist by those who believe her post was accurate. Even though the post was deleted, there is no way to clear the image from every device that has a copy. He was upset seeing the anger and hate emojis in response to his son’s photograph. Officer Griffith requested that Council Member Bruce release public apologies to him and his son; to officers of CHPD for inferring that they collaborate with white supremacist activists, and to the Mayoral Candidates for inferring that because of their beliefs on current issues, that they are or would be associated with white supremacist organizations. If Council Member Bruce publicly acknowledged and issued statements, he requested that the Council issue a public statement censuring Council Member Bruce, or, in the alternative, vote to not indemnify her in any action taken.

Council Member Bruce offered a public apology. She stated that she thought Officer Griffith’s son was Landon Buttars, as they look similar. She stated that UCA goes to the gun range with police officers from Cottonwood Heights. She stated that they are very tight, and the affiliation is strong. She apologized for mistaking Officer Griffith’s son for Mr. Buttars, who she believes is very much a white supremacist. Council Member Bruce was further convinced that he was Mr. Buttars because of his presence at a meeting in the foyer before the Council Meeting between the UCA, local police, and the Mayoral Candidates. She was informed less than 24 hours after posting the photograph that it was not Landon, and she took her post down.

Council Member Bruce stated that she had already apologized in an email to Officer Griffith and has acknowledged that Officer Griffith was at that meeting on his own accord representing himself and his family. She noted that Officer Griffith was in uniform for this meeting, but he did not wear his uniform to the prior Council Meetings. She apologized for not recognizing him as being a member of the CHPD. She sincerely apologized and did not want Officer Griffiths’ son to be affiliated with Mr. Buttars and what he represents. She stated that she had given other apologies and she apologized again. She hoped he would accept her apology. She stated that people make mistakes and was sorry.

The Mayor thanked Officer Griffith for his comments and Council Member Bruce for her clarifications.

*Tim Hallbeck* reported that there are a lot of different choices in Districts 3 and 4 and for Mayor. He asked that everyone investigate the background of each candidate before voting. He expressed his support for Ernie Kim. He appreciated Council Member Bruce's apology and urged citizens to vote with their hearts and logic.

There were no further citizen comments.

## **5.0 PUBLIC COMMENT**

### **5.1 Short-Term Rental Amendment – Introduction by Community and Economic Development Director, Michael Johnson.**

Mr. Johnson reported that the above matter has been discussed previously and the Planning Commission recommended approval. He explained that Airbnb or VRBO rentals are considered short-term rentals. Currently, the ordinance prohibits short-term rentals in single-family neighborhoods or areas that front public streets. Short-term rentals are only allowed through a Conditional Use and Business License process in multi-family areas that have a private Homeowners Association ("HOA") or Planned Unit Development ("PUD") with at least eight units served by a private street. The proposed amendment further clarifies where short-term rentals are allowed and penalties for violation.

Mr. Johnson next addressed the specific amendments and explained that the definition of short-term rental was revised to match State Code, which allows any for rentals for fewer than 30 consecutive days in duration. The language that short-term rentals are strictly prohibited in R-1 zones or on public streets was clarified and made clearer. It also specifies that it would be illegal to enter into a Rental Agreement greater than 30 consecutive days and allow early cancellations for the purpose of avoiding the short-term rental requirements. Additionally, the penalties for the illegal operation of a short-term rental will now be included in the short-term rental ordinance. The penalty for violation is a Class B misdemeanor. Each day can be classified as a separate offense. It was noted that challenges with enforcement of the ordinance still exist. Staff will continue to work on the issues in collaboration with the CHPD and the State Legislature to provide the City with more enforcement tools.

Over the summer, discussions were initiated by a Short-Term Rental Task Force of the Utah League of Cities and Towns ("ULCT"). The task force will meet the following week regarding a variety of issues including short-term rentals. Data from the Kem C. Gardner Policy Institute, which is assisting in developing proposed legislative changes to address a variety of related issues, will be addressed. Also, Governor, Spencer Cox, indicated in his Economic Summit that he wants to work with the ULCT. This is important and is an indicator that issues with short-term rentals are recognized and will increase the ULCT's willingness to address enforcement. Mayor Peterson agreed that it is a step in the right direction.

Mayor Peterson opened the public hearing.

*Dustin* Decker was present from Decker Technologies Solutions. He reached out to the City Council and Mayor regarding what they do. They have a product called Rentalscape, which he thought would be a valuable tool for the City. They have identified 300 short-term rentals locally in Cottonwood Heights, which represents about \$4.1 million worth of host revenue for those property owners. He described the product's capabilities and stated that it would help the Code Enforcement team with enforcement and the Finance Team capture tax dollars. The product helps identify where short-term rentals are located in the City and the information can be tied to County data by linking the addresses for property tax bills.

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

## **6.0 STAFF QUARTERLY REPORTS**

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

Finance and Administrative Services Director, Scott Jurges, provided the Monthly Financial Report and recapped the early projected budget. He noted that there is \$5,480,000 in the Total Fund Balance from the start of the year. Revenues were budgeted at \$21 million with the sales tax budget, expenditures were \$18.3 million, and transfers were just under \$3.7 million. The projections showed they plan to use \$631,000 throughout the year, leaving about \$5,000,000 in Fund Balance. He stated that there is currently no difference between year-to-date and projection numbers.

They began with \$5,480,000 at the beginning of the year of total General Fund Balance and received \$23,477,000. With regard to revenue, the main driver was sales tax, which brought in more than \$2 million over what was budgeted. The budgeted amount was \$5.7 million, but they received \$7.8 million in sales tax. The excess was more than they would have budgeted if not for COVID. They were able to hold expenses out down to \$17,335,000, which was about \$1,000,000 less than budgeted. That difference was spread through several different areas.

They ended the year with \$7,900,000 in Fund Balance, which was 33.8% of revenue. They are limited to 35%. They are also required to have a 5% hold and an additional 1% hold (per ordinance) making the total 6%, or \$1,400,000. The compensated absences were down by \$595,000. This leaves \$5,900,000 available for appropriation in the current budget.

Looking forward, the City is projected to have \$5.5 to \$5.6 million available for appropriation funds. This projection includes \$700,000 that was transferred to Capital Improvement Funds for open space. It also includes all of the different revenue sources associated with the American Rescue Plan Act (“ARPA”), State and local government Coronavirus funds, and other programs. Sales tax revenue increased to \$7.2 million but may be closer to \$8 million.

In response to Council Member Bruce's question about the net budget amount, Mr. Jurgens stated that the \$5.5 million is what is left after all of the deductions. Mayor Peterson stated that he would like to better understand compensated absences.

Mr. Jurgens next discussed specific tax categories. With regard to Sales Taxes, in June 2020 they ended with \$6.7 million. Normally, they would have asked for a \$7 million budget, but the actual income was \$7.9 million. This year the budget was set at \$7.2 million. A conservative estimate, based on collections would be \$8 million.

Mr. Jurgens explained that the County Highway Tax does not include state-wide elements. The figures for those two years were \$586,000 and then \$620,000. They are already \$1,000 ahead with one month collected. He did not believe there would be a huge difference from last year based on what was being seen so far. The budget was set at \$600,000.

The Energy Tax consists of gas and power and the City has received two months' worth of data. Prior to 2019, the trend years had been very flat, but they are seeing an increase. The line item may be \$30,000 to \$40,000 higher than what it was in the prior years. They have collected \$366,000 year-to-date, which fluctuates throughout the year depending on weather.

Mr. Jurgens reported that the Cable Franchise Tax has been very consistent. He noted that cable bills are coming down and may be moving away from cable packages. He considered the \$310,000 budgeted to be reasonable.

The Class C Road Funds collected were based on when they receive the funds. The first period begins in May or June. Currently, they are \$84,000 ahead of 2021. The tax is based on the gas tax applied to each gallon of fuel purchased. This category has been relatively consistent in past years, so the budget was close to what was received last year.

The expense trend shows a slight increase each year. The primary difference each year appeared to be the employee compensation, which is the main driver of expenses. This expense does not include expenditures made in any other fund, such as capital improvement. The expense budget currently is \$18.4 million. These numbers do not include adjustments made at the last meeting where ARPA funds were included. To date, they are \$639,000 behind the 2021 spending. Mr. Jurgens reported that in 2019, the expenditures were low and then increased and were even for 2020 and 2021.

Mr. Jurgens stated that it is very early in the tax year, and it is difficult to see what is ahead but good monetary controls are in place in terms of expenses and there are good people managing departmental budgets and staying in line with the budget.

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

Mayor Peterson noted that Assistant Fire Chief, Riley Pilgrim was excused. In his place Utah Fire Authority Captain, Kenneth Aldridge gave the Quarterly Unified Fire Report. During the third quarter, from July through September, there were 688 incidents. Of those, 79 were emergencies. They are going through a procedural change in the way calls are prioritized and dispatched and

11% of the calls shown as emergencies is a bit off. They are trying to work through some of the data in terms of how it is filtered into the data processing program. The numbers will be more accurate next quarter.

There was a small increase in the types of firefighting calls received. This quarter there were eight structural fires, four rubbish fires, four vehicle-related fires, three natural vegetation fires, and one mobile property fire. Medical calls included 77 falls and 71 sick person calls. Captain Aldridge reported that they are seeing an increase in sick people in this third quarter. Transportation calls were required for 38 unconscious people and 35 people with breathing difficulties. The remaining calls were unrelated to fire or medical service but included public service calls.

Calls were listed by stations and showed that Station 110 was the busiest, with 58% of the calls. Station 116 had 30% of the calls and Station 126 had 10% of the calls. The remaining stations had almost 2% of the calls. Ambulance responses were 70% out of Station 110. Station 126 responded to fires in Cottonwood Heights about half of the time. For total emergent times, the Authority was in the 50th percentile in arriving on scene faster than 5:46. They were in the 90th percentile in arriving at the scene in less than 8:57. Captain Aldridge displayed a visual aid showing all calls during the quarter and where they were primarily concentrated.

In relation to the UFA personnel updates, Captain Aldridge reported that 779 people registered for the written Firefighter Exam. Eighty-four of that group became firefighter candidates and advanced to interviews and physical testing in late August. The Special Enforcement Unit conducts background interviews and investigations, which takes months. They expect there will be 20 to 25 firefighters hired in February 2022. Additionally, they are working out a lateral transfer program to fill qualified paramedic slots.

In relation to station work, Captain Aldridge reported that construction at Station 125 is underway. Station 102 is closed and scheduled for demolition with temporary relocation to Magna Station #111. Property was being purchased for the New Eagle Mountain Station.

Captain Aldridge stated that National Fire Fighter Memorial Week was at the beginning of the month. There were 215 firefighter names added to the National Firefighter's Memorial in honor of their sacrifice. He noted that Millcreek Station #106 hosted a Life in Night kickoff. At sunset, the Station is lit in red to begin the memorial week. He noted that retired Engineer Val Taylor passed away. He was employed between 1974 and retired in 2004.

Promotions took place this month of Peter Young to Staff Captain (Logistics Specialist); Debbie Cigaroa to Payroll Manager; Michael Bohling to Staff Captain of Operations; and Paul Larsen to Staff Captain from Special Ops.

Mayor Peterson added that the Fire Chief is retiring in March or April and that Stations 110 and 116 are being seismic retrofitted.

## **7.0 ACTION ITEMS**

### **7.1 Consideration of Ordinance 370 Amending Code Chapter 19.89 Regarding Short-Term Rentals.**

Mayor Peterson reported that the above Ordinance is to amend City Code, Chapter 19.89 regarding short-term rentals as recommended by the Planning Commission and as discussed in prior public meetings. Council Member Petersen hoped that the changes take away the cost of doing business, such as the daily violations. This may be an issue of enforcement.

**MOTION:** Council Member Petersen moved to ADOPT Ordinance 370 amending Code Chapter 19.89 regarding Short-Term Rentals. The motion was seconded by Council Member Bruce. Vote on motion: Council Member Mikell-Aye, Council Member Bruce-Aye, Council Member Bracken-Aye, Council Member Petersen-Aye, Mayor Mike Peterson-Aye. The motion passed unanimously.

### **7.2 Consideration of Resolution 2021-51 Approving and Ratifying a Bid and Awarding a Construction Contract for the 2021-2022 Crack Seal and Slurry Seal Project.**

Mayor Peterson reported that the above Resolution will (a) approve a \$484,683.50 bid from M&M Asphalt Services, Inc. to perform the work required by the City's 2021-2022 crack seal and slurry seal project, and (b) authorize the City's entry into a construction contract with that provider for such work. Mr. Shipp stated that they will be bringing the remaining work to be done for year four before the Council in January 2022. Council Member Bruce commented that the notification process should be followed. Mr. Shipp reported that notice was provided to nearby residents and notice signs were being placed.

**MOTION:** Council Member Bracken moved to ADOPT Resolution 2021-51 approving and ratifying a bid and awarding a construction contract for the 2021-2022 crack seal and slurry seal project. The motion was seconded by Council Member Petersen. Vote on motion: Council Member Petersen-Aye, Council Member Bracken-Aye, Council Member Bruce-Aye, Council Member Mikell-Aye, Mayor Peterson-Aye. The motion passed unanimously.

### **7.3 Consideration of Resolution 2021-52 Consenting to Amended Appointments to the Planning Commission.**

Mr. Johnson reported that it is standard practice to appoint new Commission Members as an Alternate and move the Commissioner serving as Alternate to a Regular Member position. The Alternate can attend all meetings and take part in discussions but if the full Commission is present, the Alternate cannot vote. If, however, one or more of the Commissioners are absent, the Alternate becomes a voting member. The Resolution will amend the appointment of current Planning Commission Alternate Member Lucy Anderson to be a Regular Member of the Planning Commission in Jonathan Ebbeler's place, and reciprocally amend the appointment of current Planning Commission Member Jonathan Ebbeler to instead be an Alternate member of the Planning Commission. The changes will conform the appointments to the City's custom of

appointing New Members of the Planning Commission as Alternate Members and advancing current Alternate Members to become Regular Members of the Planning Commission, whenever possible and advisable, all as recommended by the City Manager.

**MOTION:** Council Member Bruce moved to ADOPT Resolution 2021-52 consenting to amended appointments to the Planning Commission. The motion was seconded by Council Member Bracken. Vote on motion: Council Member Petersen-Aye, Council Member Mikell-Aye, Council Member Bruce-Aye, Council Member Bracken-Aye, Mayor Mike Peterson-Aye. The motion passed unanimously.

**7.4 Consideration of Resolution 2021-53 Approving Entry into a Consulting Agreement for an Update of the Moderate-Income/Affordable Housing Plan.**

Mayor Peterson stated that the above Resolution approves the City's entry into a Consulting Agreement with GSBS Richman Consulting to prepare the statutorily required Annual Update of the City's Moderate-Income/Affordable Housing Plan for a not-to-exceed cost of \$2,000.

**MOTION:** Council Member Petersen moved to ADOPT Resolution 2021-53 approving entry into a Consulting Agreement for an Update to the Moderate-Income/Affordable Housing Plan. The motion was seconded by Council Member Bruce. Vote on motion: Council Member Bracken-Aye, Council Member Mikell-Aye, Council Member Petersen-Aye, Council Member Bruce-Aye, Mayor Mike Peterson-Aye. The motion passed unanimously.

**8.0 CONSENT CALENDAR**

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

Council Member Bruce would abstain as she was not present at the October 5, 2021, Business Meeting.

**MOTION:** Council Member Bracken moved to APPROVE the City Council Work Session and Business Meeting minutes of October 5, 2021. The motion was seconded by Council Member Petersen. Vote on motion: Council Member Bracken-Aye, Council Member Mikell-Aye, Council Member Petersen-Aye, Council Member Bruce-Abstained, Mayor Mike Peterson-Aye. The motion passed unanimously with one abstention.

**9.0 ADJOURN CITY COUNCIL BUSINESS MEETING.**

**MOTION:** Council Member Bruce moved to ADJOURN the City Council business meeting. The motion was seconded by Council Member Bracken. The motion passed with unanimous consent of the Council.

The meeting adjourned at 8:07 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, October 19, 2021.*

Teri Forbes

Teri Forbes  
T Forbes Group  
Minutes Secretary

Minutes Approved: November 2, 2021