

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL WORK SESSION HELD TUESDAY, AUGUST 4, 2020, AT 5:00 P.M. THE MEETING WAS HELD ELECTRONICALLY, WITHOUT A PHYSICAL LOCATION DUE TO THE CURRENT COVID-19 PANDEMIC AND AS AUTHORIZED BY THE GOVERNOR'S EXECUTIVE ORDER DATED 18 MARCH 2020**

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

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

**1. Welcome – Mayor Mike Peterson.**

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

**2. Property Watch – Chief Deputy Leslie Reberg, with the Salt Lake County Recorder's Office.**

Salt Lake County Recorder, Rashelle Hobbs reported that prior to the pandemic, the Recorder's Office met with the major title companies to ensure that the customer service they are receiving from the Recorder's Office is as expected. They are receiving feedback and are working to making the Recorder's Office the best it can be.

Ms. Hobbs stated that community outreach and service is important. They have served thousands of residents by visiting all 16 Salt Lake County Senior Centers to offer the residents complete copies of their property records.

In recent months, homes have taken on the added role of office, classroom, and a refuge from the virus. To protect property records, they have launched a new free service called Property Watch. This service notifies Salt Lake County property owners when something is recorded on their property. This service will help prevent title fraud while protecting property records.

Ms. Hobbs reported that over 7,300 residents have registered for the Property Watch service in Salt Lake County. Citizens can register for Property Watch by visiting the Salt Lake County Recorder's home page, where there is a registration link. Registration is simple, and once registered, the property owner will be notified anytime something is recorded on their property. The service is prospective only, and notifications will only be sent from the date of registration forward.

Ms. Hobbs stated that they have 301 registrants from Cottonwood Heights. She suggested ways to spread the word to Cottonwood Heights' property owners and stated that the County will

partner with the City to publicize the program. She illustrated some of the positive feedback related to the Property Watch program. The power of Property Watch is that property owners can stay notified of any recording on their property.

Mayor Peterson stated that they can likely commit to getting information about Property Watch in the Cottonwood Heights newsletter and on the City website. It was noted that when the program was presented to the City of Sandy, over 200 people subscribed. The Council expressed support for the program. It was noted that there are private companies that offer this service for \$15 per month. Property Watch is a service offered free of charge by the County and is available to all property owners.

### **3. Review of Business Meeting Agenda.**

Mayor Peterson reported that there are over 90 people registered to offer citizen comments. As a result, it was unrealistic to give each person three minutes to speak. He stated that the Council has the right to limit the amount of time given to citizen comments. Mayor Peterson invited feedback from the Council and suggested that at the outset of the meeting that the time for comment be limited to 1½ to 2 minutes. Anyone wishing to submit additional comments can submit them in writing and they will be entered into the record.

Council Member Bruce agreed with the Mayor's suggestion. Council Member Petersen also agreed and added that another way to be efficient is that a citizen can echo a previous comment. City Manager, Tim Tingey suggested that it would be more efficient for written comments to be submitted to the Recorder's Office rather than to his email.

Council Member Mikell asked if they can request that those wishing to give public comment specify whether they are residents of Cottonwood Heights. She anticipates that many of the comments will be related to the recent rally. Mayor Peterson reported that he discussed this with the City Attorney and it was agreed that they will ask for name and address, but they cannot require that people provide their address. City Attorney, Shane Topham confirmed Mayor Peterson's representation. Mr. Topham noted that an ordinance provides that public comment in a given meeting can be limited to no more than 60 minutes. The Council can waive that time limit.

Mayor Peterson was unaware of that time limit but felt uncomfortable limiting public comment to 60 minutes tonight because it is not specified on the agenda. Council Member Bracken agreed that going forward the agenda should reflect that public comment will be limited to one hour. He agreed that for tonight's meeting that they should limit each public comment to 1½ minutes. Council Member Bruce agreed and added that in the future, the agenda should include a statement that public comment will be limited to the first individuals to register.

Mayor Peterson stated that part of the Business Meeting agenda includes staff reports from the Finance Department on budget and revenue.

One action item for the Business Meeting is to approve entry into a Federal Aid Agreement for a local agency project with the Utah Department of Transportation. This is related to the project at

7650 South Wasatch Boulevard. Public Works Director, Matt Shipp reported that this action item is related to the project known as “Park and Ride.” The Council asked his department to work with the Wasatch Front Regional Council to obtain funding. They were able to reduce the parking size to meet their agreement with the County while at the same time securing the funding for the installation of the parking area. They will discuss the Federal Aid Agreement, where they will finalize the environmental document. The agreement allows them to begin expending funds in designing the project. Tonight’s action item was to approve the Federal Aid Agreement, which ties them to \$1.3 million for the project. Mayor Peterson confirmed that the Council would have the opportunity to review the final design for the project before construction commences.

It was reported that the last half hour of the Work Session will be closed to allow for the Council to be updated on pending litigation.

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

##### **a. Wasatch Boulevard Design Standards – Community and Economic Development Director, Michael Johnson.**

Community and Economic Development Director, Michael Johnson presented the staff report and stated that the plan was prepared and commissioned by the Utah Department of Transportation (“UDOT”) through their design consultant HDR. The draft plan was prepared in January 2020. The delay between January and now occurred because the prior project management team was originally going to process this internally through UDOT prior to consideration by the Council. When there was a change in project management, the new team wanted the City to review the plans prior to presentation to UDOT.

The plan was determined to be consistent with UDOT’s prior commitment to looking at Wasatch Boulevard as a special design area. The document addresses design and aesthetics. Once the design aesthetic is approved it will be applied to whatever configuration is approved through the Environmental Impact Statement (“EIS”) process. The plan will be posted on the City website for the public to view.

This project began in September 2019 with a Visioning Workshop held at City Hall that was well attended by the public. The design team referred to this workshop as a Strengths, Weaknesses, Opportunities, and Threats (“SWOT”) exercise. The goal of SWOT was to engage the public in the process. Attendees at the open house were asked to provide feedback on issues surrounding this stretch of Wasatch Boulevard.

Mr. Johnson presented a summary of feedback the design team received from the open house. Strengths included items such as scenic route, lack of light pollution, quiet, and the presence of undeveloped land. Weaknesses included high speeds and congestion. This feedback served as the foundation for the design recommendations in the plan.

In addition to the written feedback, citizens involved in the open house were also given a map to provide comment for the design team. There was feedback and discussion regarding an overall

design inspiration, which focused on the historic values of the area, the natural landscape, the mountains, and the Old Mill.

In mid-October 2019, the design team met for a three-day workshop to draw out concepts for the plan. The public was invited at the end of each day to provide feedback on the proposed designs developed during this workshop. The design team would then take the public comments and refine their concepts for the next day. Mr. Johnson presented highlights of the plan that came out of this process. The plan includes a shared use path, potential sites for improvements, enhanced pedestrian crossings, gateway features, and connections to trails. They want to ensure that this is a scenic aesthetic corridor, with limited speeds achieved through design elements.

The Council was shown examples of various points throughout the corridor that illustrate the inspirational design themes and renderings. The north gateway concept is located at the intersection of Wasatch Boulevard and Fort Union Boulevard. This area has a tremendous opportunity to be a gateway to the City.

Other renderings included the Ferguson Canyon Trailhead, grade-separated crossings, medians, trees, and a shared use path. Mr. Johnson described the rendering at Bengal Boulevard that shows an at-grade crossing that emphasizes the crosswalk feature with design enhancements. The design team included the concept of re-purposing the swamp lot into a park.

Another concept was a boardwalk through a stormwater refuge area, which depicts a good example of a mid-block crossing with a planted median for pedestrian safety. The plan also recommended potential uses for some of the undeveloped land near the high-T signal without fully redeveloping anything. The project team identified through the public input process key framework elements that guided their recommendations. Mr. Johnson summarized these elements, which included a parkway design for Wasatch Boulevard, on-road buffered bike lanes, off-road shared-use paths, bus lanes, and flex lanes. The design team also developed a conceptual cross-section showing these elements.

Regardless of the final design, key design elements included natural landscaping, consistency in tree types, streetlight styles, branding elements, low walls and fencing, landscaped medians, mid-block crossings, trailhead amenities, and lighting. The design elements were intended to create a cohesive corridor that is unique and special. The plan also includes “typicals,” for elements such as intersections, streetscape standards, landscape medians, decorative lighting, and shared use paths. Because it is a UDOT plan, Mr. Johnson did not know that it is a plan the City could formally adopt. They could, however, look for ways to encourage UDOT to incorporate this plan into their design themes.

Council Member Bracken asked about a crossing that appears to terminate near private property, which is owned by the Church of Jesus Christ of Latter-day Saints. Mr. Johnson advised that this property is being declared a surplus so they are in discussion with the LDS Church’s Real Estate Division. This is also an area that provides a great connection to the trail and trail parking.

Mayor Peterson added that there is a concerted effort by residents in that area to maintain part of the open space for the community. He expressed his appreciation for the aesthetics of the design and asked how they can get UDOT to adopt this or make it part of the overall plan. Mr. Johnson will be discussing this with UDOT and expects it will be similar to the Wasatch Master Plan, with UDOT having ownership of the plan but allowing City input into the aesthetics.

Council Member Mikell asked if other cities have borne similar aesthetic betterments on UDOT plans. She would like to be able to present more facts in support of the plan when the opportunity arises to meet with the Governor and those who will be passing the budgets. Mr. Johnson stated that the standard UDOT response is that they make the minimum improvements, and betterments are borne by the municipality; however, he had heard from all levels at UDOT that Wasatch is a special gateway area, which may take it out of that standard.

There were no further Council comments or questions.

**b. East Jordan Canal Project Discussion – Public Works Director, Matt Shipp.**

Mr. Shipp advised the Council that this project has received funding to install an asphalt trail on top of the East Jordan Canal. The Public Works Department held a public meeting at the Council's request to obtain public input on this project. The first meeting was scheduled and then canceled due to the COVID-19 pandemic. The project was delayed by the pandemic, however, they are approaching deadlines so they recently held an open house for public comment. The public comments were provided to the Council. Mr. Shipp reported that lack of privacy and safety were the two main issues included in the public comments. Another area of concern was maintenance, which the Public Works Department has addressed.

Mr. Shipp reported that they have put this project out for advertisement, which can be halted if the project is not undertaken. The project must be completed by the end of October, so they are moving forward unless instructed otherwise by the Council.

Council Member Petersen reported that he has walked the canal and understands the privacy issues. In some locations, the elevation presents a problem. Some of the residents asked if they could increase the height of their fences to provide more privacy. Another issue involved encroachments onto the property where people have built over the property line. Residents also raised the issue of maintenance, and people cleaning up after their dogs.

Mr. Shipp stated that the proposed trail is elevated, however, they are not changing the elevation more than approximately three inches. Mr. Shipp deferred to Mr. Johnson with regard to fence heights, as that is an ordinance issue. The project is ready to go, so having to add extra work will cut into the project and they are reluctant to do anything outside of the approved design.

Council Member Petersen clarified that he is aware that the elevation is not changing; the privacy issues come from increased traffic with a paved trail. Mr. Shipp agreed that the dynamics of the area will change with the addition of a paved trail even though the grade is not being changed.

The issue of fence height would be on the homeowner, and they could easily apply for a variance. Mr. Johnson stated that a Conditional Use Permit allows fences to be increased to eight feet and a different level of that permit that would allow a fence to be increased to 12 feet. Anything over eight feet requires the consent of the adjacent property owner that is affected by the increased height.

Council Member Petersen was agreeable to allowing the project to proceed. He found it difficult to please everyone along that corridor, so they need to try and do anything they can to help mitigate issues that arise. Other cities that have faced similar concerns with similar projects have not realized the fears expressed by the residents. He agreed that the path would be an added feature that the community will appreciate. Mayor Peterson added that this project is part of, and fits in with, the City-wide Trails Master Plan.

Mr. Tingey reiterated that there is very little room to add anything to this project. Residents have requested the City pay the cost of raising fence heights. There is no room to do that. Mayor Peterson confirmed that the Council agreed that there is a process for homeowners to raise their fence heights, at their expense. Mr. Shipp clarified that the issue is whether the homeowners can raise their fences, not who would pay for it.

Council Member Bruce expressed her appreciation to Mr. Shipp for his work on a prior project.

Council Member Mikell asked whether they could waive fees for any homeowner who wants to raise their fence height. Mr. Tingey stated that would not be possible. The fee is \$250. Mr. Shipp thanked the Council for approving the funds for the project and the project.

c. **Police Policies and Training Discussion – Police Chief Robby Russo and Lieutenant Dan Bartlett.**

Mayor Peterson recognized the need for input from the administration regarding the incident that occurred on Sunday evening. The question was what the City should do when there has been the use of force. Mr. Tingey stated that it has been a difficult time in the City following the events of Sunday night. They have received a lot of input regarding the issue, with very different viewpoints. He received hundreds of phone calls and emails, which run the spectrum of concern about what occurred from a police perspective, to support what happened from a police perspective. They have a lot of work to do to move forward and evaluate the incident. He suggested that they begin with the arrests that have occurred. The information would be sent to outside agencies for review.

An internal investigation will also be conducted and submitted to the State for independent review. Mr. Tingey reported that the Governor contacted him directly about the incident and to offer assistance with the review. They planned to move through this process effectively, methodically, and thoroughly. This is an important process to understand the incident and the actions taken by the City.

Mayor Peterson clarified that the review of the incident is an administrative function and not a Council function.

Council Member Bruce asked if the City and State investigations would run concurrently. Mr. Tingey stated that the City investigation will be completed and sent to the State for review. Chief Russo concurred with this process and reported that criminal charges have been filed and there were more to come. They will not co-mingle the administrative investigation with the criminal charges, which take precedence.

The outside investigation will be undertaken by the County Attorney's Office as well as the Utah Attorney General's office.

Council Member Bracken asked if they would at any point release the video from the officers' body cameras. Mr. Topham stated that the body camera videos could be evidence in the criminal proceedings, so they are protected records until the criminal investigation is complete.

Council Member Bruce raised the Seven Major Points of Reform issued by Salt Lake City. One addresses body cameras, stating that they will not be turned off and there would be disciplinary action against an officer if they turn them off. That is something the City could address and implement simply and quickly.

Chief Russo responded that the Department has a body camera policy, which was derived from a negotiation with the Legislature when they adopted the body camera program. The policy already includes the elements raised by Council Member Bruce.

Mayor Peterson stated that this would be an ongoing discussion; both as to what policies are already in place and what policies need to be modified. He fundamentally agreed with what Salt Lake City has done. Council Member Bruce inquired as to whether they could have staff review body camera issues that have occurred in the past and why there have so many cases where the body camera is not on or not working. She would also like to incorporate the disciplinary step.

Mayor Peterson stated that the discussion of body cameras would be on the agenda going forward. Policy reform will be discussed at upcoming meetings. Other issues of policy reform for upcoming agendas include hiring, SWAT, review boards, social media policies, and drug testing. These policies will be reviewed as a Council so that they are educated and make comment.

Mr. Tingey added his understanding that several body cameras were ripped off of the officers and keys taken from patrol vehicles. Lieutenant Dan Bartlett reported that one of the tactics used by the protestors was pulling equipment off of the officers. Several body cameras were pulled off and they were able to retrieve all but one. They also lost a set of keys to a vehicle. He clarified that all of the officers that were in a physical confrontation had their body cameras pulled from them.

Council Member Bruce stated that if every officer-involved had their body camera pulled from their vest, then it had to have been a pre-meditated plan, or the Department is not securing them correctly. Lieutenant Bartlett stated that the Department is securing the body cameras the best they can.

Council Member Bruce stated that another point that Salt Lake City made was the implementation of having consent searches signed. Such a policy is free to the City and would help with litigation issues. Lieutenant Bartlett stated that the Department has a consent to search form. If they ask for a consent search, the form must be signed. Not every search has a consent tied to it; probable cause searches do not require consent. Council Member Bruce stated that she believes every search should be a consent search.

Council Member Mikell asked about the timing of the investigation report. Mr. Tingey reported that the report is most likely months out because the criminal proceedings take precedence. Chief Russo confirmed that they would not adjudicate the criminal process in a Council Meeting.

Council Member Mikell stated that what occurred on Sunday was a rally and a march; she did not consider it to be a protest. They should stop using words like “riot” and “protest.” She wanted to know the timing of events that led up to the incident. The Council had an emergency meeting on Monday after which she felt comfortable with the plan going forward; Monday evening she went to the location and saw officers speaking with some kids with signs in a very respectful way and she felt good about it. She requested that any time they are aware of an upcoming rally or march in the City, the Council should conduct an emergency meeting with staff to discuss a proactive response to the event. She wanted to replicate what happened on Monday night, and they need to understand what went wrong on Sunday night.

Council Member Bracken stated that they should look at their permitting process, which allows communication between the group and the Police Department. Council Member Bruce stated that this group has marched in 8 or 9 other communities with no incidents of any kind.

On the issue of timing of the report, Mayor Peterson asked if the Council can be advised as to what types of information will be included in the administrative report. Mr. Tingey agreed to work with the Department on this issue.

Council Member Bruce proposed dropping all criminal charges until the internal investigation is completed. Mayor Peterson stated that the Council does not have the authority to drop charges. Mr. Tingey responded that they are submitting this to outside agencies and will be conducting their review of the charges.

Mr. Tingey summarized the upcoming processes and investigations. Criminal investigations are conducted first by outside agencies—County prosecutors and the State’s Attorney General. The City’s internal investigation will take place after that review, although it is already underway. It cannot be concluded until the criminal investigations and process occurs. Then, the outside review by the State will be conducted. The criminal investigations could take weeks or months.

Lieutenant Bartlett stated that the Department has collected the evidence and will submit it to the District Attorney’s Office as soon as possible. They are still locating additional evidence and witnesses. They hope to have the first set of charges out tomorrow, although the District Attorney’s office decides whether to file the charges.

The Council will be kept advised of the progress of the investigations and the processes.

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

Council Member Schedules for the next week – 2020 Calendar:

- August 22 – 6:00 p.m. – Rolling Car Show between Cottonwood Heights and Midvale.

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

There was no Closed Meeting.

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

**MOTION:** Council Member Bracken moved to 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 6:29 p.m.

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL BUSINESS MEETING HELD TUESDAY, AUGUST 4, 2020 AT 7:00 P.M. THE MEETING WAS HELD ELECTRONICALLY, WITHOUT A PHYSICAL LOCATION DUE TO THE CURRENT COVID-19 PANDEMIC AND AS AUTHORIZED BY THE GOVERNOR'S EXECUTIVE ORDER DATED 18 MARCH 2020**

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

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

**1.0 WELCOME AND DETERMINATION**

Mayor Peterson called the meeting to order at 7:09 p.m. He read in its entirety the determination giving the Council the authority to hold the meeting via Zoom, pursuant to Utah Code Annotated §52-4-207(4).

**2.0 PLEDGE**

Council Member Bracken led the Pledge.

**3.0 CITIZEN COMMENTS**

Mayor Peterson opened by making the Council aware of a few adjustments pertaining to the citizen comments due to the number of people who signed up to make comment. Instead of the typical allotted time of three minutes, they will limit comments to 90 seconds. He asked that speakers state their name and city of residence. Written comments could be submitted to the City Recorder up until 6:00 p.m. the following day. The written comments would be added to the record and distributed to the Council.

City Attorney, Shane Topham reported that City Ordinance normally allows no more than one hour for public comment in a City Council Meeting, so they are trying to bridge the gap between that limit and the fact that there are so many people who want to comment.

Written comments of the following citizens were entered into the record and provided to the Council:

*Ellen Birrell:* In the unfolding events of the August 2 "March for Justice" when the Cottonwood Heights Police Department ("CHPD") executed their premeditated disrupt and dismantle plan, a peaceful block-party style march for justice turned into a rotten, violent, dangerous affair. Chief Russo's grotesque mismanagement of the entire afternoon, including calling in police support

from Draper, Sandy, Murray, Holladay, West Valley, West Jordan, Holladay, UPD, and Highway Patrol is an utter embarrassment and, likely, a financial debacle for Cottonwood Heights City.

I personally witnessed the entirety of the March for Justice event that began in Mill Hollow Park at 4:00 p.m. After inspiring speeches invoking the late John Lewis, MLK, and calling on citizens to get informed, be involved, and vote, the same group of approximately 150 persons moved slowly and gleefully onto Mill Hollow Drive unarmed, juggling signs, pinwheels, and water bottles and dancing to music. The procession was peaceful and would have moved through its intended loop and returned without incidence to the park had six CHPD vehicles not arrived blocking the group in on both its east and west side. Trapped in 103 plus degrees on black asphalt for several minutes, tempers and resentment built. Though group organizers were willing to nurture participants onto sidewalks and change their route to a smaller side street (because police vehicles continued to block the group's advancement), CHPD again stopped the march on the side street. This is when altercations commenced. Neighbors at that point began calling the police because the loud and angry voices of trapped people, of course, upset residents. This was incited by CHPD.

After reading the numerous falsehoods that Chief Russo stated *The Salt Lake Tribune*, reported by Alex Vehar, I will go through them one by one to further illustrate the severe problem you have as the Manager for CH's Police Chief.

Quotes from Russo:

". . . several officers were sprayed with water guns containing an unknown hazardous liquid".

FALSE - They were smartly spraying all participants to keep their body temperatures and tempers from flaring.

". . . hundreds of people joined, took to the streets, and started blocking the roadways and not letting people go to and from their homes ... "

FALSE -The name of the event was "March for Justice". The group didn't suddenly "take to the streets", it was always intended the event would move onto the street to walk to where Zane James had been shot in 2018. Russo should have known that. There were approximately 150 persons from the time the speakers all the way through the rest of the event. The only reason why residents couldn't get in and out of their driveways is because CHPD blocked the progress of 150 people. 150 people trapped in a roadway are going to hamper egress/ingress for residents.

" ... the actions of the large group of protesters spurred the call for officers to respond."

FALSE -The protesters were completely peaceful and could have made the walking loop within minutes if not stopped and trapped by numerous CHPD vehicles.

" ... (they were) rioters."

FALSE - No one was carrying clubs or weaponry of any kind. Participants were busy juggling signs, pinwheels, and water bottles on this hot August afternoon.

" When you take to the streets, stop the flow of traffic, intimidate people, scare people ... you are no longer a protester to me."

He was describing his own police officers, not the protesters.

"Bruce's allegation that an officer hit her in the throat and threw her to the ground is not representative of what had occurred."

FALSE - It was most certainly representative. I watched a 100-pound woman raised into the air and thrown onto the concrete. And, I left when officers began indiscriminately spraying mace toward nearby participants, so we know from the videos they had brutally subdued several participants face down on the pavement for "talking back" to the police officers. Inciting emotions with their brutality, it is no wonder that an empty water bottle or two flew through the air. The only one I saw struck a participant NOT a police officer.

It is one thing to work with someone who sees that there is a problem to correct. It is quite another to have an employee, like Chief Russo, who is a compulsive liar, places blame falsely, and does not see that he has any errors to correct.

This email is for public record to be read at the August 4th Cottonwood Heights City Council Meeting. When it is read into public record, the quotation marks need to be announced as "Begin quote" and "End quote" so that it is properly understood by all those listening. And, there will be many of us listening in on the August 4th virtual working meeting. Please respond.

Steven Issowits: We need better leadership at City Hall and managing the direction and actions of our Police Department. How those on scene Sunday handled and ESCALATED the situation should not only be unacceptable to all of you, but it was appalling to see and we need a serious change in leadership. Shame on all of you for not doing better. And thank you to those of you, including Councilperson Bruce, for filming what went on. The actions of our Police Department, Chief, Lieutenant, etc. will certainly lead our City into investigations and lawsuits, which I as a voter and taxpayer do not appreciate having to support nor wish to defend. Some of the protesters behaved poorly as well, but I expect more from our City and Officers. Thank you.

Jim Kitchas: I am submitting the following public comment for the August 04, 2020, City Council Meeting. I request be entered into the public record and shared with Mayor Peterson and the City Council.

As a lifetime resident of Cottonwood Heights, I am submitting a public comment concerning the events that transpired between protesters and the Cottonwood Heights Police Department on August 02, 2020.

I could not be more embarrassed or disgusted with how the situation was handled by our city police. The events that transpired literally took place in my neighborhood, and what I witnessed

clearly demonstrated to me that the police officers present had no intention of de-escalating or constructively working with the protesters for a best outcome. Instead, it was their absolute and transparent intention to use a show of force, replete with an absurd militarized police presence that was appalling. The subsequent attempts to obfuscate and shift blame squarely to the protesters is disingenuous and reflects, to me, a complete lack of leadership or accountability within the Cottonwood Heights Police Department.

This leads me to a larger point that I want to impress on the Mayor and City Council. Based on what has now become a suspect pattern of behavior and leadership, it is beyond time that the city take action and remove Chief Russo from his position as the Chief of Police. Furthermore, it is time for a complete culture change in the Cottonwood Heights Police Department. This specifically means removing Chief Russo, assessing and removing any officers who demonstrate similar problematic behaviors, and acting on the wide range of recommended changes that have been proposed by citizens in Council Meetings held this year (changes that would result in a much higher degree of transparency and accountability of our Police Department).

I have not arrived lightly at this but I felt compelled after hearing an illuminating comment made by Chief Russo (and echoed by another officer) that the kind of protest we saw on August 02 may happen in Salt Lake City, but they don't happen in Cottonwood Heights. This has a chilling effect on me, as it should on every other resident in this city. Chief Russo and his officers are not above the law they are sworn to uphold and protect. They are not above violating civil liberties and then putting the blame on those who have been violated. They are not tasked with creating problems so that they can then live up to their (unfortunate) mission of "solving it."

Thank you for your consideration and for taking appropriate and swift action on this.

Sharon Kindel: After seeing and reading about the actions of Chief Russo towards Council Member Tali Bruce, I am urging you to ask for Chief Russo's resignation effective Immediately!! His actions were appalling as were the actions of the officers under his control. They should also be disciplined! I am a constituent and voter.

Tim Knab: Mr. Knab rescinded his written comment and provided verbal comments via Webinar.

Gabrielle Nacey: I would like to comment on my feelings towards the CHPD, Tali Bruce, and the expansion of Wasatch Boulevard.

Mike Ramos: We would like to discuss police reform, things going on in the Cottonwood area, as far as racial profiling, and also the blatant violence that we witnessed at the Dance protest. This looks as if the officers are not trained to deal with protest because these kids were not given to right to exercise their rights as citizens of Utah and the U.S. There needs to be accountability for actions without being pushed aside or forgotten about. These are very concerning issues for Cottonwood. This must change in Utah for everyone.

Joe Reimann: I am grateful that Cottonwood Heights Police and those other agencies which assisted them, stopped this group marching before they got to their intended destination where

Zane James was shot, which is about one-half mile west from Mill Hollow Park. That location is on 6675 South at about 2200 East. This 6675 South is a very narrow street with no sidewalks and would have been a disaster for those of my neighbors living there if they had to deal with a crowd of 100 people even if the police didn't show up. The organizers of this event were only trying to get some attention for their cause and held no consideration for those living along their intended route or destination protest point, I am disgusted that my District 3 City Council Woman Tali Bruce was there as part of the problem. She should resign immediately!

Shannon Cox: I just moved out of Cottonwood Heights to Sandy in March 2020, I loved the City and my neighbors. I am a retired police officer and the pictures and videos I have seen over the last two days have made me sick to my stomach and ashamed to have a passive participant in the city! I pray you will hold the officers involved, as well as their leadership fully accountable! I am sick that they would use their authority to harm peaceful protesters! I am happy to participate in this process, with other anti-racist, racial justice retired law enforcement officers! I am disgusted and harmed by what I have seen. My husband and daughter are black and after watching the video I don't believe they would be treated in an unbiased anti-racist way by your law enforcement officers. I pray you are also ashamed of their actions and are willing to do something about it immediately! These kinds of abuses of power cannot go unanswered!

Michelle Engstrand: Do we have the right to exercise our First Amendment in Cottonwood Heights? What is being done regarding the excessive use of force by CHPD?

Brenda Rhodes: I would recommend disciplinary actions be taken against Tali Bruce for appalling behavior, organization, and encouragement of violating our civil rights as citizens of Cottonwood Heights. Keep group celebrations at the park and off our streets as peaceful gatherings mandate and as agreed upon. I do not approve of her antics and a personal disregard for every citizen in her district. Police are not our enemies as a citizen who has lived here for 33+ years. All involved can improve including Tali Bruce and her invited guests.

Margarita Satini: Cottonwood Heights needs to adopt MAJOR REFORM. Police reform now.

Matthew Stanley: Tali needs to resign. Totally inappropriate behavior and language for a public servant no matter what was occurring, She should have set an example of how to properly interact with law enforcement. That said, Chief Russo was dismissive and rude. Also, unacceptable as the face of CHPD. Both of them are expected to LEAD BY EXAMPLE. Their behavior as leaders in our community is embarrassing. Both should resign. Especially since they've made their personal issues with each other such a public matter. The entire nation now looks at us in an unkind light.

Barbara Thompson: I am writing to you because I cannot be over at City Hall in person right now standing in support of our police. I have watched news accounts with horror last night and tonight regarding the incident that took place yesterday (Sunday, August 2, 2020) in our City. I do not like any kind of violence and I feel very strongly about free speech. However, I fully support the actions of the Police Department in gaining control of the peace on our streets last night.

I feel too many cities in America (including Salt Lake City) have allowed people to break the law, vandalize buildings and statues, throw things at the police and cause community fear until some protestors feel they don't have to obey any laws anymore. This is ridiculous. I fully support our police asking protestors to move to the sidewalks rather than block people and cars from being able to travel on our streets. I think so-called "peaceful protests" have been anything but peaceful in many places and the protests have turned into riots. As a taxpayer and citizen, I resent having to pay taxes to replace broken windows, clean up paint all over buildings, roads, and public property, and to increase police protection because people are rioting.

I fully support funding the police and I also support the police being trained in ways that will lead to greater understanding among all citizens. Further, I feel the tactics used by Council Woman Bruce are shameful. In my opinion, she has instigated bad behavior and encouraged people to break the law. She should be censured and hopefully voted out of office at the next opportunity. She clearly hasn't been using her position to lead in a productive manner and help bring people to the table where all can help to make reasonable and helpful changes.

I have lived in Cottonwood Heights' City boundaries for over 26 years and have always felt safe here. I have always felt that this community has the best interest of its citizens at the forefront. Please don't put our City in jeopardy of losing the reputation we have of being a great place to live. Thank you very much for your service!

*Kevin Fawkes:* Thank you for the service you provide advocating on behalf of the citizens of Cottonwood Heights. I am writing to you because as a resident of this City I am concerned to the extreme with the actions of our Police Department. I, like so many, watched in disbelief as Chief Russo and his officers physically apprehended and jailed protesters for the "crime" of walking in the street. The entire debacle shows how tone-deaf and overly-aggressive this city's department is. The police could have simply blocked the roads for the protesters for 30 minutes, just like they do in SLC, and it would have been over. Instead, our City has become the focus of intense backlash from protest groups and the whole spectacle is being played out in the media.

For the sake of brevity, I will get straight to my point. The Cottonwood Heights City administration needs to rethink law enforcement. I believe the City should IMMEDIATELY contact the Unified Police Department and request a proposal to again provide law enforcement to the City. I spent a career in commercial litigation and contract negotiation and I am telling you Cottonwood Heights is in a prime position to restore your citizens' trust in law enforcement and likely reduce cost. UPD is in the middle of major budget adjustments due to Taylorsville's decision to form its own police department (a decision I am confident that the city will regret) and UPD administrators would likely be willing to negotiate favorable terms for Cottonwood Heights to join in.

I remember when we were being pitched the idea of starting a new department for the city in 2007. We were promised we would get the absolute best service - specifically that it would be better than what we were receiving from the Sheriff's Office. How did that work out?

*Controversial police chief sues the city*

*Police arrest the wrong person for starting a damaging fire*

*Allegations of police harassment and questionable DUI practices*

Officer stalked a city council member for even suggesting the city look into UPD Hired officer who had substantiated claim of excessive force  
This Reddit thread from last month with 188 comments, mostly negative, about CHPD

Simply put, this department has failed. Even if you just swap out the administration, we will still be left with the stigma and reputation of the infamous 'Cottonwood Heights Police Department'.

Get UPD in the loop now. I am asking you to just get a proposal and see what the scenario would look like. We are surrounded on 3 sides by UPD jurisdictions and it simply makes sense to at least LOOK INTO IT. Is UPD perfect? Of course not, but despite three cities who have left the UPD, not one has complained about the quality of service from the officers. We were not given what we were sold by having our own department and now is the most opportune time to reconsider the future of what policing in Cottonwood Heights will look like. Thank you for your time.

Ken Garner: At a time when our police are the focus of the news, I am very concerned about police behavior. Yesterday, at 1:00, a Cottonwood Heights police truck was driving south on 1-15 at 85 mph, crossed into the carpool lane on solid lines, without signaling, and then sped up even faster. No lights. It was another example of not creating trust.

Yesterday, the police were out directing traffic and were noticeably more curious than Sunday night. There is a hard line and a grey line. They took the hard line on Sunday. If their goal was public safety, as they claimed on Sunday with keeping the marchers on the sidewalks, they failed miserably. I was there. They blocked the sidewalk and kept everyone corralled and would not let people move west. Russo did not tell the truth. It was only after the violence that they let people go, and only back to the park. I spoke last night. We want a police department that we can be proud of. It starts at the top. We need a great leader in this era, one that builds trust in all of the community. I have written to the Mayor my private thoughts. Please create good police leadership in this community, we don't have it yet. It starts with being open to change. Mayor Peterson reminded speakers to keep their comments civil and discouraged personal attacks.

It was clarified that persons who submitted written comments may rescind those written comments so that they may speak. City Manager, Tim Tingey noted that the Zoom meeting only allows up to 100 participants so there may be some people who are not able to join the webinar. He urged anyone who cannot join the meeting to submit his or her written comments before tomorrow at 6:00 p.m. They will be looking at the process of expanding their Zoom meeting for future meetings.

The following citizen comments were received via Webinar:

Ellen Birrell: Ms. Birrell requested that before any further parking lot funding and planning is advanced and confirmed, that a cost analysis be made comparing the implementation of a Summer/Fall, green trolley shuttle service connecting recreationists from an under-utilized strip mall parking lots on Fort Union Boulevard to trailheads in Ferguson, Hughes Canyon, and other Cottonwood Canyon trails. This would contrast with the cost, maintenance, and environmental degradation caused by additional asphalted parking lots. It is also consistent with Cottonwood

Heights' Master Plan that provides for more alternative transportation options and support for clean air.

Transit achieves the goals stated in the Master Plan. Asphalt contributes to more cars in our neighborhoods, which contributes to higher summer temperatures along with light, air, and noise pollution that decreases property values. Preserving green space enhances air quality and cools summer temperatures. It would also employ trolley drivers. She has definitive ideas that she would like to share with the Council and stated that this is how she wants her tax dollars spent.

Raven James: Ms. James ceded her time to her mother, Tiffany James.

Tiffany James: Ms. James requested that the Council take the following actions to remedy the atrocities committed by the Police Chief and CHPD Officers on Sunday, August 2, 2020. The acts occurred in Mill Hollow against a group of peaceful protestors and specifically her family. The acts were clearly orchestrated and targeted with the express intention of creating fear and intimidation, with full knowledge that it would incite violence so that the officers could then exercise the full display of police brutality. State Legislators, community leaders, community members, and others support the actions being requested across the nation. She reminded the Council that the eyes of the nation are on Cottonwood Heights.

First, she requested that all charges against every protestor be dismissed. On top of the beatings and physical and emotional trauma, the criminal charges are placing undue financial and emotional distress on these peoples' lives. Second, she requested an immediate third-party investigation that leads to policy and training reform within 90 days. Third, she requested that until this investigation is complete and recommendations are implemented, there be a full suspension of Police Chief Russo and any officer identified in the videos for using pepper spray and beating protestors. Fourth, she requested a statement be issued to the media to correct Police Chief Russo's unsubstantiated statements that protestors were carrying spray guns filled with urine and pepper spray and spraying officers. This is not true.

Ms. James stated that the Council has authority over CHPD and the Police Chief to take these actions. Nothing less is acceptable given the graveness of the situation and the risks to every citizen's personal safety and health. Her son has already lost his life; the Council owes it to the citizens of Cottonwood Heights to do something now.

Kimie Stojack referenced a publication from February 2014 that residents of Cottonwood Heights were not involved in the public process and creation of the Police Department. If residents would have known how much more it would cost to break from the County Police Department, they would have never approved the plan. The City voted to form CHPD as the previous Mayor and the Chief wanted, without voter input.

They have been asking for transparency since 2011, something that Council Member Tali Bruce is still asking for. The taxpayers should be made aware that in 2018, the public record shows that the Police Chief made \$193,120.01. That is 184.7% higher than the average pay for City employees and 203.6% higher than the national average for government employees. The officers also have higher than the average pay for City employees and government employees.

Ms. Stojack asked if this is the reason sidewalks and roads are not being repaired, while at the same time the Council wants to raise taxes for storm drain repairs. She stated that the CHPD needs a reboot starting with bloated salaries all the way to de-escalation. She thanked Council Member Bruce for standing up for the residents who have been at war for too long.

Ainsley Moench demanded that a full investigation take place into the events of August 2, 2020, where peaceful protestors were outnumbered, beaten, maced, tasered, and arrested for the crime of memorializing the life of a 19-year-old who died at the hands of an off-duty Cottonwood Heights police officer. She found it repulsive that her tax dollars paid for officers who brutalize and kill her neighbors. She also demanded a full investigation into the events that occurred on Monday, August 3, 2020, when an unarmed group of protestors at Butler Middle School was met with a SWAT team, while armed white nationalists had police guarding and standing with them.

Most importantly, she demanded that the Police Department's budget be slashed if not completely defunded. She saw no reason why a Police Department in this tiny suburb requires a budget of \$6 million. This is not a police reform issue. The CHPD officers have an enormous amount of training. The officer who killed Zane James led some of those trainings, which is proof that de-escalation training or other reform, while good, does not solve the problem. This is an issue of investing in violence and fear, rather than pursuing options that benefit the community which would stop crime before it happens. By continuing to fund the CHPD, she stated that their actions in the brutalization and incarceration of our community are continuing to be supported. She loves the City of Cottonwood Heights but was ashamed of the CHPD and the Council, which chooses to invest in violence.

Beau Bowthorpe registered under the name of his wife, Megan Bowthorpe. He reported that he lives on the street where the peaceful protest occurred. He has lived in Cottonwood Heights for 34 years. Service to his neighbors, community, and country is a big part of his life. What he witnessed on Sunday and Monday was an attack on that. On Sunday, he arrived at a scene of chaos where an angry mob was shouting vile language and physically attacking police officers. To later find out that a City Council Member played an active role in this peaceful protest made him sick. He observed that the Council Member's own video of the events showed that she played an active role in the madness. He stated that this Council Member has demonstrated poor judgment in her efforts to serve the community and there should be negative consequences for these actions.

He stated that at the City Center on Monday night, he held an American flag with a thin blue and red line in the middle of it in a show of support for CHPD. An opposing group gathered, and he heard nothing but hate and foul language attacking those values that have been a big part of his life and this peaceful community.

Nicki Bodine echoed the comments of the James family and Ms. Moench. She observed the horrifying footage shared by Council Member Bruce. Whether they agree with the protestors or not, this conduct was unacceptable. She commented that she and her children do not feel safe. She urged the Mayor to adopt policies that Mayor Mendenhall recently adopted for the Salt Lake Police Department. She stated that CHPD officers are to serve and protect. They should react to

tense situations by de-escalating, not escalating, and harming innocent bystanders. She claimed that the officers came and ready to fight.

Megan Skiles: Because Ms. Skiles was using an older version of Zoom, she was unable to be connected to speak.

Karma Fry stated that she has been a resident of Cottonwood Heights for 16 years. She attended the protest on Sunday and stated that it was peaceful until the officers arrived. It was clear that it was their message that the officers did not like. They were protesting police brutality and police brutality is clearly a problem in Cottonwood Heights. There is a national outcry due to the severity of the consequences of police culture and qualified immunity. She commented that some officers might feel defensive but they have video of officers beating protestors and shooting unarmed black teenagers in 2017 who were lying on the ground with their hands in the air. On Sunday, the officers attacked protestors for having pinwheels, which proves that it is the message the officers dislike and not the protest itself. As protestors, they are very well aware of their legal rights, and it is legal to protest in the streets. They did not incite violence, despite what was said on the news. She echoed the calls for action expressed by Tiffany James and the call to implement the policies that Mayor Mendenhall put into place. She implored the Council to take this issue seriously.

Kristy Morrison's comments were not audible.

Erica Kazi reported that she has lived in Cottonwood Heights for approximately one year and is looking to buy a home here. She has worked in wilderness therapy for years and has been highly trained in de-escalation techniques. She did not see any of those techniques being used by CHPD on Sunday. She would like to see a conversation instead of issues being brushed aside. She was devastated that people felt afraid on Sunday and she was afraid the previous day when she saw a vehicle carrying five militiamen, armed with rifles and shouting from the back of their pickup. She found it extremely intimidating. A friend called the CHPD and there was no response. Ms. Kazi questioned why her fears were not taken seriously. She stated that there are policing methods that can be implemented to better protect the police and the public. She pointed to more de-escalation training, more accountability for police, and a citizen's review board to hold police accountable for their actions. She acknowledged that police work hard to protect the community, however over time they develop less than ideal approaches, clearly unnecessary force and prejudices.

Slade Dahlen was present on Sunday and stated that the claim that the protestors incited the incident by refusing to stay on the sidewalk is false. He observed an officer charge a man who was standing on the sidewalk with an umbrella after which five other officers also gave chase. The police officers told the man to drop his weapon when in fact he only had an umbrella. Mr. Dahlen recounted that nothing was done the previous day despite the presence of militia armed with weapons. He expressed his support for the Second Amendment, but there is a problem when some groups are allowed to exercise their rights and some are not. He stated that the police are being used to enforce political views that further divide the City. There are people in the Cottonwood Heights Facebook group who are stating that they will conduct citizen arrests. He practices the Second Amendment but in the past, he has not carried when he was in the City

because he felt safe. He no longer feels safe and will now carry to protect himself from attacks from citizens of the community caused by the false rhetoric the police are pushing about the protests.

Tim Hallbeck did not comment on the incident on Sunday, as he was not present. He was, however, present the previous day and noted that the protestors that put the original message on Facebook were not with Black Lives Matter; rather, that message originated with the Mama and Papa Panthers. A woman named Lexi Scott organizes Black Lives Matter locally. She is anti-violence and anti-vulgarity. She is a positive person with a positive message for the movement. He witnessed an argument between a genuine Black Lives Matter protestor and a Panther's protestor. He thanked the police officers that were present that showed enormous restraint. He had never seen so many people with so many weapons in a concentrated area and nothing erupted. Many are not aware of the open carry laws in Utah, so it was scary for people who were not accustomed to that.

Jordan Wall reported that he listened to the Work Meeting and heard a comment by Council Member Bruce that a similar protest took place in several other communities without incident. He asked what communities she was referencing because he was certain that there have not been other Black Lives Matter protests in the suburbs of Salt Lake. He stated that Sunday's incident took place in front of his parent's home and was recorded. He asked why the protestors were playing *F the Police* by NWA if this was such a peaceful protest. The protestors were taunting the police and the officers had to get the protestors to move because they were obstructing the streets, which is against the law.

Mr. Wall was present representing the owners of the office buildings at Mill Rock Park, the Cottonwood Corporate Center, and Cornerstone. The owners know Council Member Bruce's name and are not happy with her. He stated that she will not be able to hold on to her Council seat for long as many are unhappy with her actions.

Edward Schwartz reported that when police become aggressive, it is similar to throwing fuel on a fire. The protestors were being peaceful and trying to bring awareness to a young man who was unjustly murdered by the CHPD. The baiting by police quickly led to an uncontrollable situation. He further stated that this situation was avoidable and created and engineered by the CHPD. If the department had proper training on how to handle non-violent situations, they could have prevented what took place. Under the leadership of Police Chief Russo, the CHPD has acted in a manner that goes against the grain of the department and their vow as officers to serve and protect the community. The Police Department should serve and protect rather than destroy a peaceful and harmonious environment.

Accountability for these actions lies with Chief Russo. The CHPD and Chief Russo have crossed the line with the public and shown what they are capable of. The police should have let the group complete their walk and issue citations after the walk. The actions and aggressions of the officers were unbelievable accountability lies with the officers involved and Chief Russo. He stated that it is time for the Mayor and the Council to speak out and immediately suspend Chief Russo until an independent investigation is completed.

Michael Albretch reported that he has lived in Cottonwood Heights since 2007. Beginning in 2018, he has had to call the CHPD for several medical assist situations and related issues. He expressed his gratitude for the officers who have responded professionally and with care. He stated that they deserve better. He suggested that they address rogue officers who do not follow the standards and morals, and who do not work disconnected from their own political views and abuse their power to enforce their political views on the residents.

The City of Cottonwood Heights does not want a confidential and independent internal affairs process that can address the grievances of residents. The current structure allows for residents to be intimidated, threatened and slandered. A District Attorney, who is a personal friend of Chief Russo, has omitted evidence. He suggested that there be an investigation by the FBI because District Attorney Gill has a conflict of interest and the Attorney General is allied with political parties that the officers represent.

Mr. Albretch witnessed a 20-year-old officer express his personal political views when initiating the out of control situation on Sunday. The officer was on a mission, which was not to protect the Constitution or the right to protest. Officers arrested the only person who actively tried to de-escalate. He requested that the City adopt an independent internal affairs process by September 1.

Weston Wall, a four-year Cottonwood Heights resident, reported that he went to the peaceful dance protest on Sunday. He stated that the CHPD was very quick to block their path and proceeded to escalate the event to violence. There was no reason for the police to be present, let alone arriving with a deeply abusive, bully mentality to instigate violence at a protest against police violence. The CHPD strongly reinforced why they were marching. The officers came looking for a fight and successful in starting one.

Mr. Wall suggested that funds be reallocated from the obviously corrupt and abusive gang of thugs hiding behind their badges. He attended another protest locally where the police blocked roads to keep them safe. The song *F the Police* by NWA was played when the CHPD showed up flexing their muscle on Sunday, then went back to fun dance music. They need change. They do not need Chief Russo who is a proven failure as a leader in Cottonwood Heights. Lieutenant Dan Bartlett lied on television when he claimed that the protestors started the confrontation. Chris McCue hid behind a can of pepper spray. All three lead by example of violence, privilege, and corruption. Mr. Wall expressed his support for Council Member Bruce and her presence on Sunday.

Amy Mills expressed concern with the CHPD's response on Sunday, which was a peaceful protest. She requested a third-party independent review of the tactics deployed and the behavior of officers during the protest. The review should be conducted to determine if policy, procedure, and laws were followed as well as determine if this was a case of deliberate obstruction and/or incompetence. Ms. Mills requested that the review be expedited to begin no later than August 15, 2020. She also requested that the review include an assessment of, and a comparison to, the protest that occurred on August 3, 2020, which had a very different response.

She further requested that the organization selected to conduct the review be chosen by people other than City employees and that the CHPD pay for the review. She also requested the CHPD undergo continual diversity and inclusion training and annual de-escalation training before the end of 2020. The existing police budget should be used to fund this training. Ms. Mills commented that patience and empathy create strong communities, not aggression and double standards. She commented that she does not feel safe at events due to how the police are representing one side.

Danielle Eckstein reported that she grew up in Cottonwood Heights. She pulled numbers from the Cottonwood Heights Annual Operating Capital Budget Report for FY 2019-2020 and reported that property taxes account for close to \$8 million of the City's budget and 40% of the City's revenue comes from property taxes. Of that, 48% is spent on public safety. 37.5 officers earn incomes totaling \$6 million. She did not understand why that number needs to be so high. Ms. Eckstein expressed the need for a serious discussion to address the redundant problem of police brutality as well as qualifications for officers, training, and proper discipline for those who abuse their power. Funds need to be strategically reallocated to more community-oriented services. It should involve taking the responsibility away from the police force and go toward community-based models of safety and support. At the peaceful protest on Sunday, the CHPD responded by beating and arresting the family and friends of the young man they murdered. She defined terrorism and stated that that is exactly what happened on Sunday. She demanded the termination of Chief Russo and that all charges be dismissed.

Griffin Munson acknowledged Mayor Peterson's dismissal of anyone who has anything to say against the militarized police force used to advance his agenda and goals. Mr. Munson was present on Sunday and reported that Chief Russo and his terrorist police force attacked the family of the person they had shot and killed two years earlier. The family was the first to be attacked, pepper-sprayed, and beaten with batons. He found this sickening and disgusting. Mr. Munson questioned why police think it is acceptable to kill someone's son and attack the remaining living family members. He demanded the termination of Chief Russo and the dismantling of the CHPD and claimed that they are not needed or wanted in the community.

Kristy Morrison expressed her support for the CHPD presence in her neighborhood of Mill Hollow this past Sunday. She was upset and concerned by the presence of Council Member Bruce at the protest, where she encouraged vulgar and volatile activity on the streets. Ms. Morrison saw Council Member Bruce's Facebook post that showed her physically intervening when the police were trying to control a crowd that was not peaceful. Before the protestors even began their walk, they were yelling at her neighbors and trying to intimidate the neighborhood. Council Member Bruce tried to use her position to interfere with arrests and official police interaction. She also made false claims that she was hit in the neck when the police were continually asking her to get out of the way. Ms. Morrison claimed that Council Member Bruce was rallying people from outside the City for her own personal agenda rather than the majority of her District. Ms. Morrison expressed support for the police doing what they need to to keep her neighborhood safe.

Jake Jensen stated that he has lived in Cottonwood Heights for most of his life. For the past 20 years, he has produced large-scale events that involve keeping thousands of people from diverse

backgrounds safe. He has been well educated on proven policies and tactics needed when emotions are high. On Sunday, the community witnessed the CHPD, under the direction of its embattled leadership, violently beat his neighbors and youth who were peacefully walking, dancing, and chanting down a public street. He characterized the protest as peaceful. Mr. Jensen commented that the police response should have matched the level of necessity that it warranted. Instead, a decision was made to respond with undue violence. The decision was made to skip industry-standard de-escalation practices from start to finish.

Mr. Jensen found it curious that unarmed protestors were met with such brutal force under the justification that they were disturbing a neighborhood street, yet the previous night a well-armed self-appointed militia of men were allowed to roam neighborhood streets with assault rifles and tactical gear. These men were patrolling the streets, taking photographs of citizens, and writing down license plate numbers, including his own.

Emma Roberts voiced concern that those who made comments in support of the Police Department were disgruntled by the events because they feel their property has been affected, when in fact they do not care about other's lives. Based on the unprovoked and violent actions of the CHPD on Sunday, it was clear that the police are so full of hatred and prejudice that they immediately took action to silence the protestors. Ms. Roberts claimed that the march was peaceful and joyful. The protestors exercised their First Amendment rights much like the "armed hate groups" exercised theirs on Monday.

Ms. Roberts addressed Chief Russo's statement to *The Salt Lake Tribune* that outsiders were wreaking havoc and spreading fear in the City. She commented that Council Member Bruce is a citizen of the community and the police punched her in the throat. Ms. Roberts claimed that Chief Russo and the CHPD wreaked havoc and instilled fear. She was disgusted by their actions and the groups they choose to support.

Brian Kasteler reported that he lives adjacent to the Mill Hollow Park and witnessed the entire event. He agreed that the event began peacefully and was well organized. He witnessed a mostly imported group of protestors, as he did not recognize many of those present. He was concerned for the safety of his family so he remained along the perimeter. As the group progressed down the street they turned violent. Protestors began throwing things and shouted vile language at him, his daughter, and his wife. Mr. Kasteler was very proud of the officers and the way they handled themselves. He asked that Council Member Bruce not import protestors into his neighborhood, which threatened the safety of his family.

Anna McNamer echoed the previous comments regarding the Master Plan that includes the preservation of their lands. She asked that the Council use the plan to preserve the land, not expand Wasatch Boulevard and consider alternative methods of transportation. She commented that the idea of preservation involves preserving the lives and welfare of human beings. She participated in the march on Sunday, the protest on Monday, and the protest outside City Hall earlier in the day. She claimed that it is an illusion that Cottonwood Heights is a small suburb where nothing happens. The culture and abuse of power are alive in the CHPD, which was proven on Sunday. The CHPD did not stop traffic until after the protestors were on the road. She stated that it is a process called kettling that is used by officers to incite fear and confusion.

The officers came prepared to incite violence and harm residents. Ms. McNamer stated that she was afraid of the officers and still is.

C.S. \_\_\_\_\_ did not give her name because she was afraid of being targeted by the CHPD. She is a resident and attended the protest on Sunday. She claimed that Council Member Bruce did not import protestors and thanked her for her service. C.S. witnessed the CHPD beat, pepper spray, and arrest peaceful protestors. She stated that the officers broke the law and the incident was premeditated by Chief Russo. She also claimed that Lieutenant Bartlett has posted racist comments on his Facebook page. She demanded that Chief Russo, Lieutenant Bartlett, and Officer McCue be fired immediately for their corruption.

Shawn Ferre reported that he lives in District 3, which is Council Member Bruce's District. He stated that he is very pleased with the CHPD and has met many of the officers, including Chief Russo, who have done a fantastic job. Mr. Ferre stated that he will continue to support them. He reported that Council Member Bruce has a personal vendetta against the CHPD that is spilling over into public service. Her actions have caused problems for everyone. Mr. Ferre was disgusted by the protest on Sunday and stated that people are entitled to free speech but he supports the police in protecting their neighborhood. He feels safe because of the police.

Kim Steenblik, a resident of District 3, stated that she lives where the protest occurred. She expressed her support for the CHPD and their presence. In the neighborhood, there are many children and she was grateful that the protest was stopped before it got to her house. She heard rap music that targeted the police with a great deal of profanity. The chanting at the park also was filled with profanity. She applauded the CHPD for being there and stopping the protest before her children were exposed to it. She agreed that when the protest began at Mill Hollow, it was peaceful. She thanked Officer Potter, who heads school programs. She feels safe with the CHPD and echoed the comments of Beau Bowthorpe and Kristy Morrison.

Val Fuller reported that the police responded to a peaceful protest on Sunday in a militarized fashion. She expressed confusion and anger at the aggressive response. Instead of allowing a group of unarmed peaceful protestors to march and dance for justice, they were stopped, kettled, and harassed by the Police Chief. The officers did not intend to allow a peaceful protest from the beginning. They intended to shut it down and instigate violence. The march was stopped within minutes of starting and officers were in full battalion gear. The officers grabbed protestors from behind and arrested them. They repeatedly used tasers, batons, pepper spray, and other methods to arrest peaceful members of the group. She commented that the City should be embarrassed by how they handled the protest compared to other neighborhoods in the Salt Lake Valley.

Ms. Fuller demanded that all of the charges be dropped and that the officers responsible for charging felonies to a peaceful protest be held responsible. She also demanded the firing of Chief Russo and other officers, including Chris McCue. Additionally, she requested that the department be defunded and demilitarized. She stated that the Council must speak out against classifying the protest as violent. Finally, she stated that kettling must stop.

Annette Ellis commented that the people who are anti-Black Lives Matter are comparing white neighborhood comfort to the killing of black and marginalized lives by the police. These are not

comparable. To claim that comfort is more important than a movement that stands for lives are being taken by the police is comical. She also commented that the live video of Sunday's protest included threatening comments against Black Lives Matter protestors. The CHPD stance in standing by the anti-BLM groups was very threatening.

Jeremy Pack registered under the name of his wife, Alex Pack. He stated he and his wife live in the neighborhood where the protest took place. One of the reasons they moved to Cottonwood Heights was because of the quiet. Sunday afternoon they had family over for dinner and received a text from a neighbor that the street was blocked. Mr. Pack and his brother-in-law went to investigate and were immediately met with profanity. He assumed it was because of their appearance. After the rally, they observed a wrench laying in the street, which he found terrifying. Mr. Packet did not understand why the event was organized in a neighborhood. He had no problems with the Monday protest at City Hall but was concerned by Council Member Bruce organizing the march in a neighborhood and putting the residents at risk. He stated that his neighbors feel the same.

Troy Ripplinger referenced a flier offering protestors two free meals and two free beers as a special 'Thank You' from Council Member Bruce. He wondered if those who support Council Member Bruce were "bought and paid for". He considered the situation to be a tactic used by democratic socialists where the group breaks the law and baits the police. They play the victim and are ready to record what they want people to see. Mr. Ripplinger stated that Council Member Bruce ran for office based on her vendetta against the police.

Steven Issowits responded to Mr. Ripplinger's statements and commented that voters decide who is in office and the voters elected Council Member Bruce. Many voters are upset with the lack of transparency in government. He thanked the Council for their service and offered his thoughts and prayers for them to make sound decisions on behalf of the City. He was embarrassed for the City over the events of the last two days and the decisions made by the CHPD. He stated that it is clear that the rally that took place on Sunday differed from the violent protests that occurred immediately after George Floyd's death and different tactics should have been used to de-escalate the situation. On Monday night, heavily armed men were in the City parks and license plates were removed from vehicles, yet nothing was done by the CHPD.

Brandon Dodge expressed appreciation for the men and women in law enforcement, as well as the Council. He supports the First and Second Amendments but noted the stark contrast between the events on Sunday versus the events on Monday. Exercising one's Constitutional rights should be allowed, but the protesters are inviting conflict into the City.

Kathy Jensen expressed appreciation to the CHPD and stated that every interaction with them, especially with Chief Russo, has been very positive. She agreed that the community needs to come together. She stated that a Council Member should bring all sides together to work things out rather than import protesters. Ms. Jensen did not attend any of the protests but stated that a crowd will often do things that no individual would do on their own. She agreed that it is important that the police have trainings to diffuse situations. She suggested that there be a clear process in the City that if people want to protest, they must apply for a permit.

Megan Skiles was recalled and thanked the Council for encouraging public comment. She grew up in Cottonwood Heights and loves the community as a whole. She expressed concern with the CHPD and stated that the viral video circulating showed an officer pick up a female protestor and throw her to the ground. Council Member Bruce was notably upset, as were many who watched the video. Ms. Skiles was grateful for the instinctual response of Council Member Bruce and did not understand the negative responses. She hoped to have the same courage in a similar situation. Ms. Skiles asked those present to imagine what they would do if that was their daughter or loved one being thrown on the ground or tased over a water bottle. She felt that the force used was unnecessary and could have resulted in serious injury. She questioned whether the attack on Council Member Bruce was because she was a legitimate threat or because she was filming and calling out injustice.

Jared Amen echoed many of the prior comments that the police did not de-escalate the situation on Sunday. The officers met the situation with full escalation against all protestors, including the vast majority who were peaceful. He commented that police should not meet violence with greater violence and they should definitely not meet peace with violence, which is what the CHPD did on Sunday. Their job is to de-escalate and restore peace in the community. The community witnessed a massive overreaction. Mr. Amen stated that the CHPD exhibited a double standard by allowing armed militia to roam the streets with no police resistance, while they brutalized protestors of which the vast majority was peaceful. He echoed the calls of other speakers for police reform and re-allocation of funds to benefit the welfare of the community. He also requested that the charges against protestors be dropped and that all related property be released from impound.

Larry Turner remarked that the protestors were not from their community, which was disrupted on Sunday. Many Cottonwood Heights residents called the CHPD fearing for their families and homes. The group was a ragtag, noisy hoard that spoke vulgarity and disrupted traffic. Citizens were concerned that protestors were armed. The police warned the marchers to clear the streets and use the sidewalks when, without warning, the violators attacked the police. He stated that one officer was severely choked, another suffered a broken nose, and others received injuries. The protestors decided to take over a peaceful community. They did not abide by laws and started a riot with the police. The City will stand together against those who do not respect their laws. Mr. Turner expressed support for the local police and their hard work. He hoped that the City does not turn into the un-American scourge similar to what is taking place throughout the country and community.

Steven Wall stated that this was not a joyful, peaceful, dancing crowd. When he went out onto his porch, he was met by noise and vulgarity despite not speaking. He told Council Member Bruce that she was like a gadfly, flitting around with the camera throughout the crowd. He doubted Council Member Bruce's account of getting struck in the throat. When the police arrived, they respectfully requested the group get onto the sidewalks. He stated that this incident was contrived. A neighbor who had only recently brought home a new baby was traumatized. Mr. Wall stated that there is an expectation that residential neighborhoods will be safe and bringing protestors into a residential area is of great concern.

Justin Stiers remarked that the various opinions expressed proves the need for and importance of an independent investigation. He hoped that along with cell phone video, there is video from the Police Department. He stressed the importance of finding out the truth. Mr. Stiers stated that this event will change the community forever. It has already impacted their lives as children are afraid to go to soccer practice due to the presence of people with guns in the community.

Tim Knab rescinded his written comments and echoed the comments of Brandon Dodge that they need to figure out a way to come together. He invited anyone who felt that Council Member Bruce was not punched in the face to contact her to provide proof since she sought medical attention soon after the incident. He did not believe that the protestors were imported; some were invited by the rally organizers. Most importantly, had the police arrived and talked to the protestors and blocked the streets off for 10 minutes, the protest would have concluded peacefully. All of the music would have been joyful.

Holly Uphold watched the video of the incident and saw disturbing actions committed by the CHPD. As she watched the video, she tried to remain neutral but was disturbed by some of the apparel worn by the officers. One officer wore a shirt that could be antagonistic to the protestors. One of the officers wore a facemask that she felt would not serve to de-escalate a situation with a protestor who was upset. She commented that the apparel speaks to the culture of the CHPD.

There was no further public comment. Mayor Peterson closed the public comment period. He apologized to anyone who could not join the meeting due to the size limitations for the meeting. Staff would try to correct that before the next meeting.

#### **4.0 STAFF REPORT**

##### **4.1 Budget Revenue Review – Administrative Services and Finance Director, Scott Jurges.**

Administrative Services and Finance Director, S. Scott Jurges displayed a page from the adopted budget, which showed sales tax at \$6.350 million. The projection was changed to \$6.3 million based on the slowdown in the economy due to COVID-19. Mr. Jurges highlighted the projected ending fund balance of \$3.850 million. He explained that outside of the sales tax projection, there is nothing else that is drastically different than what was projected. Concerning sales tax, the January 2020 sales tax information that was received in March 2020 showed that the actual tax collected was \$3.969 million. The prior year was \$3.692 million for the same period.

Total sales tax collection in FY 2018-2019 was just under \$6.350 million, and the budget was set at that amount before receiving all of the data. In April 2020, they utilized projection materials from Salt Lake County and participated in several economic updates to determine how they would be impacted by the slowdown. The projected reductions were due to the slowdown beginning in March and arrived at the projected revenue at \$6.3 million, with a budget of \$6.350 million. They felt this was a reasonable estimate of where the City will be at the end of the year.

In terms of actual sales tax collected for March 2020, approximately \$80,000 more was collected than the prior year. April was approximately \$100,000 higher than the projected revenue. Mr. Jurges stated that this increase was perplexing given that there were widespread shutdowns in April. In May, they received \$125,000 more than projected. They did not yet have the June 2020 numbers. At present, they need just under \$300,000 to meet their budget number for sales tax, and just under \$250,000 to meet their projected revenue. Typically, June is a good month for sales tax revenue. The average for January through May is approximately \$550,000. If they receive \$550,000 in sales tax revenue in June, they would have approximately \$250,000 more than their budgeted number and well over their projected number. He anticipated receiving the June 2020 numbers in approximately three weeks.

Mr. Jurges calculated that if they collect the average of the first five months of 2020, they will have collected approximately \$6.6 million, which is approximately \$256,000 over the FY 2019-2020 Budget. The current year budget for sales tax was adopted at \$5.750 million. Based on current figures, that number is conservative and could be up to \$850,000 more than what is budgeted. For the prior and current budget year, he projected that they may see in the range of \$1 million positive impact on the Fund Balance by the end of FY 2020-2021. There are variables that could change at any time. He suggested that this be monitored over the next several months based on trends.

Mayor Peterson asked if online purchasing impacts sales tax revenue. Mr. Jurges explained that any purchasing, including online purchases, have a positive impact on collections. He noted that online purchases have increased during the pandemic. Mayor Peterson also noted that the greatest source of sales tax revenue is through grocery stores and, therefore, acts as a stabilizing force for sales tax revenue. Mr. Jurges reported that slightly less than 50% of sales tax revenue comes from the point of sale within the City. The remainder comes from outside the City. Other areas of the State have had negative impacts on sales taxes that could potentially drive down the overall share they receive.

Council Member Petersen asked how the taxes are itemized and whether they can determine the source of sales taxes received. Mr. Jurges reported that they can track that information for local sales and to a lesser extent, State sales. He offered to gather that information to present to the Council. He commented that generally, food and online sales are way up, and clothing was down, restaurants were down, and hotel room taxes were down. Mr. Tingey added that some of this information is required to be kept confidential as required by the State.

## **5.0 ACTION ITEMS**

### **5.1 Consideration of Resolution 2020-36 Approving Entry into a Federal Aid Agreement for Local Agency Project with Utah Department of Transportation Concerning a Grant of up to \$1,357,503 for a Parking Facility in the Area of Wasatch Boulevard and 7650 South.**

Public Works Director, Matt Shipp reported that the above resolution is part of an agreement with the County to develop County-owned property into a park area, parking, and a trailhead. The resolution would involve accepting Federal Aid monies for the project, which total

approximately \$1.3 million. The City's match of \$6.77% has already been budgeted. They are ready to move forward and the environmental studies are underway. Once the environmental reports have been completed, the agreement allows the City to begin expending the funds on this project.

**MOTION:** Council Member Scott Bracken moved to approve Resolution 2020-36 approving entry into a Federal Aid Agreement for a parking facility on Wasatch Boulevard and 7650 South. The motion was seconded by Council Member Petersen. The motion passed with the unanimous consent of the Council.

## **6.0 CONSENT CALENDAR**

### **6.1 Approval of the City Council Work Session Meeting Minutes of July 7, 2020.**

Council Member Bracken noted that changes were made to some of his comments. Records Culture and Human Resources Director, Paula Melgar confirmed that the requested changes had been made.

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

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

Mayor Peterson thanked those in attendance and for the public comment.

Council Member Mikell requested that they share the comments regarding Sunday's events made during the Work Session. Mayor Peterson agreed and invited Mr. Tingey to restate his prior comments.

Mr. Tingey reiterated that the City is investigating the incident, including criminal allegations and proceedings, which will be conducted as an independent review by prosecutors from outside agencies. There will also be an internal investigation that will include a review and report. The Attorney General's Office will also conduct a review of the incident. These steps will take some time, and they will work to get an estimated timeline to the Council.

Mayor Peterson commented that the incident on Sunday was unfortunate and disappointing. The events from the previous night were a good example of discretion by the police and both groups who attended. The City Council would continue to meet and review policies, trainings, best practices, and other proposals.

**MOTION:** Council Member Bracken moved to adjourn the Business Meeting and move into Closed Session to discuss pending litigation. The motion was seconded by Council Member Mikell. The motion passed with the unanimous consent of the Council.

The meeting adjourned at 9:22 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 4, 2020.*

Teri Forbes

Teri Forbes  
T Forbes Group  
Minutes Secretary

Minutes Approved: September 1, 2020