

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL WORK SESSION
HELD TUESDAY, SEPTEMBER 1, 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, Assistant Police Chief Paul Brenneman, Lieutenant Dan Bartlett

1. Welcome – Mayor Mike Peterson.

Mayor Peterson called the meeting to order at 5:02 p.m. and welcomed those listening.

Assistant Fire Chief, Riley Pilgrim reported that Chris Cage, who spent 31 years with Unified Fire Authority and retired September 2016, has died after a battle with cancer. He was a long-time resident of Cottonwood Heights and worked at Station 116 for several years. He was active in the community providing emergency preparedness and was a member of the Urban Search and Rescue Team and an instrumental part of the Utah Task Force. Officer Cage was diagnosed with aggressive cancer several months ago and lost his battle on August 29. He responded to the 9/11 World Trade Center attack in 2001 and spent several weeks with their task force. It was believed that the cancer related to the time he spent at that work site. His family was awaiting the results to potentially provide assistance to his family. A small service was to be held on Thursday at St. Vincent's Church. Additional details would be forthcoming.

Mayor Peterson commented that he knew Chris Cage well and expressed his condolences to his family, the community, and all who knew him.

2. Storm Water Fee Discussion – Public Works Director, Matt Shipp, and Zions Bank Vice President, Susie Becker.

City Manager, Tim Tingey reported that earlier in the year, staff met with the Council to discuss the stormwater issue where they were presented with information. He stated that the engineering consulting group who conducted the evaluation identified many of the needs to be addressed including the Stormwater Fee Analysis. Three different scenarios were reviewed at the Budget Committee Meeting with one preferred scenario option identified. Mr. Tingey invited input from the Council on how they would like to proceed in moving forward with the adoption of the Stormwater Fee.

Public Works Director, Matt Shipp reported that there are multiple storm drain locations that are not camera accessible. He estimated that 250 manholes are buried and covered in concrete or asphalt. He pointed out that when the City of Cottonwood Heights was incorporated, they inherited the County's infrastructure.

Council Member Bracken stated that the Stormwater Capital Improvement Study was one of the first conducted after he joined the Council. At that time, major projects were identified and the camera truck was purchased to help locate places that could not be found.

A map depicting buried manholes was reviewed. Mr. Shipp explained that while uncovering the manholes along Creek Road, multiple holes were discovered. He shared a video of Creek Road detailing the interior deterioration of the pipes. It was confirmed that all of the money allocated for small stormwater projects will now be put toward patching those holes and repairing them to their standards. He emphasized the importance of opening the manholes and using the camera to identify issues throughout the City. Council Member Bracken confirmed that over 1000 manholes have been razed to date.

Council Member Bruce asked if they have any recourse with the County. Mayor Peterson stated that the issue was originally raised with the Engineering Department resulting in the purchase of the camera to identify major issues. In speaking to other cities, this appeared to be a common scenario throughout the valley and his understanding was that they have no recourse with the County. The Mayor explained that this is why most cities have instituted a Stormwater Fee. In a survey conducted in 2019, 60% of constituents were in favor of improvements if using the existing budget without increasing taxes or implementing fees. He recommended setting aside resources and continuing to perform road maintenance.

Mr. Shipp agreed that a lot of work needs to continue as they are still unsure as to what they are dealing with. He stated that a large portion of the storm drains sit on the Cottonwood Heights boundary side of the road. When the City was incorporated, one of the first items implemented was the Stormwater Master Plan. The plan was updated in 2019 and identified items that had been completed and that remained. He confirmed that uncovering the manholes, using the cameras, and cleaning the entire system remained a top priority.

Zions Bank Vice President, Susie Becker stated they intend to minimize the impacts on ratepayers and review what surrounding cities are doing with their rates. She reported that the main challenge with rates is the \$4.2 million up-front cost associated with the cleaning camera to determine the extent of the issues. Options for funding were disclosed. She stated the City is currently covering the stormwater cost with the \$600,000 annually coming from the General Fund. She believed that number was insufficient to cover all of the needs Mr. Shipp identified and only covers the operating cost of sweeping and cleaning. Charges will be determined by measuring the average impervious surface on a residential unit and then proportionately for commercial. Options included the following:

- Option 1: Initial monthly rate of \$6 per month per Equivalent Residential Unit ("ERU") to cover inflation cost and identify construction costs. They would issue \$6 million in bonds in 2022 and continue to transfer \$600,000 from the General Fund to the Stormwater

Fund for the first two years and \$300,000 per year thereafter. It was noted that this is the lowest monthly rate available.

- Option 2: Initial monthly rate of \$9 per month per ERU. A 3% annual rate increase was recommended each year and would be easy to build into the ordinance at the time. With this option, no bonds would be issued and there would be no annual contributions from the General Fund.
- Option 3: Initial monthly rate of \$7.50 per month per ERU. This option shows a 3% annual rate increase each month thereafter. No bonds would be issued with a contribution of \$300,000 from the General fund year after year. This is half the amount currently paid from the General Fund. This rate puts the City where the other communities are located in the terms of their rates.

Mayor Peterson stated that this is a major discussion that deserves more time and is critical to remain on the agenda going forward.

In response to a concern raised by the Council, Mr. Tingey stated that the implementation process includes educating the public on the need for the fee and the proposed rate. He indicated that the process will take a few months and at the same time, they would be evaluating the billing. Adoption would likely be through the end of the year and implemented the beginning of 2021.

Mayor Peterson asked if bonding would be an option due to the increased cost of construction and with the lower fee initially if it would allow the City to bond giving a larger impact on the problem with having the bond proceeds. Ms. Becker stated that interest rates are low and bonding could provide more money upfront allowing more of the projects to begin initially. She explained that 20-year bonds are used as an analysis and the payment will depend on the amount of the bond. A \$6 million bond would require payments of just over \$400,000 per year and the \$6 fee would yield a net revenue of approximately \$1.3 million. Operating expenses of \$760,000 would vary from year to year. Capital costs were discussed.

Council Member Bruce stated that it appears that bonding is inevitable and suggested that although this was an inherited problem, they offered an apology to the public for not having done enough to address the issue. She felt that anything proposed on the public will be a regressive tax and hurt those with fixed or low incomes heading into an economic recession.

Mr. Tingey stated that they would look at holding at least two open houses educating the public on what is being proposed before the item being considered.

Mr. Shipp explained that a blanket ERU has been considered and noted that there are locations where there is no impact. It would be the responsibility of the Council as to how they wish to distribute the fee.

Mr. Tingey stated that the next step would be for the Council to move forward with one of the three options and confirmed that along with the budget committee, Option 3 was recommended.

They would then begin the process of receiving public input with the goal of consideration of the adoption of a Stormwater Fee in the next few months.

Mayor Peterson was not comfortable with Option 3 in its entirety. He proposed discussions be continued in more detail at the next meeting allowing him to better understand the options.

Council Member Bracken preferred Option 3 and believed it was a good solution. He stated that the storm drain has been worked on annually since the City's incorporation and the allegation that the City has not addressed this issue is false. The public will know that this fee goes specifically to this project and believed it can be demonstrated at the open house. Council Member Mikell commented that if they are at a tipping point where they would see more cost by not doing anything, she would like to hear that argument and hold the open house.

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

Mayor Peterson stated that up to one hour will be given for citizen comments and those speaking will be allowed two minutes.

Mr. Tingey reported that the first action item is the appointment of Tammy Ross to the Arts Council. She has an impressive arts background, is the Owner, Director, and Producer at the Midvale Main Street Theater, and has served on multiple committees. He believed she will be a great addition to the Arts Council.

Community and Economic Development Director, Michael Johnson stated that the second agenda item pertains to the Land Use Appeals Hearing Officer position. This is a contracted position that hears applications for variances and appeals of land use decisions by both staff and the Planning Commission. This position requires someone that is very familiar with land use law and municipal authority within land use law. Paxton Guymon currently holds this position, is a land use attorney, former resident of Cottonwood Heights, and former Planning Commission Chair. Mr. Johnson emphasized the importance that the Hearing Officer understands how to review these types of applications. He believed Mr. Guymon had shown a high proficiency in doing that. Staff recommended extending his contract without changes.

4. Staff Reports.

a. Lobbyists Contract Renewal Discussion – City Manager, Tim Tingey.

Mr. Tingey reviewed the contract renewal for GTC Focusing, who focuses on funding issues and Capitol Hill Advisors, who focuses on advocacy and bill tracking. He believed both firms perform important work for the City, keep the legislators informed, provide important information, and seek money for projects in the City. He noted that their contracts have expired and two years prior, both amended their contracts to reduce them by \$6,000. Mayor Peterson expressed appreciation to both firms and credited them for the City's effectiveness and access to particular items. He was in favor of renewing both contracts.

Council Member Bracken stated that the Lobbyists have been beneficial and did a great deal of work securing funding for various projects throughout the City.

Greg Curtis, Lobbyist and President of GTC Consulting, Inc., stated that he and Brian Allen were elected to the Legislature together in 1994 and enjoy working together. He has been focused on funding issues and noted that most items are not decided on until the end of each session. He and Mr. Allen have educated the Legislature on money appropriated through the Utah Department of Transportation (“UDOT”) to purchase ground for future transportation and parking facilities at the Mouth of the Canyons.

Brian Allen, the CEO and Principal Lobbyist Capitol Hill Advisors expressed gratitude to the City of Cottonwood Heights and those on the Hill who respect what they do as a City. He stated that the City has been innovative and groundbreaking and the Legislature appreciates not having to micromanage what is done with City funding.

Council Member Mikell appreciated the work of Mr. Curtis and Mr. Allen and their efforts to acquire \$13 million in funding for parking at the mouth of Big Cottonwood Canyon.

b. Bonneville Shoreline Trail Access Master Plan – Community and Economic Development Director, Michael Johnson.

Mr. Johnson stated that the Bonneville Shoreline Trail Access Master Plan has been in the works since before the City’s incorporation. They have had an idea of the conceptual alignment but have been challenged with how to access the trail. With the \$1.5 million grant funding received from Salt Lake County, they used a small portion to consult with Blue Line Design to create the Access Master Plan. He reported that the goals of the plan are to provide adequate access to the future Bonneville Shoreline Trail and three types of access were identified. A visual plan was presented and the following were described:

- Regional – Access that generally includes parking facilities, potential restrooms, and signage.
- Secondary – Small U.S. Forest Service pull out lot with minimal improvements. Fewer amenities than a full regional access, but more than a local access.
- Local – Intended to be pedestrian access only meant for residents of the neighborhood with no amenities and very little signage, if any.

Mr. Johnson identified three regional access points located in the gravel pit and one at either end of Big and Little Cottonwood Canyon. The opportunities and constraints were listed for each access point. He stated that they visited the local access sites, reviewed aerial imagery, and received feedback at public open houses. Access points appeared fairly straight forward and with being identified on privately owned property, the common constraint was ownership. He stated that the other major concern raised was how to create a local access point without attracting vehicle traffic and parking along the street.

Conceptual access points were next discussed. Mr. Johnson stated that regional access sites are generally located farther from the center of the neighborhoods where regional visitors are directed. A conceptual secondary access point was reviewed. The Ferguson Canyon overflow lot is located on the plan as a recommended access point and implemented by contract. He explained that local access points may potentially be located on a residential street that dead ends. Those access points would include a small wayfinding marker or trash can. The intent was to make them as non-descript and minimal as possible.

Mr. Johnson stated that the plan was developed with the help of a Steering Committee comprised of members of the Parks, Trails, and Open Space Committee that was instrumental in preparation of the plan. An Open House was held in February 2020 that was well attended. Comments were attached to the plan. He pointed out that trail alignment, access, privacy, traffic, and parking were shared concerns. Access was planned with one local access point per mile or one regional access point per four miles of trail. He emphasized the Bonneville Shoreline Trail is a City priority and determining access is key to making this a reality.

Mr. Johnson clarified that the City's goals and objectives are to provide safe and equitable access, minimize the impact of local access points on the neighborhoods, and strategically locate them where they will be fully utilized. Improvements to the different access points were described. He stated that the last section of the plan included preliminary cost estimates and different funding opportunities. Rough cost estimates were provided. Mr. Johnson confirmed that the Parks, Trails, and Open Space Committee recommended approval of the plan as-is. The Planning Commission made a recommendation to approve the plan with the condition that the current parking stalls at the Ferguson Canyon Trailhead be reassigned as accessible stalls or eliminated when the overflow is constructed so that the lot constructed below is the only place to park if utilizing the trail. They also recommended that of the five local access points, the City should only ever construct one of them alleviating concerns from nearby residents. With those two conditions, the Planning Commission unanimously recommended approval of the plan.

Council Member Mikell questioned the regional access point being located on property Utah Open Lands is considering acquiring. She asked if the cost is an issue if they would consider taking access point number nine on the map and create a secondary access opportunity. Mr. Johnson believed that suggestion could be explored and scaled back trailhead potentially considered. He confirmed that if they wish to consider a reference to the Park and Ride lot outside of City boundaries, it could be added in. The regional access points were compared. Council Member Mikell asked if a permit parking plan would be considered by the City if the proposed local access locations are chosen. Mr. Johnson believed the addition of language regarding a policy that mitigates parking concerns and parking congestion should be explored before implementation or design. He confirmed that they have received multiple concerns from residents near the proposed local access points.

Mayor Peterson believed an additional public comment period was necessary and with action to be taken at a later date. He confirmed that the newsletter included notification of additional public comment at the September 15 City Council Meeting.

c. Capital Road Projects Adjustment – Public Works Director, Matt Shipp.

Mr. Shipp reported that the Scottish Drive subdivision is currently under construction for storm drain, waterways, and curb and gutter. They have budgeted \$775,000 for the project and to date, that contract is at approximately \$460,000. It was confirmed that they do not have enough remaining to complete all of the subdivisions. He stated that in order to finish the project, he will be bringing forward budget adjustments that include savings from other capital projects that will be utilized to cover the cost to finish the Scottish Drive subdivision project. The project is part of the 2019-2020 fiscal year and they will also be using a minimal amount from this year's capital projects to finalize the project. Mr. Shipp emphasized the need for the City to start a funding process annually to take care of these issues. He explained that when they do not have a funding process for stormwater, they are taking money away from road projects or other City needs.

5. Review of Calendars and Upcoming Events.

Mayor Peterson reported that he received multiple positive comments regarding the Car Parade and thanked those involved. He reported that he will be out of town the first week of October and will not be present at the October 6 meeting.

Council Member Bracken stated that he will be holding a Town Hall via Zoom on Thursday and an in-person meeting on Saturday morning.

Council Member Schedules for the next week – 2020 Calendar:

- No events scheduled.

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

7. Adjourn City Council Work Session.

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

The Work Session adjourned at 6:53 p.m.

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL BUSINESS MEETING
HELD TUESDAY, SEPTEMBER 1, 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 Jurgens, Assistant Police Chief Paul Brenneman, Lieutenant Dan Bartlett

1.0 WELCOME AND DETERMINATION

Mayor Peterson called the meeting to order at 7:03 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 Petersen led the Pledge of Allegiance.

3.0 ACKNOWLEDGMENTS

3.1 Beautification Awards – City Council and Community and Economic Development Director, Michael Johnson.

Community and Economic Development Director, Mike Johnson reported that the award is co-sponsored by the City Business Association. Nominations are citizen-driven by the public. Each Council Member is asked to select a winner from the nominee list from their respective district and Mayor Peterson selects a winner for a commercial property. A small token along with a Beautification Award Winner sign will be presented.

Council Member Petersen awarded the District 1 award to the Selander family of Mystic Meadows Lane.

Council Member Bracken awarded the District 2 award to Chris Owens of Silver Fork Drive. He noted that many of the nominations for Mr. Owens' property included comments regarding the transformation and changes the improvements have brought to the neighborhood. Chris Owens thanked the City for the award and recognition of the xeriscape.

Council Member Bruce presented the District 3 award to Tamara Feenstra and Benjamin Hall. She was impressed by their use of water, the combination of colors, and happy bumblebees.

Council Member Mikell presented the District 4 award to Marilee Christensen and Larry Wiseman of Timberline Drive. She stated Ms. Christensen's gardens behind the wall and in the backyard are incredible and she cares deeply for her property and neighbors.

Mayor Peterson presented the commercial property award to the Willow Creek Veterinary Hospital off of Highland Drive and Creek Road. He chose this property because of its well-manicured, minimal grass, and a combination of water-wise plants.

4.0 CITIZEN COMMENTS

Mayor Peterson stated that the comment period will be limited to 60 minutes with each citizen being given two minutes to speak.

Kelly Jones reported that she commented at a prior meeting regarding the Equal Rights Amendment ("ERA"). After the meeting, she spoke with Chief Russo who indicated that he also supports the ERA and together they took a picture. She felt differently knowing now about his harassment of Council Member Bruce. She understood how it feels to be intimidated and silenced as a woman. Council Member Bruce has stood up for those in the City who feel they do not have a voice. She asked if Council Member Bruce is silenced, who will speak for certain members of the community. She urged the Council to end the intimidation of Council Member Bruce and put a stop to the blatant misogyny and stand by her. Ms. Jones asked that the militia who are attending the Black Lives Matter protests be sent a message that intimidation will not be tolerated.

Gabrielle Nacey reported that she has demanded that the charges stemming from the Sunday, August 2 march be dropped. She explained that the Cottonwood Heights Police Department ("CHPD") was seen joking and interacting with the militia on the middle school property in full gear, which she considered a felony but arrested her for standing in the street. She believed those officers should be placed on unpaid, administrative leave immediately.

Karma Frye, a 16-year resident, stated that she was attended the protest. She clarified that they were following the laws regarding protests. The statute specifies that groups of 10 or more who are protesting and involved in a moving protest can be anywhere on public property. The fact that some are uncomfortable with the protest is irrelevant as it is their Constitutional right. She stated that the police are required to protect protesters. As a resident, she expressed concern as information has come out about the killing of Zane James and that the investigation was handled inappropriately. How the CHPD responded to their protest has made her feel unsafe as were injured. She feared for her safety in the community.

Aidan Lehfelddt-Ehlinger commented that her first visit to Cottonwood Heights was on August 2 and she did not consider the City to be safe. She believed that the CHPD officers are barbaric and emotionally unstable. Once the Council had evidence, they chose to do nothing. She believed the Council was defending white supremacy and hate within the Police Department and allowing residents to be beaten in the streets by officers. They have allowed armed hate groups to be

deputized and on school grounds and the police and City have been allowed to harass, intimidate, and assault a female Council Member. She expected Chief Russo and the involved officers to be fired in addition to an apology issued for the trauma caused to the community. It was her opinion that the City Council is a tax-funded, white supremacy hate group hiding under the veil of the City of Cottonwood Heights. She believed there was a history of corruption beginning with former Mayor Cullimore all the while protecting this hate, violence, and corruption. She called for the immediate resignation of City Manager, Tim Tingey, Mayor Peterson, and Chief Russo, as well as the entire police department. She also called for an investigation that will lead to the eventual incorporation and certain criminal conviction.

Raven James expressed disappointment with the charges filed against protestors and believed the City had an opportunity to prevent this from happening as well as an opportunity to prevent the alarming response by the CHPD toward peaceful protestors on August 2. She found it shocking that Council Member Bruce has been vilified openly by other members of the City Council and that the fight against police brutality has impacted residents of Cottonwood Heights. She stated that the officers have a pattern of intimidation and abuse of power. She was shocked that Mr. Tingey would allow armed, plain-clothed officers in unmarked cars with no license plates to canvas her neighborhood requesting statements against the August 2 march. Ms. James believed the officers were only taking statements from those who were opposed to the peaceful protest. Her family has experienced intimidation and they have heard from numerous constituents that the CHPD led by Chief Russo has used these tactics to harass and rob people of their safety and destroy their quality of life. Ms. James stated that her brother, Zane James, was shot twice in the back. The City claimed he had a violent criminal history but never released the fact that he was not convicted of the alleged armed robberies or that the handprint evidence did not match his. She urged the City to drop the charges filed against the victims of the August 2 attack be dropped until an independent, third-party review is conducted.

Margarita Santini identified herself as a former Cottonwood Heights resident. She stated that her family has been harassed numerous times by the CHPD. The Police Department told the leader of the Black Lives Matter movement they had been to her home 85 times. She was frustrated that the CHPD Facebook page posted the charges filed against Council Member Bruce and three other individuals who were a part of the August 2 event. The page appears to be by invitation only, which violates the Utah Public Needs Act. If it is not an official page for the Police Department she stated that it should be taken down. Because this has been handled so inappropriately by the CHPD, Cottonwood Heights City is now a national target and has a bad image in the media.

Aaron James stated that the City has a pattern of single-sided collection of evidence that supports only the position of the CHPD. It was his understanding that the police made an effort to canvas their neighborhood in unmarked cars with plain-clothed officers knocking on doors collecting statements. He emphasized that the only thing his family can do is hire someone to collect evidence that contradicts what the CHPD has done. He believed that arresting the marchers to drop the charges puts an undue burden on citizens. He believed that the fact that no officers have been charged is a miscarriage of justice as there is ample footage of people with batons and tasers knocking people down on the sidewalk. He stated that the City has ignored his family's request three times. He urged them to develop policies and training with accountability and measures that are equal for all citizens.

Tracy Lehfeldt was grateful that some of the charges have been dropped but believed all should be. She stated that the police officers involved should have been charged. The video evidence is overwhelming and she considered it an assault on their First Amendment rights. She believed this took place because of wrongdoing and a cover-up in the Zane James investigation. She encouraged the City to speak up and not silence those who stand for what is right.

Kimmy Stojack expressed concern with the Police Department conducting a no-knock warrant back in April 2019 where the suspect was put in a horse-collar tackle with a knee in his back and a gun to the back of his head. She stated that nothing was found after having the door kicked in, carpet torn up, holes put in walls, and lighting fixtures torn out over two hours. She asked why there was no body camera footage of that incident. She suggested that the first time an officer goes without a body camera that they be reprimanded. The second time should result in their termination.

Chanel Stewart agreed with the previous comments and asked how much the Police Department has cost the City is something that could have been prevented to keep citizens safe. She called for the suspension of Chief Russo without pay while the department is investigated.

There were no further citizen comments.

Mayor Peterson stated that they understand that these are emotional times and was the reason they are seeking the outside involvement of the District Attorney's Office and the Attorney General's Office in reviewing recent events. The City has thoroughly reviewed training protocols and will continue looking at a variety of other police reform issues. He explained that they will continue to work as a Council to do the right thing.

Council Member Mikell noted that if they click on the participant button, it lists the panelist and attendees. She felt they should remain flexible when hearing public comments. If the number of attendees exceeds 22, she suggested they be given three minutes to speak. Council Member Bruce agreed. It was the consensus of the Council that time be adjusted according to the group size.

Council Member Mikell believed it would be helpful for Mr. Tingey to clarify the public comment process. Mr. Tingey confirmed he would notify the Council of how the process will be facilitated as it has not yet been formalized. Council Member Mikell stated that nearly one month has passed. She expressed concern that people are not able to provide their firsthand account as time changes perspectives.

Council Member Bruce agreed that time is of the essence in gathering stories and firsthand accounts and neglecting to do so may put them in legal jeopardy. She believed that staff was under the direction of the Council to follow up with individuals who identify issues during public comment. Mr. Tingey stated that he takes notes and follows up with questions but does not follow up with everyone who comments.

Mayor Peterson reported that this is a new experience in the City and the events of August 2 are why they have sought the involvement of the District Attorney's Office and outside prosecutors. They have also met with the Attorney General's Office who has assigned four investigators to

review the situation. Those on both sides of the issue continue to be interviewed and once that report comes back to the City and if they feel it is not adequate in moving forward, additional review may be conducted. As a Council, they are trying to do what is right and collect all of the facts in making that judgment. Mayor Peterson understood they are under a microscope and this will help them become better moving forward. He emphasized the need to find a path to get past this so they may focus on the other issues in the City.

Council Member Bruce stated that peace is not the absence of tension but the presence of justice.

In response to a question raised, Mr. Tingey confirmed that body camera footage has been released.

5.0 STAFF QUARTERLY REPORTS

5.1 Budget and Revenue Review – Administrative and Fiscal Services Director, Scott Jurges.

Administrative and Fiscal Services Director, Scott Jurges provided an update on the fiscal year-end and stated that they budgeted \$6,350,000 for sales tax and ended with \$6,719,000 or \$378,000 ahead of what was received in 2019 and \$370,000 ahead of budget. The projected transportation sales tax was \$575,000 and ended with \$586,000. Taking into account these two items, they initially expected to end the year with \$2 million available for appropriation. They ended with nearly \$3 million available or \$950,000 more than anticipated. He noted that this is an unaudited number with some items trickling in with expenses holding and revenue increasing slightly. He reported that they received \$6,719,000 of sales tax and did not experience a slowdown. They budgeted \$5,750,000 for 2021, which was believed to be low. An updated projection would be forthcoming.

Mr. Tingey indicated that they intend to bring forward the compensation study in October for Council review.

Council Member Mikell asked for a breakdown of data indicating where the City's revenue comes from.

Council Member Bracken was encouraged by Mr. Jurges' report and believed they should continue to be judicious and fair to City taxpayers and employees.

Council Member Petersen suggested that the sales tax budget be finetuned since there will be uncertainty through January.

5.2 Public Works Quarter Report – Public Works Director, Matt Shipp.

Public Works Director, Matt Shipp presented the Public Works Quarterly Report and reported that they are finalizing the second year of their five-year plan with the 2019-2020 budget. They have completed approximately four million square feet of slurry seal around the City, which is their biggest undertaking. He clarified that slurry seal is an emulsion mixture and not a structural element that extends the life of a road by five to seven years. Stormwater improvements were

made and road reconstruction was ongoing. The current fiscal year projects were identified on a map. Mr. Shipp confirmed that slurry seals have been completed for the year as have the punch list items. Improvements to Scottish Drive were reviewed. He stated that the new waterways convey more water and are easier to drive through. In addition, standard maintenance and right-of-way work would continue. A Pre-Construction Meeting will be held for the East Jordan Canal, with work expected to commence within one week.

5.3 Police Department Quarterly Report – CHPD Lieutenant Dan Bartlett.

Cottonwood Heights Police Department Lieutenant, Dan Bartlett presented the Police Department Quarterly Report and stated that they received 1,494 calls for service with 259 on-views in August. Response times for Priority 1 calls averaged 6:57, Priority 2 calls averaged 10:45, and Priority 3 calls averaged 12:24. The overall Utah Crime Report totaled 65. There were 97 traffic citations issued with 61 warnings, and five DUIs. He confirmed that July citations were elevated due to the Click It or Ticket Program and additional parking enforcement. There were 25 accidents reported in August. Animal Control and Code Enforcement received 126 calls and issued 24 citations.

August was National Preparedness Month. The Safety Message urged citizens to make a plan, build a kit, prepare for disasters, and educate family members.

Lieutenant Bartlett was confident that the average response time numbers will decrease as dispatchers are trained and educated on both systems while transitioning from Spillman to Versaterm. The average officer travel time has been the same across the board. It appears different currently as it now comes in on two systems.

Council Member Bruce reported that she spoke with a resident who expressed concerns with safety with the Police Department trying to maintain a quick response time. Lieutenant Bartlett emphasized that a Priority 1 call involves lights and sirens. Responders will respond accordingly. Priority 2 or 3 calls do not require as urgent of a response and an officer's speed can be monitored. He noted that response times are gauged both administratively and through the Valley Emergency Communications Center ("VECC").

Mayor Peterson stated that he attended an officers' training the previous week. He thanked them for their continued efforts to maintain safe practices and professionalism.

6.0 ACTION ITEMS

6.1 Consideration of Resolution 2020-40 Approving the City Manager's Appointment of Tammy Ross to the City's Arts Council.

Mayor Peterson reported that the above Resolution approves an appointment of Tammy Ross to the City's Arts Council. Mr. Tingey reported that he met with Ms. Ross via Zoom. She has a passion for the Arts and has 12 years' experience in theater, direct ownership, and running the Midvale Theater. He believed she will be a great asset to the Arts Council and recommended she be appointed.

MOTION: Council Member Mikell moved to approve Resolution 2020-40. The motion was seconded by Council Member Bruce. Vote on motion: Council Member Petersen-Aye, Council Member Bracken-Aye, Council Member Bruce-Aye, Council Member Mikell-Aye, Mayor Mike Peterson-Aye. The motion passed unanimously.

6.2 Consideration of Resolution 2020-41 Approving Entry Into an Agreement for Land Use Appeals Hearing Officer Services.

Mayor Peterson stated the above Resolution approves entry into an agreement for Land Use Appeals Hearing Officer services. Mr. Johnson reported that this is a continuation of the contract with Paxton Guymon who was a previous City resident, former Planning Commissioner, and a land use attorney. The position considers variances, appeals, and expansion of non-conforming buildings closely regulated by City and State Code. He reported that three to five meetings are held annually and having a knowledgeable land use attorney is very necessary.

MOTION: Council Member Bracken moved to approve Resolution 2020-41. The motion was seconded by Council Member Petersen. Vote on motion: Council Member Petersen-Aye, Council Member Bracken-Aye, Council Member Bruce-Aye, Council Member Mikell-Aye, Mayor Mike Peterson-Aye. The motion passed unanimously.

7.0 CONSENT CALENDAR

7.1 Approval of the City Council Work Session and Business Meeting Minutes of August 4, 2020.

MOTION: Council Member Petersen moved to approve the City Council Work Session and Business Meeting Minutes of August 4, 2020. Vote on motion: Council Member Petersen-Aye, Council Member Bracken-Aye, Council Member Bruce-Abstained, Council Member Mikell-Aye, Mayor Mike Peterson-Aye. The motion passed unanimously with one abstention.

8.0 ADJOURN CITY COUNCIL BUSINESS MEETING.

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

The meeting adjourned at 8:31 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, September 1, 2020.

Teri Forbes

Teri Forbes
T Forbes Group
Minutes Secretary

Minutes Approved: October 6, 2020