

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL WORK SESSION  
HELD TUESDAY, AUGUST 18, 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, Finance and Administrative Services Director S. Scott Jorges, Communications Manager Tim Beery, Assistant Police Chief Paul Brenneman, Senior City Planner Matt Taylor, City Planner Andrew Hulka

**Excused:** Public Works Director Matt Shipp

**1. Welcome – Mayor Mike Peterson.**

Mayor Peterson called the meeting to order at 5:02 p.m. and welcomed those listening. 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. Review of Business Meeting Agenda – Mayor Mike Peterson.**

Mayor Peterson outlined the agenda for the Business Meeting and proposed that pursuant to the Code of Ordinances that citizen comments be limited to one hour. He further proposed allowing two minutes per comment. It was reported that approximately 18 to 20 persons signed up to make comments.

Three action items were to be addressed. The first was to declare certain properties surplus. Finance and Administrative Services Director, Scott Jorges reported that there are approximately 80 older computer monitors that are being declared surplus. Mayor Peterson confirmed that the items will be sold.

The second action item was to adopt the 2019 Salt Lake County Hazard Mitigation Plan. Assistant Police Chief, Paul Brenneman explained that this is a cooperative effort between Salt Lake County and the local agencies to identify risks and hazards within the community and options to deal with those in the future. He stated that most agencies in the County have already adopted their respective Hazard Mitigation Plans. Mayor Peterson noted that the plan is the result of the County having received a grant to conduct trainings. Assistant Chief Brenneman explained that participation in the program is a requirement to receive post-disaster Federal funds.

The final action item involved approval of a construction contract with Black Forest Paving for the East Jordan Canal Trail. The bid was reviewed at the last meeting. City Manager, Tim Tingey explained that they went through a bid process and received six bids. Black Forest Paving was awarded a bid for approximately \$124,000 to install the asphalt trail, including some gate features, to access the canal. Approval of the contract was recommended in order for the project to be completed by November. It was noted that the funds came from the State Office of Outdoor Recreation and the Utah Department of Transportation (“UDOT”).

**3. Staff Reports.**

**a. All-Hazards Mitigation Plan – Assistant Police Chief, Paul Brenneman.**

Assistant Chief Brenneman provided additional detail on the Plan. It was drafted as required by the Federal Emergency Management Agency (“FEMA”) Regulations. In August 2019, they attended planning sessions for development of the Plan. The contractor held individual sessions that assisted them in updating the City’s Hazard Mitigation Plan, which was instituted in 2009 and last updated in 2015. It was to be reviewed and updated every five years.

Assistant Chief Brenneman recommended adoption of the 1,100-page Plan, which includes portions submitted by Salt Lake County, other municipalities within the County, and a portion from Cottonwood Height. It was clarified that there is no fiscal note tied to the Plan.

**b. On-Street Parking Permit Discussion – Community and Economic Development Director, Michael Johnson.**

Community and Economic Development Director, Michael Johnson presented the staff report and stated that it follows a number of concerns expressed regarding increased usage of Ferguson Canyon. He addressed the issues raised in the neighborhoods around the Ferguson Canyon Trailhead. These include a high volume of traffic and on-street parking by trail users both within and outside the permitted parking areas. There are 12 to 13 parking stalls near the trailhead, which fill up quickly on high use days. Recently, residents expressed their desire to expand the permit parking area. Other issues include off-leash dogs and signage.

Mr. Johnson displayed a current map of permit parking signage. He explained that the on-street parking areas are for use only by residents and their guests. He presented a few options to mitigate some of the concerns expressed by the residents. There is no established record of parking permits or who is allowed to possess parking permits. This presents a challenge in enforcing permit parking. Mr. Johnson suggested the implementation of a parking permit system and database to allow verification of whether a vehicle is allowed to be parked in a permit area.

Mr. Johnson stated that they are prepared to implement the system by issuing permits to residents and their guests, with a requirement that the tags be displayed on all vehicles while in the permit parking area. Enforcement will be accomplished in collaboration with the Police Department and Code Enforcement. He proposed sending a letter to each resident within the permit parking areas informing them that they must apply for a parking permit within a certain number of days. The permits will be valid for five (5) years. Guest permits will also be issued that will be valid for a maximum of 45 days. The proposed system will provide a clear record of what vehicles are

permitted to park in the area. The system does, however, place a burden on the residents to ensure that their vehicles are properly permitted and that their guests have a valid permit.

Mr. Johnson presented another option to expand the permit parking area, which is governed by ordinance and requires a petition. Anyone can submit the petition, which must include signatures from 51% of the residents within the proposed expanded permit parking area. The petition would then be submitted to Mr. Johnson for review and recommendation. A 10-day notice must be given of a public hearing and published in the local newspaper, mailed to residents, and signs posted in the affected areas. It was noted that the Council must take action no later than thirty (30) days after the hearing.

An additional option was presented involving a Parking Ordinance Provision allowing the City Engineer to post signs or paint the curb to prohibit or restrict parking where a dangerous condition would be created or where traffic flow is disrupted. This would restrict parking for everyone, including residents and their guests. Mr. Johnson gave examples of potential “no parking” zones, including an intersection where visibility could be impeded by parked vehicles and a narrow roadway along Timberline Drive. It was noted that this option does not require a public hearing.

Mr. Johnson described long-term options being developed including the Ferguson Canyon overflow parking lot, which will provide 65 to 70 parking stalls. He stressed that they need to install wayfinding, directional, and informational signage letting people know where to park and guiding them to the trailhead.

The Planning Commission recently concluded their consideration of the Bonneville Shoreline Trail Access Plan, and one of the recommendations was to convert the current parking stalls into accessible stalls for amphitheater use only, once the lower expansion lot is completed. Mr. Johnson displayed photos of signage at the trailhead regarding keeping dogs on leash. Council Member Christine Mikell stressed the importance of these issues, which are also recognized by other members of the Council. She inquired as to whether she could initiate the petition to expand the permit parking area if none of the residents undertake the process. Mr. Johnson responded that the ordinance does not limit who can submit the petition. Council Member Mikell asked Mr. Johnson to reach out to a resident who expressed interest in pursuing the petition.

Council Member Mikell also addressed the “no parking zones” and timing of when those zones could be identified. Mr. Johnson stated that he could have the engineers evaluate the areas to get the work completed. He noted that restricting parking along an entire road would be a last resort since it would restrict parking for residents.

Lieutenant Dan Bartlett referenced a photograph included in Mr. Johnson’s presentation and noted that the vehicles depicted are parked legally. The department has been in the area over the past six weeks and most people park legally and keep their dogs on leash.

Mayor Peterson reported that he and Council Member Mikell met with a resident who lives across the street from the amphitheater and was surprised by the number of vehicles that drive past the parking stalls and turn around. He suggested traffic counts be performed in the area. He supported the parking restrictions and expediting the process to control parking and traffic as well.

Council Member Mikell described an issue involving bloggers who have identified Ferguson Canyon as one of the top 10 places to take dogs off-leash. There has been some success in reaching out to the bloggers to request that they correct the misstatements. She referenced the size of some of the signage regarding off-leash dogs. Council Member Petersen added that there are many issues surrounding signage, especially if there are blogs that suggest that leash laws are not being enforced. Mayor Peterson agreed that better signage could be posted at the entrance to the trail with a clearer message. Council Member Bruce suggested that signage be installed in the “no parking” zones to direct people to the overflow parking area.

Council Member Mikell asked about possible options that can be pursued now rather than waiting until November when the overflow parking area is completed. Mayor Peterson suggested they speak with the County to see if they will give latitude to manage the parking issues in the area.

Mr. Johnson stated that staff would undertake the permitting process for the residents. The location of the permit parking signs defines the permit parking areas. The permit area was established previously and has been enforced over the years. He could not find an ordinance that created the area, yet it was understood and acknowledged by many that it was legally created and has been in place for several years.

In response to an inquiry, Mr. Johnson clarified that there is theoretically no limit on the number of guest permits, which are only limited to 45 days. Because the guest permit applications are reviewed, if there is an excessive number of guest permits sought by any particular resident, they may have to limit how many guest permits are issued per property.

Mayor Peterson warned against guest permits being copied and distributed illegally. Mr. Johnson noted that for each permit, the database will include identifying information for each vehicle. Council Member Bracken asked if they need to formalize this through another resolution and if enforcement will involve citations or towing. It was reported that if they expand the permit parking area, they will ratify the creation of the existing area and include enforcement actions. Regardless, a resolution should be passed establishing the current permit parking area.

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

**i. Review of Local and State Processes.**

Mr. Tingey addressed the review and timeframe following the August 2, 2020 incident. He reminded the Council that three steps are being undertaken. Criminal charges are still under consideration by the prosecutors. Once the criminal investigation process is concluded, the body camera footage will be released. Internal investigations are in process, which cannot be finalized until the criminal investigations are completed. Finally, they have engaged independent review working with the Attorney General’s Office, who is conducting its own investigation. The City’s internal investigation will be forwarded to the Attorney General’s Office. Mr. Tingey and Mayor Peterson met with a representative from the Attorney General’s Office and stated that they have the capacity and experience to conduct the independent investigation.

Mr. Tingey forwarded to the Council information regarding the Love, Listen, and Lead Task Force. The first formal meeting was held last week, which he attended. Also in attendance were elected officials, city managers, police chiefs, and other entity representatives. There are several legislative proposals moving forward in the upcoming legislative session related to public safety and reform.

The Utah League of Cities and Towns (“ULCT”) is also conducting a statewide analytics survey to obtain input from both rural and urban residents. ULCT will also be conducting focus groups throughout the State. All of that data will help drive recommendations made by the Love, Listen, and Lead Task Force, as well as upcoming legislation.

Mayor Peterson requested that the Attorney General’s Office appear before the Council to present their findings once their report is complete. At that time, the Council will have the opportunity to ask questions and submit comments regarding the final report. The team that will be conducting the review is made up of persons with legal and law enforcement backgrounds. Council Member Bracken clarified that the intent of the Task Force is to inform legislation for the 2021 session. Mr. Tingey stated that legislation is a primary focus of the Task Force, but they will also be presenting recommendations.

Council Member Bruce inquired about the request for body camera footage. Mr. Tingey explained that because criminal investigations are pending, they are not required to turn over the footage at this time. The criminal investigations are being conducted by District Attorney Gill’s Office. Mr. Tingey was unaware of the number of body camera recordings. Chief Russo confirmed that not every officer present has a body camera.

Council Member Mikell felt that the City has glossed over the incident. She would like to understand from a process perspective who determined who was going to conduct the third-party investigation. She requested assurances that the third-party investigation is fully transparent and that nothing from the Attorney General’s perspective will influence the investigation. They owe it to the City and the Police Department for everyone to feel good about the process.

City Attorney, Shane Topham addressed the process for selecting the Attorney General’s Office as the outside investigator. Both the criminal investigation and the City’s internal investigation will be made available to the Attorney General’s Office. The selection of the outside investigator was an administrative matter undertaken by Mr. Tingey since it concerns the actions of the Cottonwood Heights Police Department (“CHPD”) employees. Mr. Tingey explained that Attorney General, Sean Reyes recused himself from the process and will not be part of the investigation because he resides in Cottonwood Heights.

After the incident, Mr. Tingey received calls from the Governor’s Office offering assistance. He noted that they proposed the outside investigation. He was assured and felt confident that the Attorney General’s Office was the entity that is best equipped to conduct the investigation.

Mayor Peterson stated that in their meeting with the Chief Deputy that Attorney General Reyes would not be involved in any aspect of this investigation. The Chief Deputy assured them that the assigned investigator, Leo Lucy, would have the authority to conduct the investigation and made it clear that there is a wall between Attorney General Reyes and the investigation.

Council Member Mikell reiterated the importance of an unbiased investigation with no potential conflicts of interest. They want the facts and objectivity in reviewing those facts. She would like a firm recusal from the Utah Attorney General. If Mr. Tingey feels comfortable that the investigation will be unbiased and objective, she would support it. Mayor Peterson echoed Council Member Mikell's comments and stated that he made the same comments to the Attorney General's Chief Deputy during their meeting. Council Member Bruce requested that the third-party investigators come from outside the State of Utah.

Mr. Tingey expressed comfort with the third-party investigators after learning of the recusal of Attorney General Reyes and discussing the capacity and expertise of the investigators to conduct this type of review. Mr. Tingey confirmed the timeline for the investigations. He explained that the criminal and internal investigations must be completed before the third-party review is completed. The third-party investigation can begin, however, they must have the information from the other two investigations before they can finalize their report. The City does not control the timeline of the criminal investigations. He pointed out that the internal investigation will take information from the criminal investigation before that report is finalized.

It was suggested that a debriefing meeting be held. Mr. Tingey stated that they cannot have a debriefing until the investigations occur. He clarified that what he said previously about a written plan was inaccurate because this was an unplanned event. They were aware of the event, which was planned for a park. When it moved into the neighborhood, it became unplanned.

Council Member Bruce stated that the name of the event was March for Justice, and the group has done the same thing in eight other cities throughout the County. The fact that they marched through the neighborhood was not unexpected. Lt. Bartlett stated that they were not notified by the event organizers as to the type of event, so there was no plan in place. There was no request for a permit for the event.

Mr. Topham was asked to address the permitting of events. He stated that there is a special event permit for those who want to use public streets. He was unaware of any inquiry by the group for a permit and was unaware that the streets were going to be utilized for the event. There are public forum concepts that are constitutional and do not require permits, including City Hall Plaza, sidewalks, and some use of streets. He added that there is also authority from the U.S. Supreme Court that governments are authorized to prevent the use of the streets if an event will block traffic.

Council Member Mikell requested that they add as an agenda item the issue of armed protestors because school is starting and parents are uneasy.

Mayor Peterson suggested that the Council Members submit to Mr. Tingey their high priority discussion items on these topics going forward so that they can get them on the agenda and address them strategically.

ii. **Body Cameras.**

Due to time constraints, the above matter was not addressed.

**iii. Hiring Practices.**

Due to time constraints, the above matter was not addressed.

**iv. SWAT Training and Partnerships.**

Due to time constraints, the above matter was not addressed.

**v. Drug Testing Policies.**

Due to time constraints, the above matter was not addressed.

**4. 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.

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

**MOTION:** Council Member Bracken moved to adjourn the Work Session and open a Closed Session to discuss personnel. The motion was seconded by Council Member Bruce. Vote on motion: Council Member Bruce-Aye, Council Member Petersen-Aye, Council Member Mikell-Aye, Council Member Bracken-Aye, Mayor Peterson-Aye. The motion passed unanimously. The City Council was in Closed Session from 6:38 p.m. to 7:02 p.m.

**6. Adjourn City Council Work Session.**

The Work Session adjourned at 7:02 p.m.

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL BUSINESS MEETING HELD TUESDAY, AUGUST 18, 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, Finance and Administrative Services Director S. Scott Jurges, Communications Manager Tim Beery, Assistant Police Chief Paul Brenneman, Senior City Planner Matt Taylor, City Planner Andrew Hulka

**Excused:** Public Works Director Matt Shipp

**1.0 WELCOME AND DETERMINATION**

Mayor Peterson called the meeting to order at 7:13 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**

Administrative and Fiscal Services Director, S. Scott Jurges led the Pledge.

**3.0 CITIZEN COMMENTS**

Mayor Peterson introduced Citizen Comments by referencing the City Code that allows the Council to limit comments to one hour. As a Council, they agreed to allow two minutes for each speaker. He reminded those making comments to remain civil.

City Manager, Tim Tingey submitted the written comments from Steven Fale and Carrie J. Fale to be made part of the record.

The following verbal citizen comments were submitted:

Aaron James reminded the Council that two years ago his son was shot and killed by the CHPD. He was listened in on the Work Meeting and thanked the Council Members for questioning the speed of the investigation process. He expressed appreciation on behalf of his family for the support of a timely investigative process. Mr. James asked where the City goes from this point once the investigations are complete. He commented that he does not have much faith in the State's Attorney General's Office. He will formally request that Cottonwood Heights move forward with a

third-party investigation. Introducing a third-party process to investigate CHPD actions on August 2, 2020, will provide more transparency for the public in the City.

Gabriel Pecoraro stated was ashamed to be a citizen of Cottonwood Heights. He commented that what is going on in the Police Department and the protests is atrocious.

Edward Schwartz commented that the City is at a precipice and what the citizens want now from the Mayor and the Council is to take a leadership role and act in accordance with public sentiment. The Mayor and the Council should suspend Chief Robby Russo until an external, independent investigation is conducted into the conduct of the CHPD. The citizens have entrusted the Mayor and the Council with this but many feel that nothing is happening and that Chief Russo is being protected.

Eric Kraan, a resident of District Four, discussed the issue of off-street parking for businesses. He stated that residential streets provide significant space for parking, yet for the most part, remain vacant. The current budget allocates significant sums of money to further pave more parking lots. He strongly opposed the use of residential parking permits that create the need for more parking lots. He suggested that if the City feels the need for such arrangements that they use the funds to upgrade alternative transportation facilities.

Mr. Kraan commented that it is fine for members of the City Council to disagree on issues based on their personal views. The Council is a political body and as such represents the community's diverse views. However, police reform must begin by removing politics from the department in general and the Office of the Chief of Police in particular. The CHPD is charged with carefully balancing the rights of individuals with the health, safety, and welfare of the community. Chief Russo has politicized his department by filing suits against a member of the Council while contributing to the campaigns of other Council Members. He stated that it is impossible for Chief Russo to perform his duties as the leader of CHPD without giving rise to serious concerns as to his personal bias.

Ellen Birrell was opposed to the high density and commercial mixed-use coming into the City. Thousands of parking spaces bring more car traffic onto City streets and more light pollution which goes against the aim of the Cottonwood Heights Dark Skies Initiative. Without alternative transportation options promised in 2005, 2015, and 2019 approved City Plans, the proposed development flies in the face of the agreed upon development of the City. Ms. Birrell quoted from the Cottonwood Heights' 2005 General Plan, Sections 1.4 through 2.2, and referenced the 2015 Fort Union Master Plan regarding the location of the New City Hall. In 2017, the Council abandoned the approved plans. The current City Council majority has approved traffic signals for the benefit of vehicular traffic on Fort Union Boulevard, which continues to increase the number of vehicles in neighborhoods. Fort Union Boulevard has become a death trap for bicyclists and untenable for pedestrians because there are too few crosswalks and too many cars traveling at high speeds. Ms. Birrell suggested that the City Council study the approved plans that are already in place, survey the residents, and understand what the residents want.

Kelvyn Cullimore reported that on August 13, Tiffany James was advised by two Council Members that a video of the shooting of her son, Zane James, had been viewed by City leadership in an Executive Meeting in 2018. Council Member Bruce's attorney confirmed in a news article that she

is one of the two Council Members who viewed the video. Three Council Members have signed affidavits stating that they have not seen the video, which means that Council Member Mikell must be the other Council Member who confirmed the existence of the video to Ms. James. Former Mayor Cullimore stated that allegations of this type are incendiary and he questioned why this information was being brought forward now if the video was viewed in 2018. To accept the statements of two Council Members that such a video exists requires the public to believe that the Mayor, three Council Members, the City Attorney, the City Manager, and others are colluding to hide its existence. This was a stretch of the imagination given the longstanding reputation and integrity of these persons. If Council Members Mikell and Bruce plan to stick by the story that they saw such a video, it is time for them to provide evidence that it exists. If no such video was shown at the meeting in 2018, these Council Members must publicly apologize for embarrassing the James Family by providing false information and for maligning City leadership. As elected officials, it is expected that actions will be in the best interest of the City and officials must be truthful in their statements. Failure to do this has damaged the credibility of these two Council Members to the point that their resignation would be the most honorable thing they could do.

Shawn Ferre spoke on behalf of the CHPD and expressed disappointment with the recent protests, which have been an embarrassment to the City. While he believes in free speech, recent events have only polarized the City. He expressed gratitude for the CHPD and support for Chief Russo. He commented that disrupting the CHPD and suspending the Chief will not solve the problems. He pointed out that media reporting has been one-sided and inaccurate. Mr. Ferre stated that the silent majority is not being recognized and spoke on their behalf.

Tracy Lehfeldt expressed her belief that there is a reason that the First Amendment is first. The protestors gathered on August 2<sup>nd</sup> to petition for redress of their grievances, as provided in the First Amendment. Anyone who has watched the videos of what occurred knows that something is wrong with the way the police reacted. She stated that when someone sees something that is not right, they should speak up and take action. Ms. Lehfeldt stated that it is time to drop the charges against the protestors, conduct the independent third-party investigation as requested by Aaron James, and for officials to do the right thing and publicly apologize to those wronged by the incident. She requested that Chief Russo and the involved officers be suspended pending the results of the investigation.

There were no further citizen comments.

#### **4.0 STAFF REPORTS**

##### **4.1 Preliminary Quarterly Financial Report – Administrative and Fiscal Services Director, Scott Jurges.**

Finance and Administrative Services Director, Scott Jurges presented the Preliminary Quarterly Report to the Council, which coincides with their Preliminary Year-End report, ending June 30, 2020. He stated that staff is still awaiting additional data to finalize the report. He presented the data on sales tax through May 2020 and indicated that the final numbers should be received soon. As of May, they have collected \$6,056,000 in sales tax revenue, on a budget of \$6,350,000. With the average monthly revenue higher than anticipated, they expect to receive approximately \$500,000 in June, which would put them at approximately \$200,000 over the current budget of

\$6,350,000. This would result in \$250,000 over their net projections and \$200,000 over the budget for the year. Final numbers will be sent to the Council once received.

Mr. Jurges referenced the County Option Highway Transportation Sales Tax, which is distributed to the City of Cottonwood Heights to use for roads, trails, and other transportation items. The initial budget was \$600,000. Through May, they have received \$528,000. They have been receiving just under \$50,000 per month and expect to receive the same amount in June, which will put them at approximately \$575,000, which is slightly under budget. The Municipal Energy Tax over the past several years has slightly declined. The total tax collected for this fiscal year was \$1,987,000, which is approximately \$63,000 below budgeted revenue. The budget on the line item for the current fiscal year is \$1,950,000.

Mr. Jurges next presented the numbers on the Cable Franchise Tax. It was budgeted at \$325,000. They received \$324,000 in 2020, so they are barely below budget. The trend has seen slight reductions in this revenue category. The current year budget is \$310,000.

Class C Road revenue for the year was \$1,290,000 with a budget of \$1,240,000. Over the past several years they have seen slight declines. This revenue is largely driven by the gas tax; therefore, it is difficult to project because it is based on statewide gas sales. The current year budget for this line item is \$1,210,000.

Mr. Jurges presented the General Fund Expense and stated that there may be a handful of expenditures that will continue to come through, so the final number may change slightly. They have \$16,939,000 in expenses against a budget of \$17,588,000. They are approximately 3.7% under budget, but with recent challenges to the directors to bring their expenses under budget, they are closer to 2.6 to 2.7% in under-expended budget.

Mr. Jurges summarized the ending fund balance numbers for FY 2019-2020. The projection was that they would end the fiscal year with approximately \$3.8 million of actual fund balance, leaving approximately \$2.1 million for appropriations for the next year. With the \$520,000 in additional revenue that they were not expecting, plus the additional \$200,000 in reductions in expenses, the fund balance totals \$4,570,000. Based on these figures, Mr. Jurges expected at the end of the current year to have approximately \$1.4 million available. He explained that the primary variable for the current year numbers is the sales tax revenue.

Council Member Petersen commented that they fared well in light of COVID-19. Mr. Jurges reported that based on analytics, the entire State has done well, even with COVID-19. The amount they receive for sales tax within the City is \$0.43 to \$0.44 on the dollar. The remainder comes from statewide allocations. Therefore, if the State does not do well, they would see a reduction in sales tax revenue. Some industries are not doing well, particularly out of state travel. Online sales seemed to be driving some of the increases they are seeing.

Mr. Tingey agreed that they have to monitor the sales tax numbers through the remainder of the year. He would like to have conversations with the Council regarding market studies and compensation. He suggested that the hiring freeze that has been implemented be lifted. He commented that there are several critical positions that are unstaffed.

Mr. Tingey reported that there is a vacancy in Public Works, two vacancies in Community and Economic Development, and one support staff vacancy in the Police Department. They also need to hire crossing guards. Mayor Peterson supported lifting the hiring freeze and noted that there is no fiscal impact in terms of adding to the approved budget as those positions are already funded.

## **5.0 ACTION ITEMS**

### **5.1 Consideration of Resolution 2020-37 Declaring Certain Property Surplus.**

Mr. Jurges introduced the above resolution and stated that the IT Division has replaced lower resolution monitors with higher resolution monitors to avoid eyestrain and improve the work environment. 83 monitors have been identified to be sold. They have not yet been assigned a value and will assign them to an auction house to determine the value of the monitors based on the bids received. The revenue will be added to the General Fund.

**MOTION:** Council Member Bruce moved to pass Resolution 2020-37. The motion was seconded by Council Member Petersen. Vote on motion: Council Member Bruce-Aye, Council Member Petersen-Aye, Council Member Mikell-Aye, Council Member Bracken-Aye, Mayor Peterson-Aye. The motion passed unanimously.

### **5.2 Consideration of Resolution 2020-38 Adopting the 2019- Salt Lake County Hazard Mitigation Plan.**

The above resolution was introduced by Assistant Police Chief, Paul Brenneman who reported that the 2019 Salt Lake County Hazard Mitigation Plan is a cooperative effort between Salt Lake County and the various municipalities in the County to update the Hazard Mitigation Plan. Salt Lake County has led the update effort. The Plan was first established in 2009, updated in 2015, and is on a five-year update schedule.

Salt Lake County contracted with an outside provider to review and draft the final document. As part of the process, planning meetings were held with the various municipalities. They had the opportunity to attend the meetings and met with the contractor to discuss specifics of the Plan. Assistant Chief Brenneman requested that the Council adopt the Plan. Each municipality and the County will be asked to adopt the Plan and it will become part of the Salt Lake County Plan. A copy of the entire plan can be accessed on the Salt Lake County Emergency Management website.

Mayor Peterson reported that the Plan was paid for and developed through a grant and there is no fiscal impact on the City.

Council Member Bracken thanked Assistant Police Chief Brenneman for his work and expressed appreciation for his work on the City's Emergency Preparedness and Hazard Mitigation Plans. This sentiment was echoed by Council Member Bruce.

**MOTION:** Council Member Bracken moved to approve Resolution 2020-38. The motion was seconded by Council Member Bruce. Vote on motion: Council Member Bruce-Aye, Council Member Petersen-Aye, Council Member Mikell-Aye, Council Member Bracken-Aye, Mayor Peterson-Aye. The motion passed unanimously.

**5.3 Consideration of Resolution 2020-39 Accepting a Bid and Approving a Construction Contract with Black Forest Paving, LLC for the East Jordan Canal Trail.**

Mr. Tingey introduced the above resolution and stated that the bid is for the construction of an eight-foot-wide trail, including gates along the East Jordan Canal Trail. The project was sent out to bid and six responses were received. Black Forest Paving was the lowest and best bid at \$124,000. Staff recommended approval. It was noted that the project needs to be completed by November 2020. It is funded through two grants received from UDOT and the State's Office of Outdoor Recreation.

Council Member Bracken commented that this is a great alternative path for people that bike and walk off of Fort Union Boulevard. It is also a great path to access Mountain View Park. Council Member Petersen noted that questions regarding the project have been addressed and he believed the path will add value to the area and will be well used.

**MOTION:** Council Member Petersen moved to approve Resolution 2020-39. The motion was seconded by Council Member Bruce. Vote on motion: Council Member Bruce-Aye, Council Member Petersen-Aye, Council Member Mikell-Aye, Council Member Bracken-Aye, Mayor Peterson-Aye. The motion passed unanimously.

**6.0 CONSENT CALENDAR**

**6.1 Approval of the City Council Work Session, CDRA Board Meeting, and City Council Business Meeting Minutes of July 21, 2020. Also, Approval of the City Council Emergency Meeting Minutes of August 3, 2020.**

**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.**

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

The meeting adjourned at 8:16 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 18, 2020.*

Teri Forbes

Teri Forbes  
T Forbes Group  
Minutes Secretary

Minutes Approved: September 15, 2020