

**MINUTES OF THE COTTONWOOD HEIGHTS CITY LEGISLATIVE BREAKFAST
HELD THURSDAY, JANUARY 7, 2020 AT 7:13 A.M. AT MARKET STREET GRILL,
2985 EAST COTTONWOOD PARKWAY, COTTONWOOD HEIGHTS, UTAH**

Present: Mayor Mike Peterson, Council Member Scott Bracken, Council Member Christine Mikell, Council Member Tali C. Bruce, Council Member Doug Petersen, City Manager Tim Tingey, Police Chief Robby Russo, City Recorder/HR Manager Paula Melgar, Public Works Director and City Engineer Matt Shipp, Community and Economic Development Director Michael Johnson, Finance and Administrative Services Director S. Scott Jorges, City Attorney Shane Topham, Representative Steve Eliason, Representative Marie Poulson, Lobbyist Chantel Nate, Lobbyist Brian Allen, Lobbyist Greg Curtis, Representative Robert M. Spendlove, Senator Kathleen Riebe, Senator Kirk Cullimore, Jr., Utah League of Cities and Towns Executive Director Cameron Diehl, Communications Manager Tim Beery

1. Welcome and Introductions – Mayor Peterson.

Mayor Peterson called the meeting to order at 7:13 a.m. and welcomed those present. New Council Member Doug Petersen was welcomed. Those present introduced themselves.

2. Cottonwood Heights City Contacts/Lobbyists – Mayor Peterson.

Representative Spendlove commented on a bill he is excited about that he would appreciate the City's support on. With respect to the issue of air quality and the canyons, he supported the City's goal of trying to increase transit. Ways to encourage greater use of public transit were discussed as well as increasing the number of ski buses during ski season. The number of buses has been increased, which has been a success, but buses are overcrowded. It was noted that ski buses do not have ski racks on the outside because it is against the law. Representative Spendlove was working on a bill that would provide an exemption to ski buses and allow ski racks to be placed on the outside, which would make riding the bus more attractive and encourage ridership.

Representative Spendlove was also working with UDOT on an electric charging network. The intent was to encourage people to switch to electric vehicles, however, people are having "range anxiety" when traveling outside the valley. UDOT is proposing to install electric charging stations in every rest area in the State. The problem is that federal law specifically prohibits refueling activities in rest areas. Representative Spendlove was working on a bill with UDOT that would define electric recharging stations as vending machines. Mayor Peterson reported that he serves on the Central Wasatch Commission and those types of issues were being addressed by their Transportation Committee.

Council Member Mikell reported that she is from District 4 and she rode the ski bus down from Alta a few days earlier. She invited each of her fellow Council Members to do the same. She spoke to people riding the bus and found the experience to be informative and valuable.

An Alta skier indicated that she asked UTA to have buses go up to Alta every other trip. She noted that it takes an additional 45 minutes to get to Alta because the bus goes all the way to Snowbird first. It would be helpful for bus routes to be flip-flopped. Currently, Alta skiers are disincentivized from taking the bus because they have to make several stops before arriving at their destination.

Comments were made about the enforcement of DUI laws. There has been a trend for those who fail a field sobriety test to refuse the breathalyzer and blood draw, which has led to ugly situations. Various options have been explored and the bill is in the process of being drafted. Currently, after someone fails a field sobriety test, if they then refuse a breathalyzer, no further warrants will be sought, and they will be guilty of a DUI. The intent was to avoid physical confrontations and give officers and defendants choices. The goal was to streamline the process.

It was reported that HB 32-Crisis Services Amendments, would create a system for 23-hour crisis receiving and stabilization centers, including one in Salt Lake County. Rather than taking someone who is experiencing a mental health or substance abuse issue to jail, they can take them to the receiving centers. Several already exist but they are very small, typically do not charge the patient, and conduct a full psychiatric substance abuse evaluation. They can typically stabilize 90% of people in that setting without involving the jail. The intent is to provide greater resources. The bill passed the Interim Committee unanimously. The hope was that there will be strong support for it going forward.

A comment was made about the DUI situation and Council Member Bruce expressed her concern that there may be some unintended consequences where one officer acts as the judge and juror. It was noted that if a defendant wants to obstruct justice, it can lead to a physical confrontation. It was predicted that there will be a 50% reduction in DUI fatalities this year Statewide.

Senator Kathleen Riebe reported that she opened a bill file in an effort to mitigate funding problems with the canyons. Utah has a \$1.2 billion tourism industry and they spend \$25 million on tourism. She hoped to capture a percentage of those funds and turn it into a funding mechanism for search and rescue, traffic mitigation, etc. She spoke to Chief Russo and found that it is costly to absorb the costs of mitigating traffic at the base of the canyon. The hope was that the bill would create a revenue source for cities that are most impacted by the heavy traffic. Senator Riebe commented that in order to promote bringing tourists into certain areas, they should also promote the protection of small cities that surround them.

Representative Marie Poulson had no bills this year that directly affect the City. She served on Political Subdivisions for many years and wanted to ensure that they elicit the City's response and know their desires. They used to have a Salt Lake County Caucus where leadership from all of the cities from Salt Lake County met weekly. That has been disbanded but she missed the opportunity to meet. She provided her contact information and invited input from the Council.

Senator Kirk Cullimore, Jr. stated that one bill he is involved with that will affect the City is transportation funding. There are also a number of bills that will keep the courts in check.

Lobbyist Brian Allen was certain that there will be continued discussion on tax reform. He explained that trail funding has been an issue they have worked on for a number of years. There is some sympathy for it in the Legislature and a desire to get something done. He hoped that would take place this year. Mayor Timothy stressed the importance of trails and trailheads. If there are opportunities for land acquisition to support trailheads they will. Mr. Allen stated that the problem is that the east side of the valley was developed many years ago. Because there was an abundance of open space out west, leaders and did not think about the preservation of open space. Now that the valley is filling in, they are regretting decisions made 40 to 50 years ago. The intent now is to recapture some missed opportunities.

The possibility of creating a shuttle system for some trailheads was mentioned. Mr. Allen acknowledged that parking is minimal at some of the trailheads but there had never been any discussion of a shuttle. Mayor Peterson stated that East Millcreek has a shuttle with respect to Millcreek Canyon but there are challenges. He did not see a need for tremendous amounts of parking and stated that there are ways to mitigate that with cooperation and funding resources.

Community and Economic Development Director, Michael Johnson reported that the City is currently working on an access plan. They have a good sense of a potential alignment for the trail itself, but as a City they have never looked at access. They will identify more regional access points that mitigate the impact on the neighborhood as well as more local foot traffic access points within a neighborhood. Public open houses will be held to take public comment.

Lobbyist Greg Curtis stated that they are specifically seeking an appropriation to acquire some of the Despain property off of Wasatch Boulevard on the east side.

3. Utah League of Cities and Towns – Cameron Diehl, Utah League of Cities and Towns (“ULCT”) Executive Director.

Utah League of Cities and Towns Executive Director, Cameron Diehl, thanked the Council for their legislative efforts regarding tax reform. Over the past few months, the ULCT engaged extensively in that bill.

With respect to housing, over the past few years, the Legislature has worked with ULCT who supported SB-34, which required cities to update their general plans and incorporate the planning of moderate-income housing with transportation plans. The intent was to get cities to think outside the box with respect to low and moderate-income housing. SB-34 was the latest step in the collaboration between the Legislature and local government. It required 82 cities, since the last legislative session, to update their general plans and select from a menu of 23 planning items. Of the 82 cities, to date 76 have updated their general plans. The other six are expected to have their general plans updated by February.

A comment was made that more of a tax burden is being placed on schools and local areas. With the passage of SB-34 there was some question as to whether the tax rate will increase. Mr. Diehl responded that that question remains unanswered and could be part of the legislative discussion. He explained that the original version of the bill one year ago would have potentially had a negative impact on city budgets because of sales tax. The final version did not impact local sales taxes.

The task force avoided any of the potentially negative ripple effects on city budgets because of the direction the task force ultimately went. Going forward, property taxes will not be part of the tax reform bill. Discussion was ongoing.

It was noted that the Canyons and Park City School Districts will be the most negatively impacted by equalization. As they raise property taxes to overcome the income tax decrease the property tax will be moved to other districts across the state, which was of concern. Mayor Peterson had similar concerns but trusted that the issue will be looked at this year. With respect to the impact on the City of Cottonwood Heights, he appreciated the efforts of ULCT to hold them harmless, however, the impact on the school district will be of concern.

Mr. Diehl clarified that there was no cut in funding to current education dollars, it simply slowed the rate of growth. It was noted that any equalization discussion had never cut funding to anyone. The equalization bills that have been passed historically have not taken money away from anyone but state dollars have been used to provide equity. Alternatively, it was suggested that there is a maintenance of effort. Equalization issues were discussed.

4. Discussion of Issues – Mayor Peterson, City Council, City Manager Tim Tingey, and City Executive Staff.

Funding

- **Trails and Open Space.**

Mayor Peterson reported that he has worked as a parks and recreation practitioner for many years. In terms of trails and open space, the Bonneville Shoreline Trail is a regional amenity that is located within the City that needs help. It is a high priority in terms of parks, trails, and open space in nearly every community. A \$1.5 million grant was received from the County, which is a small portion of that cost. One of the challenges is constructing the Bonneville Shoreline Trail on the east bench where there are hillsides with undevelopable 30 to 40 percent slopes. The City has worked with Representative Mike Winder who reintroduced eminent domain with limits that would allow it only in counties of the first class and on lands that are undevelopable. The intent would be to allow for a regional amenity along the east bench of the City. In addition, any funding assistance would be helpful and explored further.

- **Road Projects;**
- **Wasatch Boulevard and Canyon Impacts.**

Mayor Peterson expressed appreciation for Mayor Cullimore’s efforts to obtain the \$13 million for acquisition at the gravel pit area of a transportation hub. It is a small piece of a major project that UDOT is pursuing along Wasatch Boulevard and up Little Cottonwood Canyon. The implementation of the results of the Environmental Impact Statement (“EIS”) is much more complex than the current funding will allow for. He asked that the Legislature be sensitive to continuing to fund the full implementation of the EIS. One of the outcomes will likely be an active transportation trail system adjacent to Wasatch Boulevard. UDOT has indicated that Wasatch

Boulevard will not be another highway. The intent was to give it a boulevard feel, which the City supports. Mayor Peterson stressed that Wasatch Boulevard is a very high priority for the City.

Mayor Peterson stated that cities that want to raise property taxes to meet inflationary costs are required to go through the Truth in Taxation process. Sometimes elected officials delay taking this step so that those who are newly elected are burdened with years of inflationary costs. He will be working with Mr. Diehl and the Conference of Mayors on a mechanism that would allow cities to catch that inflationary cost without being required to go through the Truth in Taxation process.

Transportation Funding and Issues

- **Class B and C Funds for Roads;**

Class B and C Road Funds were next addressed. Mayor Peterson explained that with more efficient vehicles, the amount of Road Fund revenues will decrease. In addition, the distribution will decrease due to the road miles in the City. Any mechanism to be sensitive to that change in distribution was critical to Cottonwood Heights.

- **Local Options for Transportation Funding.**

Mayor Peterson reported that local control should remain with the cities. He asked for support and sensitivity with respect to locals controls.

Land Use

- **Eminent Domain for Trails;**
- **Local Control of Land Use Regulations;**
- **Referendum Legislation Issues.**

Mayor Peterson had concerns about legislative issues and a possible referendum. City Manager, Tim Tingey reported that the referendum process is completely legitimate. The City's issue is that the referendum process is important and when those who initiated it failed to get an adequate number of signatures, it ended the process. They immediately pursued an initiative to do the same thing. The process is time consuming and costly for the City. He suggested they reevaluate whether an initiative to do the same thing when an effort has already failed should be permitted. He explained that the initiative was withdrawn and there are no provisions in the Code addressing that process. As a result, there were questions about the steps taken. Mr. Tingey suggested that both issues be evaluated.

Mr. Diehl reported that last year the Legislature passed SB-119, which pertains to a referendum bill. It is a two-year effort to modernize the referendum initiative process at a local level. Unfortunately for Cottonwood Heights, the referendum occurred immediately before the new bill took effect. SB-119 requires a cooling-off period between referendums.

A comment was made that the intent was not to make the process overly burdensome for citizens to create initiatives that violate the Constitution. Mr. Diehl noted that citizens participated in the stakeholder group and Representative Daw was adamant that his objective was not to make it more

difficult but to make it clearer. In this case, the residents have the right to refer but if they do not meet the threshold of the referendum, there is a cooling-off period before they can file another.

Air Quality

- **Incentives for more Sustainable Options for Residents and Government.**

Mayor Peterson reported that the City of Cottonwood Heights is very sensitive to opportunities to create more sustainable incentives. Cottonwood Heights is one of few municipalities in the State that signed up for the Community Renewable Energy Act. They met the strict deadlines and set goals. He noted that with respect to Wasatch Boulevard, the secondary impacts are in the canyons looking at incentives to get people out of cars and onto some type of transit. The intent was to incorporate sustainability options in the City.

Public Safety

- **Retirement Changes – Legislative Appropriate Funding for Local and State Agency Costs.**

Retirement changes were discussed. Police Chief, Robby Russo reported on SB-129, which took the Tier 2 public safety retirement system and reduced the benefit for public safety employees from 50% to 37 ½% of their earnings and required them to work 28 years rather than 25 years. SB-129 took the 37 ½% and increased it to 50% after 25 years of work. The original version would have put the cost of the additional benefit on the employer. They ultimately reached a compromise and split the additional cost between the employer and the employee. There is still a mandate on local government to pay for the additional retirement benefit, however, a compromise was reached. Part of the compromise was that a study would be conducted and the matter would not be revisited in upcoming sessions.

Chief Russo explained that the concern from a City perspective is that the State is requiring additional retirement benefits without providing a mechanism to pay for it. The retirement benefits are in addition to whatever compensation local government is providing for public safety employees. They supported the original retirement reforms a decade ago and are concerned about the direction it is going. It was noted that since the retirement changes were made in 2009 there have been problems with retention and recruitment of public safety workers and teachers.

A comment was made that the 1 ½% has created an unintended consequence that is keeping police officers in the force longer than they would like to since 37 ½% is unsustainable for them to live on. The only way cities can pay for it is by pursuing the Truth in Taxation process. As a result, property owners will be taxed at a higher rate to pay for teachers and public service personnel. The result at the State level is to put the burden on property owners.

5. Legislator Input.

Council Member Petersen was pleased that progress was being made in terms of improved access at the base of the canyons.

Council Member Bracken reported that nine Youth City Council Members were planning to spend one day at the capitol with the Legislature.

Council Member Mikell expressed thanks to Senator Cullimore and the City's Lobbyist for the mass transit funding.

Mayor Peterson stressed the importance of collaboration and partnership.

6. Final Comments.

The Legislative Breakfast adjourned at approximately 8:15 a.m.

I hereby certify that the foregoing represents a true, accurate and complete record of the Cottonwood Heights City Legislative Breakfast held Thursday, January 7, 2020.

Teri Forbes

Teri Forbes
T Forbes Group
Minutes Secretary

Minutes Approved: February 4, 2020