

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL WORK SESSION
HELD TUESDAY, JUNE 2, 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 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, City Planner Matt Taylor

Excused: Council Member Christine W. Mikell

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

1. Review of Business Meeting Agenda – Mayor Mike Peterson.

Mayor Mike Peterson reviewed the Business Meeting Agenda. The first action item was a resolution approving entry into a vehicle repurchase option agreement with Garff Enterprises for police vehicles and associated equipment. Finance and Administrative Services Director, S. Scott Jurges reported that staff should have all of the VINs for the vehicles imminently. He explained that the new lease will be paid in 2021-2022 and 2022-2023. The amount paid will be roughly \$315,000 resulting in an annual savings of just over \$100,000. The proposed agreement provides the City with a guaranteed buyback and the City has a net cost of roughly \$630,000 over two years.

Police Chief, Robby Russo stated that the Police Department has been involved in this program for 13 years and it has been very beneficial for the department. One of the benefits is a warranty program so there are no car repair costs. There is a total of 42 vehicles.

The second action item involved a similar topic related to entry into a Governmental Lease Agreement with Zion's Bank for the lease of the police vehicles. Mr. Jurges reported that the City locked in a very favorable interest rate of 1.86% and will be paying an interest amount of roughly \$34,000 per year.

The third action item involved a Park and Ride Maintenance Agreement with UTA and Salt Lake City. City Manager, Tim Tingey explained that this item had been discussed previously. The County proposed that the City participate in the annual maintenance of two existing Park and Ride lots located within Cottonwood Heights. The proposal was to have the City pay \$6,500 per year beginning in 2020 and ending in 2024. Mr. Tingey explained that other entities are contributing as well, including UDOT, UTA, Salt Lake County, and various ski resorts.

The fourth action item involved a request from Council Member Bruce for indemnification. City Attorney, W. Shane Topham provided legal context for this request and explained that if a City officer or employee is served with a Summons and Complaint, within 10 days after that occurs the officer or employee has the right to request defense in indemnity from the governmental entity, which in this case is the City. To request indemnity, the actions must be within the course and scope of the officer or employee's duties for the City. Mr. Topham explained that a lawsuit has been filed naming both the City and Council Member Bruce as defendants. Council Member Bruce has filed a request for defense in indemnity as required by the Governmental Immunity Act. The City is required to respond within 10 days to the request. Mr. Topham recommended that the Council approve the resolution.

The fifth and final action item involved approving and ratifying a bid awarding a contract for asphalt preservation. Public Works Director, Matt Shipp explained that the City went through a public bidding process and the bid awarded. There were four bidders with the chosen bid coming in approximately \$150,000 under the estimate. The project is Phase 2 of a five-year plan for rotating road maintenance. It is for the current fiscal year and will begin before June 30, 2020. Mr. Shipp explained that there were delays due to the COVID-19 pandemic.

2. Staff Reports.

a. Cottonwood Heights Recreation Center Interlocal Agreement – City Manager Tim Tingey and Parks and Recreation Area Executive Director, Ben Hill.

Parks and Recreation Area Executive Director, Ben Hill expressed appreciation for the relationship between the Service Area and the City. He reported on the accomplishments and efforts Parks and Recreation made in 2019. He shared the Mission Statement of the Parks and Recreation Department, as well as the Core Values. Mr. Hill described the essential nature of Parks and Recreation and the benefits it provides. He also gave a historical context for the Cottonwood Heights Parks and Recreation Service Area. He explained that the Service Area boundaries were created prior to the City's incorporation, so the boundary lines do not always match. Mr. Hill explained that the Service Area is governed by an elected Board of Trustees. It has a budget of just under \$6,000,000 and currently has 23 full-time employees.

Mr. Hill provided an overview of the property tax rate history. During the 53 years of the Service Area's existence, it has increased the property tax rate five times. The Service Area currently derives 56% of its operating budget from property taxes and the remaining 44% from fees and charges. The Service Area utilizes bonds and currently has one from 2010 that will be fully paid off in 2021.

Mr. Hill reported on the facilities included in the Service Area and gave details on the Cottonwood Heights Recreation Center. He reported that memberships account for 29% of the non-taxed revenue. The Recreation Center has cardio machines, weightlifting, locker rooms, rental rooms, pools, an ice rink, a sauna, and more. Over 350,000 patrons use the pools each year, generally throughout the summer. The classes offered were described as well as new equipment obtained.

Mr. Hill described the partnerships and events the Service Area is involved in and stated that these partnerships serve as a unique model to other areas.

Mr. Tingey provided an outline for the Interlocal Agreement and the changes being made. He explained that the previous agreement was from 2017 and the new agreement needs to be approved by the end of June 2020. Mr. Tingey explained that there was a change in the contribution to the Charity Golf Tournament, which accounted for a reduction of \$300. The agreement specifies that the City will contribute \$1,000 each for movies in the park. If they are not screened there will be no contribution. The agreement provides that the City contribute \$5,000 to the Thanksgiving Day 5K, as well as \$10,000 for sponsorship for the Recreation Center and use of the center for events.

Mr. Tingey reported that the scope of services in the agreement is similar to the previous agreement. It includes the maintenance of Mill Hollow and Butler Parks, which the City has taken over from the County. Those titles have not yet been conveyed but will be shortly. Mr. Tingey stated that staff proposes that Public Works take over tree and landscaping maintenance on Highland Drive, which will save the City \$9,400. The new agreement also includes Certified Playground Inspection Assessments and revenues from pavilion and field rentals.

Mr. Tingey explained that the previous agreement included \$143,000 in the budget, and the new one increases it to \$221,000. This is mostly attributable to acquiring Mill Hollow and Butler parks. The new agreement is proposed to be in place until 2024.

b. Parks, Trails, and Open Spaces Master Plan – Senior Planner, Matt Taylor.

Community/Economic Development Director, Michael Johnson provided context for the plan and stated that it is crucial for the planning of facilities in Cottonwood Heights. While a large plan like this would generally be contracted out, staff has taken this on in-house and, therefore, has complete and total control. He explained that some timelines have been adjusted and there is still work to be done on the plan.

Senior City Planner, Matt Taylor provided detail on the plan and stated that staff has a good foundation in place and hopes to build upon a legacy. Staff has used a lot of valuable resources, including the public, to put forward the best plan for the City.

Mr. Taylor explained that a plan is necessary as there will be 2,000,000 more people in Utah by 2050. The plan emphasizes preserving ecosystems and access to recreational lands. As a gateway community the canyons, people come to Cottonwood Heights and the City has a responsibility to be proactive and look for ways to preserve critical open space.

Mr. Taylor shared the goals for the plan and stated that it looks for ways to increase public open space and recreational facilities. Staff also hopes to interconnect open space through parks around the City and through an urban trail system. He stated that the intent was to capitalize on resources already in place and making Cottonwood Heights a pedestrian-friendly city.

Mr. Taylor reported that the plan is divided into basic chapters to provide proper organization and readability. He stressed the importance of a user-friendly plan that can be distributed to the public

in an engaging way. The plan includes maps, areas that will be developing urban sites, foundation, and goals. He reported that a draft of the Master Plan is largely complete and staff expects it to change with feedback from the Parks and Open Space Committee, the Planning Commission, and the City Council.

3. Review of Calendars and Upcoming Events.

Council Member Schedules for the following week - 2020 Calendar: None.

4. 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.

5. Adjourn City Council Work Session.

MOTION: Council Member Bracken moved to close 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 6:23 p.m.

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL BUSINESS MEETING
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Excused: Council Member Christine W. Mikell

1.0 WELCOME/PLEDGE

Mayor Peterson called the meeting to order at 7:00 p.m. The Pledge of Allegiance was led by Assistant Fire Chief, Riley Pilgrim.

2.0 CITIZEN COMMENTS

City Manager, Tim Tingey shared citizen comments submitted before the meeting.

Eric Kraan had concerns with the budget and questioned whether the current budget makes the City more resilient. He expressed concern with the City being contractually obligated to pay for the maintenance of parking garages. He stated that proper budgeting should take into account future long-term liabilities and he expressed frustration that the budget only includes maintenance of City Hall and not other assets. He found it worrisome that the Chief of Police is suing the City and an elected official. He proposed a citizen committee make recommendations to the Council before the Council's Budget Retreat to improve public relations and reduce future conflicts.

Joseph Bycroft commented that change begins with those who are charged with enforcing laws. He believed that those who abuse power need to be called out and that police shootings need to be investigated. City officials should stand up for law and order. The City Council is in charged with making sure the budgets are fair for the taxpayers and the City departments.

Tim Hallbeck asked if there were maps and schedules to go along with the Slurry Project. He stated that it would be useful to anticipate which areas to avoid on scheduled slurry days. He also expressed appreciation for bars and restaurants opening again and for the City continuing to function.

Mayor Peterson recognized the challenges and concerns of black people in our country. He emphasized the importance of responding to critical items. He reported the City has received numerous letters of support for its Police Department and efforts in public safety. He assured those present that there will be appropriate training and protection for Cottonwood Heights Police Officers.

3.0 PUBLIC COMMENT

3.1 Tentative Budget for the Period of 1 July 2020-30 June 2021 – Introduction by Administrative Services and Finance Director, Scott Jurges.

Mr. Tingey reported that there were no public comments received although some of the previous comments addressed budget issues.

Council Member Bruce: Mayor, I have a quick comment. I could even put – I could put my citizen hat on if we want. With regard to this budget, I have an apology to make. I promised myself when I got into office that I would never be a “go-along to get-along” politician and I did just that with this budget. I voted to pass a budget that I know is not as transparent as it could be. It is not as transparent as it should be. And next year we as Council are going to go before the public and ask them for a tax increase and I would be remorseful – we’ve talked about it and I know that our budget will probably require it – I would be remorseful if I didn’t bring up this issue of having a fully transparent budget. I have taken a lot of abuse for continuing to raise this issue. I thought I could buy myself some peace by letting it slide this year, but it has only emboldened my bully and I made a mistake in being quiet. So, I would like to request that we strive for higher levels of transparency in every department of our budget and our governance.

Mayor Peterson: Thank you. The only thing I would add to that comment is that it is definitely not my intent to do a property tax increase next year. Obviously, there is a lot of information that has to take place between now and then. I think it is way premature to assume automatically that’s going to happen. I think there are other options as well, but everything will be on the table. I appreciate Council Member Bruce’s comments. I think we have made efforts to be as transparent as was requested. That is why Scott did the comparables as requested and hopefully we can keep working to be more and more transparent. That is a worthy goal. There is nothing wrong with that whatsoever.

Council Member Bruce: I think it all comes down to a matter of allocation and how we attribute where the dollars are going, but I think there is a higher level of transparency that we could obtain.

Council Member Bracken: I expected to – we have had this discussion via email as far as transparency and the appropriateness and how funds are allocated. I think we have done an excellent job on our budgets and we continue to do so. We are nationally recognized as having done so. So, I guess my only suggestion there is – you asked this year to have city by city comparison and honestly, I think Scott did an amazing job pulling that up. Again, with the experts in the field telling us that we have been doing an excellent job I guess my suggestion then next year is to come up with some very specific matters to do that we can discuss. I think we have

come to a consensus that we have liked the way the budget is prepared. I certainly do. I appreciate Tim and Scott's efforts on it and I would commend them for a job well done.

Council Member Bruce: I think in all fairness there are certain departments like Public Works and Police that could be outsourced. And so when we have something that we choose to have in-house that could potentially be outsourced and we allocate funds towards that department but we call it "I.T" or we call it "HR," or we call it "Debt Services," it's not as transparent as it could be if we were allocating those to those particular departments. I know you are happy with it, Scott. And that is fine and that's great but I know Scott Jorges is doing a fantastic job with our numbers but I want extreme transparency.

Mayor Peterson: Again, as a Council we are each elected to represent our position. Outsourcing is appropriate in certain situations. I do not think it is appropriate in these two situations, but again we've created a process and that process was creating a Budget Committee and a Benefits and Compensation Committee and those were times to really put forth those concerns. At this point in time I think it is noted that Council Member Bruce would like to see more of that going forward and philosophically I can't disagree with transparency. Saying outsourcing guarantees transparency, I am not sure that's always the case either. But, again, I respect those opinions.

Council Member Bruce: I'm not saying it guarantees transparency by outsourcing. I'm saying you could look at the cost of outsourcing and compare it to the cost of in-house and that would be a legitimate apples-to-apples comparison. I recognize the majority of the Council would make this choice no matter the cost, but the public has a right to know what the actual cost is.

Council Member Petersen: I disagree with that, Tali. I disagree.

Council Member Bruce: I've been bullied into silence and it hasn't paid off for me so I'm going to speak up.

Council Member Petersen: I take exception to that. I don't think that – I think, Tali, if we could list things down and you would like to have us look at the transparency on that I think that we can do that. But I take exception to what you just said.

Council Member Bruce: Well, you weren't here last year in our 2019 budget discussion and Scott Jorges did a more accurate accounting for all of the costs that's going into our policing and it's closer to the \$8,000,000 mark and then this year we dialed it back by allocating numbers to other departments and I feel like it's kind of deceptive. I as a resident want to know actually where my dollars are being spent.

City Manager, Tim Tingey: Mayor, may I say something?

Mayor Petersen: Absolutely.

Mr. Tingey: I'm always wanting to promote transparency but I will say that the information provided last year was not as in-depth as what we've done this year.

Council Member Bruce: It would probably be higher if it were.

Mr. Tingey: In addition to that, I just want to reiterate that especially as we've gone through issues of COVID, earthquakes, floods, and other elements here it's reiterated to me the importance of the great work of our staff and having them here in this City has been invaluable at this times, especially when we have the control to be able to address issues related to an earthquake and inspections and issues related to our public safety. So, I'm always going to promote where our staff are and the great services that they provide and I want to reiterate that at this time.

Council Member Bruce: I would agree with you, Tim. It's fantastic and we have tremendous staff throughout the City. We have a wonderful, tight-knit community and things are flowing beautifully here and I think we can be super, super honest about it and the fact that I've been bullied and abused and harassed from the get go for wanting to have this conversation has culminated to this moment. I'm not going to stop talking about it.

Mayor Peterson: No, we understand that and like any organization sometimes people agree to disagree but do it respectfully and professionally and so I respect your position. I think we've put a system together that's allowed every Council Member the opportunity to express their position on the Budget Committees and as we've put together the Tentative Budget. And will continue to do that going forward and Council Member Bruce you have every right to continue to express those concerns. When I look at the budget over the last few years in some of those areas that you've mentioned I think it's become much more transparent and it's been more clear and with Tim and Scott I think we've made great progress and I don't think you ever stop trying to improve on something. Once you stop improving on it then you stop progressing.

Council Member Bruce: I'd like to give a quick kudos to Scott Jorges and to Tim Tingey. I feel like our staffing levels have escalated to a new level and I have tremendous confidence in their skill set and their leadership and I really feel like our City is moving in the best direction.

Mayor Peterson: Okay, well I get confused. One minute you tell us that we're not doing it right and the next minute you tell us we're doing it right.

Council Member Bruce: We're moving in the right direction, but I understand, Tim, you know, they feel a little justified in the way they're allocating things because the majority of the Council would prefer that's the way things are allocated. I'm a lone wolf in wanting a higher level of allocation transparency, but I have tremendous confidence in our budget directors' skillset and our City Manager as a leader and I feel like staffing wise we have a great leadership.

Mayor Peterson: Okay, well that's important. All right, thank you everyone. Any final comments in the public hearing? Hearing none, we will close the public hearing and move to the action items in our agenda.

4.0 ACTION ITEMS

4.1 Consideration of Resolution 2020-22 Approving Entry into a Vehicle Repurchase Option Agreement with Garff Enterprises, Inc. for Police Vehicles and Associated Equipment.

Finance and Administrative Services Director, S. Scott Juges explained that this is a new rendition of the lease the City has had for police vehicles. It is proposed that the City purchase about \$1,945,000 of vehicles and equipment. Interest is based on that amount and the City pays for two years. Mr. Juges explained that at the end of the two years there is a guaranteed buyback from the dealer. The carrying cost of vehicles is relatively low. With this plan, the net amount paid each year is roughly \$315,000. This new lease will begin in July 2021 and will result in a net savings of roughly \$100,000 per year due to favorable interest rates.

MOTION: Council Member Bracken moved to approve Resolution 2020-22 on the Vehicle Repurchase Agreement. Council Member Petersen seconded the motion. Vote on motion: Council Member Bruce-Aye, Council Member Bracken-Aye, Council Member Petersen-Aye, Mayor Peterson-Aye. The motion passed unanimously.

4.2 Consideration of Resolution 2020-23 Approving Entry into a Governmental Lease-Purchase Agreement with ZP, National Association, for the Lease of Police Vehicles and Associated Equipment and Authorizing the Execution and Delivery of all Related Documents and the Taking of All Required Actions.

Mr. Juges explained that the above item is related to police car leasing, as well. The interest rate is favorable at 1.86% and the City benefits from that.

Police Chief, Robby Russo reported that the cars are expected later this year than usual and the Police Department will likely have all of the cars by August. It was noted that Tier 3 fuel will be used on all vehicles, resulting in an 80% reduction in emission.

Mayor Peterson stated that next time cars are leased the City will look into obtaining electric vehicles for Code Enforcement.

MOTION: Council Member Bracken moved to approve Resolution 2020-23 approving entry into a Governmental Lease Agreement. Council Member Bruce seconded the motion. Vote on motion: Council Member Bruce-Aye, Council Member Bracken-Aye, Council Member Petersen-Aye, Mayor Peterson-Aye. The motion passed unanimously.

4.3 Consideration of Resolution 2020-24 Approving Park and Ride Maintenance Interlocal Agreement with UTA and Others.

Mr. Tingey explained that the agreement involves the maintenance of two existing Park and Ride lots the City has not yet contributed to. The County has asked that the City fund a portion of these lots. Mr. Tingey reported that other entities including Salt Lake County, UDOT, UTA, and various

ski resorts are contributing as well. It is an annual cost of \$6,500 to the City. Staff recommended approval as it is an important partnership with the County and a benefit for the City

MOTION: Council Member moved to approve Resolution 2020-24. Council Member Petersen seconded the motion. Vote on motion: Council Member Bracken-Aye, Council Member Petersen-Aye, Council Member Bruce-Aye, Mayor Peterson-Aye. The motion passed unanimously.

4.4 Consideration of Resolution 2020-25 Accepting Request for Indemnification.

City Attorney, W. Shane Topham reported that the Governmental Immunity Act of Utah provides for instances when an officer or employee of a Utah government entity is named in a lawsuit. Once service of process is complete, the employee has the right to request a defense in indemnity from the governmental entity to the extent that the lawsuit involves actions taken by the officer or employee within the scope of the officer's responsibilities.

Mr. Topham explained that in this case a lawsuit has been filed naming the City and Council Member Bruce as defendants. Council Member Bruce within 10 days after service of process filed a written request with the City for defense in indemnity as is her right under the Immunity Act. The City's governing body must respond to the request within 10 days after it is made.

Mr. Topham clarified for the purposes of the Governmental Officers and Employees Ethics Act, ways the granting the proposed resolution would benefit Council Member Bruce. She is entitled to vote on the resolution as she normally would if it did not involve her since the disclosure has been made. Mr. Topham recommended approval of the resolution.

Council Member Bracken noted that it is not uncommon for these types of requests to be made. He stated that the Council has approved them periodically over the years.

MOTION: Council Member Petersen moved to accept the request for Resolution 2020-25. Council Member Bruce seconded the motion. Vote on motion: Council Member Petersen-Aye, Council Member Bracken-Aye, Council Member Bruce-Aye, Mayor Peterson-Aye. The motion passed unanimously.

4.5 Consideration of Resolution 2020-26 Approving and Ratifying a Bid and Awarding a Construction Contract to Asphalt Preservation, LLP for a City-Wide Slurry Seal Project.

Public Works Director, Matt Shipp reported that the above resolution is part of a five-year rotating maintenance plan. The project was slated for fiscal year 2019-2020 but COVID-10 slowed down the process. The City went out for public bid and received four bids with Asphalt Preservation being the low bidder. Mr. Shipp stated that the project involves 3.5 million square feet of road preservation throughout the City. The Public Works Department was working to make sure that the impacted residents are aware of when the work will be done. It was also noted that the bid came in \$150,000 under what was projected in the budget.

MOTION: Council Member Bracken moved to approve Resolution 2020-26. Council Member Bruce seconded the motion. Vote on motion: Council Member Bracken-Aye, Council Member Petersen-Aye, Council Member Bruce-Aye, Mayor Peterson-Aye. The motion passed unanimously.

5.0 CONSENT CALENDAR

5.1 Approval of the City Council Work Session Meeting Minutes of May 5 and May 19, 2020.

MOTION: Council Member Bruce moved to approve the meeting minutes of May 5, 2020. Council Member Petersen seconded the motion. The motion passed with the unanimous consent of the Council.

MOTION: Council Member Bruce moved to approve the meeting minutes of May 19, 2020. Council Member Bracken seconded the motion. The motion passed with the unanimous consent of the Council.

6.0 ADJOURN CITY COUNCIL BUSINESS MEETING.

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

The meeting adjourned at 7:53 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, June 2, 2020.

Teri Forbes

Teri Forbes
T Forbes Group
Minutes Secretary

Minutes Approved: June 16, 2020