

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL WORK SESSION  
HELD TUESDAY, MARCH 3, 2020, AT 5:00 P.M. IN THE COTTONWOOD HEIGHTS  
CITY COUNCIL WORK ROOM LOCATED AT 2277 EAST BENGAL BOULEVARD,  
COTTONWOOD HEIGHTS, UTAH**

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

**Staff Present:** City Manager Tim Tingey, City Attorney W. Shane Topham, Police Chief Robby Russo, Records Culture and Human Resources Director Paula Melgar, Community and Economic Development Director Michael Johnson, Public Works Director Matt Shipp, 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

Mayor Mike Peterson called the meeting to order at 5:07 p.m. and welcomed those present.

**1. Review of Business Meeting Agenda – Mayor Pro Tempore.**

The Business Meeting agenda items were reviewed and discussed.

With regard to the Interlocal Agreement with Salt Lake County regarding aerial imagery, Mayor Peterson’s understanding was that the cost is per square mile. City Manager, Tim Tingey indicated that it is a County contract that results in a lower cost that if they pay it directly. The cost is \$130 per square mile with the total estimated at \$1,200.

**2. Staff Reports.**

**a. Storm Water Improvements and Study - Public Works Director, Matt Shipp.**

Public Works Director, Matt Shipp introduced Ryan Taylor from T-O Engineers and Susan Becker from Zions Bank. He reported that staff had been working on the Stormwater Master Plan Update and were tasked with looking at a Stormwater Fee for the new budget year. In addition to the update, staff looked at cost and asked Zions Bank to provide assistance on the financing of some projects.

Mr. Taylor described the process followed from an engineering perspective and how they developed the list of projects. He reported that a new hydraulic model was created with the new data and work that was done on the GIS prior to T-O’s involvement. The new model went from 12 basins to just over 1,200, which refines where they can find flooding issues and problems. The 1,200 figure was based on 60 miles that included smaller pipe, which is often left out of master plans. They also captured and modeled all of the detention basins.

Mr. Shipp reported that when the City incorporated in 2005, a Stormwater Master Plan was commissioned to better understand what the County gave them. That became the 2006 Stormwater Master Plan. In 2016, there was an updated plan, which was the plan being updated. Mr. Taylor reported that they found 21 areas and a number of problems. Overall, the system is very well designed. When they assumed that the pipes were all open and flowing to capacity, they found very few major issues. In areas with flooding, the issue was primarily pipe failure or capacity issues. In many cases there was debris in the pipes. One of the first recommendations was to clean the cameras City wide. The pipes need to be clean in order for them to work as simulated. That can be prioritized since there is a map showing which pipes are most full. Cleaning the cameras will provide more information on prioritizing how the pipes are working.

Mr. Taylor stated that by looking at materials and age, they can provide an idea of which pipes will be okay and those that will not. With regard to detention basins, there are a number of public and private basins that make up a portion of the system. When sized properly and functioning correctly they work well. Funds were budgeted to have them checked and cleaned. With regard to a schedule for cleaning cameras, Mr. Taylor stated that most cities are on a three to seven-year schedule. The pipes are constructed of steel, corrugated metal, concrete, or plastic. Concrete was the standard with a minimum size of 18 inches. It was noted that the County standards have changed significantly over the years. For that reason there are different styles of curb and gutter throughout the City. The one of greatest concern is the flat CNPs. They build up sediment very quickly and do not scour themselves out.

Mr. Taylor explained that there are three major phases in the Stormwater Master Plan. The first involves things that could cause the City problems today and that need to be fixed as soon as practicable. The second is pipes that need to be upsized. The third is the remainder of corrugated metal pipes.

There was a question about the frontloading of costs. It was noted that about \$16 million of the \$19 million total budget will be spent in the first 10 years of the project, which will make a difference when looking at funding. In response to another question it was reported that the projected costs include everything. There are also federal requirements to consider. There is a Water Quality Program, as well as the Stormwater Management Plan, which is separate from the Stormwater Master Plan. Public involvement is also a major consideration, which Public Works is doing well and making a priority. There is a construction program and contractors make that a full-time job. Cottonwood Heights is doing an excellent job of keeping up with the changing federal rules.

It was reiterated that the projected cost includes everything. Standards require that there be different boxes to separate sediment and garbage, and the cost includes those. It also includes roads, structures, design, construction management. The project has a warranty, as do all other construction projects in the City.

Ms. Becker from Zions Bank addressed the rate structure and funding alternatives for the stormwater project. She explained that the goal was to create a financial model that fully considers the cost. Zions Bank produced a detailed model in Excel with four main components. She explained that they are using Equivalent Residential Units (“ERUs”) for measurement and they

can generate revenue if a rate is assigned to those units. They have worked closely with the City to establish operating costs, taking into account shared labor personnel and vehicle use. She also noted that the \$19.2 million estimate is in today's dollars. If construction is pushed out longer that number could go up.

ERUs were described as the metric used for stormwater and a quantifiable measurement that determines how much a residence contributes to the stormwater system. When looking at different properties, it was determined that the average single-family home contains 5,000 square feet of impervious service. This makes one single-family home measure one ERU, and that is a simple measurement. It gets more complicated with commercial space because the amount of impervious surface can vary greatly between spaces. For commercial and industrial spaces it was determined that an ERU will be calculated on the amount of impervious surface a space has, divided by 5,000 square feet. For example, if a store has 15,000 square feet of parking lot, that store is measured as three ERU's. An estimate of how many stormwater ERUs are in the City was prepared for Ms. Becker to include in her model. It was determined that there are approximately 16,000 ERUs in the City. It was noted that water, sewer, and roads may have a different metric and, therefore, produce a different number.

Ms. Becker provided background and reported that she looked at a number of different options for rates to assign to ERUs. The operating expenses are \$700,000 and it was clarified that this is the amount the City is currently funding out of the General Fund. It includes the stormwater budget, allocation of fair share of labor, and vehicles that are used. Ms. Becker emphasized that timing for the project is very important. The further they are pushed off, the lower the rates. She noted that there will be inflation but also additional ERUs to pay the costs, resulting in a tradeoff.

Ms. Becker described different scenarios and specific projected numbers to the Council. She explained that the projects are heavily frontloaded and with the camera clean up included in the beginning, the first year would cost \$4.2 million. This could be spread out a few years. Ms. Becker included that in the model. If no bonds are issued through the first phase, the City would need to cover all the costs through rates, and the rate per ERU would be \$25 per month. Ms. Becker recognized that this rate is not practical. Because the project is so heavily frontloaded, after the first four to five years, the rate would not need to be that high, though rate structuring of this nature is no longer common. She looked for different options to level this rate out, although the common practice is to run the model first with no bonds and evaluate the worst impact that could result in that situation.

There are three components to cost in the project including operating/administrating, billing, and capital. Operating costs are currently being covered out of the General Fund. Ms. Becker explained that the cost is \$3.81 a month per ERU. If a rate structure for billing costs was added, it would add about \$0.52 per month, although that cost might increase with inflation. What really changes depending on time is capital costs. If the City waits until it can build a fund and afford to do the projects, capital costs would decrease as they pertain to rates per ERU. The total rate per month if the project went for 10 years would be \$14.41, including operating costs. Taking operating costs out of the rate and continuing to use the General Fund would lower the rate to about \$10.50 per month. If it the project was extended over 15 years, capital costs would be

approximately \$6.78 per month, which is what is seen in other cities. Ms. Becker acknowledged the possibility of having a fully sustainable Enterprise Fund in the future.

It was confirmed that the City obtained bids from three different engineering properties with T-O being the best. The numbers shown reflect standard industry numbers. The determination was whether the City is realistically capable of following the projected model.

Ms. Becker showed various rate scenarios and explained that some of the rates increase year after year. She explained that Zions Bank recently worked on Murray City's rates and they will continue to show an increase each year. She also mentioned that there would likely be annual rate increases to keep up with inflation and the increasing costs of construction. Pleasant Grove City is utilizing a stormwater bond. Ms. Becker estimated that the City will likely get a 2 to 2.5% interest rate on a bond. The model was run using a 3% rate. She commented that one problem with bonding is that there is only so much capacity. Bonding requires a debt coverage ratio of 1.25 and if the rates are very low there is not much leeway. Ms. Becker mentioned that there are several options and scenarios that could work.

The billing mechanism was next addressed. Ms. Becker explained that the City currently does not have the staff needed to process the billing associated with the stormwater rate. Many other municipalities use Rocky Mountain Power or other national companies. Rocky Mountain Power has communicated a willingness to take part in this billing. There is also a potential option to work with the cities of Millcreek and Holladay and share staff between the three municipalities.

Ms. Becker addressed bonding options and stated that the best option depends on the rate the City would like to establish. The pros of bonding include historically low interest rates and the ability to complete some projects while keeping stormwater rates low. If the City determines that the rate should only be around \$5.00 per ERU, there is not a lot of capacity but some of the project could get done. The recommended approach from Zions Bank was to save up and pay to clean the cameras annually. One option would be to increase the rate in future years, if needed.

Mr. Shipp mentioned that it is important to realize is that the City is currently paying \$700,000 in operating costs and ongoing work, which is not getting them ahead on projects. Imposing stormwater fees and rates will help but depend on how quickly the City wants to move forward with this project. The Council concurred that this is a priority.

The Council discussed how Cottonwood Heights compares to other municipalities in terms of the stormwater issue and the condition of pipes. Mr. Shipp stated that the condition of the metal pipes in the City is well below average. There are pipes that are full that are of major concern. Many cities clean their pipes every 3 to 7 years and do not have pipes that are completely full. The City has to hire out the cleaning of pipes. Some pipes in the City can be lined, but camera cleaning is required to determine exactly what can be done.

There was discussion regarding federal regulations and the City's compliance. Mr. Shipp explained that the operating budget is currently keeping the City compliant with Federal and State regulations. Additional funding is needed to repair major problems. Concern was expressed with regard to how to educate constituents on the issue.

**b. Utah Outdoor Recreation Grant Application – Community and Economic Development Director, Michael Johnson.**

Community and Economic Development Director, Michael Johnson updated the Council on the Utah Outdoor Recreation Grant. He explained that the grant is offered through the Governor's Office of Economic Development and specifically through the Office of Outdoor Recreation. The application deadline is March 20. Mr. Johnson presented a recommended project for discussion. Mr. Johnson provided an overview of the grant itself. It is focused on outdoor recreation and has some demonstrated criteria. The project must increase visitation to an area or offer an economic opportunity to the community. It must be open for public use. The maximum grant size is up to 150,000 dollars, which is relatively small compared to some of the grants the City has utilized in the past. The grant has a minimum 50/50 match component. Part of the funding is available right up front and part of it is a reimbursement after you pay the costs of the project. The actual projects must be completed within 24 months. Mr. Johnson stated that compared to other federal grants this is a quick turn around. He presented some of the eligible and ineligible projects for this grant application. It is geared around the construction of outdoor recreation amenities and is not meant for swimming pools, waterparks, or general maintenance among other projects.

Mr. Johnson provided a summary of the proposed project, which involves property at 7725 South Wasatch Boulevard. The project was summarized as a Bonneville Shoreline, Ferguson Canyon, Wasatch Boulevard shared use path trailhead and natural park area. The proposed site improvements would consist of trailheads leading up to Ferguson Canyon and the future Bonneville Shoreline Trail alignment. It was also envisioned to connect to what is anticipated to be a shared use path along Wasatch Boulevard. There will also be a restroom facility associated with the project.

Mr. Johnson proposed that the City request the full \$150,000. The City currently has a commitment with Salt Lake County to build some improvements on the site. The timelines of the grant and the deadline for completing the committed work line up nicely.

Mr. Johnson reported that the City has \$120,000 to \$130,000 already budgeted for the site. A Congestion Mitigation Air Quality ("CMAQ") Grant was awarded six years earlier through the Wasatch Front Regional Council ("WFRC"). It had a long funding cycle and was awarded for a Park and Ride station to park cars and reduce vehicle trips.

Mr. Johnson explained that the City's limitations for development on the proposed project are through Salt Lake County. Using the CMAQ money for this property would violate an Interlocal Agreement that is in place with Salt Lake County. Regardless of the direction the City chooses there will be obstacles. One option was to use \$400,000 to \$450,000 of City's Bonneville Shoreline Trail grant money and provide some an in-kind match for site design work, master planning, project management, and other project costs. Mr. Johnson believed that exceeding the 50/50 required match makes the \$150,000 request much more appealing and feasible.

Mr. Johnson provided additional background on the site area. In 2008, the properties were purchased by Salt Lake County using Open Space and Parks funding. Salt Lake County paid

\$3.325 million. Cottonwood Heights contributed \$175,000 to purchase roughly four acres on two parcels for a total of \$3.5 million. The available documentation specified that the purpose of the site was to provide public open space and develop a trailhead to the Bonneville Shoreline Trail. This appears in the Interlocal Agreement with Salt Lake County that was entered into after the purchase of the land in order to memorialize payments and establish terms for improvement of the property by the City. The terms of the original agreement included the construction of a parking lot, a park, a trailhead, a restroom, and a parking lot and trailhead on both parcels. All of the improvements were to be at the City's expense. A rough design was completed at that time. An estimated improvement cost of \$500,000 plus \$50,000 for engineering and inspection fees, which requires the City to spend a minimum of \$550,000 on property improvements.

There was discussion to clarify why certain existing funds are not available. Mr. Johnson explained that they are tied up in other funding areas and the Interlocal Agreement with Salt Lake County. It was suggested that a portion of the improvements include an off-leash dog park, as that has been an identified community need for some time. It was also suggested that the City move quickly to apply for the grant in order to meet the deadline.

Mr. Johnson explained that the \$150,000 goes towards a parking lot, a park, a trailhead, and a restroom all of which are required by the Interlocal Agreement with the County. The original 2008 agreement contained two amendments that pushed back the original four-year deadline to construct the improvements. The current deadline to construct improvements on the site at a value of at least \$550,000 is December 31, 2021. Staff was directed to proceed with the grant application.

**c. Interlocal Agreement with Salt Lake County on Aerial Imagery – Community and Economic Development Director, Michael Johnson.**

Mr. Johnson reported that updated aerial imagery is available that the City uses for emergency management, planning, and Public Works issues. The aerial images were provided through a contract with Salt Lake County who has already flown and captured the images. These should be available in May or June to distribute. The County flew in Fall, so the foliage is off the trees. Mr. Johnson clarified that funds have already been sent aside in the budget to cover the cost.

**d. Equal Rights Act Support Resolution Discussion – Mayor Mike Peterson.**

Mayor Peterson reminded the Council that City Attorney, Shane Topham was previously asked to draft a resolution in support of the Equal Rights Amendment (“ERA”) so that the Council could review the language. Murray City’s resolution was used as a model. They used the ERA itself and the resolution in support that addressed the State’s Constitution and the efforts made by Utah to support women. Council Member Petersen was not present for the previous discussion. It was reported that the Legislature’s ratification efforts have stalled in committee. It was reported that there will not be a vote on the issue this Legislative session.

It was the intent of staff to move the resolution toward something that is municipally based. The opinion was expressed that some municipalities have stepped into State or Federal territory and this is not appropriate. The example of Utah County’s request to become a 2<sup>nd</sup> Amendment

sanctuary county was used. Some members of the Council expressed the belief that the ERA is a State and Federal issue and not the job of City Council Members to determine.

A Representative from the Legislature specifically asked municipalities to be a voice for people and pass a resolution of support for the ERA. The City has a history of passing resolutions when it has been determined to represent the community. Council Member Bruce stated it would be tragic to miss the opportunity to voice support for women. Council Member Petersen felt the City was facing more weighty issue and failed to see why this is a municipal issue.

There was discussion about what the ERA would accomplish. Council Member Bruce noted that while Utah's Constitution does include language protecting women, the reality is that Utah does not have a history of treating women equally. The U.S. Constitution contains language prohibiting discrimination on the basis of race, but not sex. She stressed that it is important for Utah to loudly support the ERA to serve as a beacon to others in the nation. Potential unintended consequences of the ERA were discussed with the consensus being that more study and information was required to make a decision.

Mayor Peterson acknowledged that this is a hot issue and should remain on the City's list of priorities. As the Utah Legislature is not voting on the issue this session, the timing of the discussion was not as important. He suggested the issue be tabled and potentially invite experts to come speak to the Council to discuss the pros and cons.

### **3. Review of Calendars and Upcoming Events.**

The Council Budget Work Session was rescheduled from April 21 to 28 to accommodate two conferences on the same day.

#### **Council Member Schedules for the Next Week – 2020 Calendar:**

- a. March 14 – Cottonwood Heights Film Festival – Butler Middle School Auditorium.
- b. April 22-24 – Utah League of Cities and Towns Midyear Conference in St. George.
- c. April 28 – Approximately 5:00 p.m. – Council Budget Work Session – City Council Workroom.
- d. May 5 – Approximately 7:00 p.m. – Proposed Budget and Adopt Tentative Budget – City Council Chambers.
- e. June 2 – Approximately 7:00 pm. – Public Hearing for Budget and Adoption – City Council Chambers.
- f. June 16 – Approximately 7:00 p.m. – Adopt Final Budget – City Council Chambers.

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

The Closed Session regarding litigation and property acquisition was held after the Business Meeting.

**MOTION:** Council Member Bracken moved to close the Open Session and open a Closed Session for the purpose of discussing property acquisition and litigation. Council Member Petersen seconded the motion. Vote on motion: Council Member Petersen-Aye, Council Member Mikell-Aye, Council Member Bruce-Aye, Council Member Bracken-Aye, Mayor Peterson-Aye. The motion passed unanimously.

The City Council was in Closed Meeting from approximately 7:35 p.m. to 8:41 p.m.

**5. Adjourn City Council Work Session.**

The City Council Work Session adjourned at 8:41 p.m.

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL BUSINESS MEETING  
HELD TUESDAY, MARCH 3, 2020 AT 7:00 P.M. IN THE COTTONWOOD HEIGHTS  
CITY COUNCIL CHAMBERS LOCATED AT 2277 EAST BENGAL BOULEVARD,  
COTTONWOOD HEIGHTS, UTAH**

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

**Staff Present:** City Manager Tim Tingey, City Attorney W. Shane Topham, Police Chief Robby Russo, Records Culture and Human Resources Director Paula Melgar, Community and Economic Development Director Michael Johnson, Public Works Director Matt Shipp, 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

**1.0 WELCOME/PLEDGE**

Mayor Peterson called the meeting to order at approximately 7:00 p.m.

The Pledge of Allegiance was led by Council Member Doug Petersen.

**2.0 ACKNOWLEDGMENTS**

**2.1 Introduction of New Cottonwood Heights Police Officers: Eryn Sustayta and Kyle Williamson – Police Chief Robby Russo.**

Police Chief, Robby Russo introduced new police officers to the City Council Eryn Sustayta and Kyle Williamson who recently graduated from the Police Academy. He stated that both officers are new to Utah and were collage athletes. Both will be great additions to Cottonwood Heights. Chief Russo introduced Tim Duran who worked previously at the Sheriff’s Office and Unified Police Department for many years. He praised Officer Duran’s skills as an Investigator and his choice to come to Cottonwood Heights.

Officer Sustayta introduced herself and reported that she is originally from California and comes from a law enforcement family. She has several relatives who work for the Los Angeles Police Department. She played softball at Utah Valley University and graduated six months earlier. She was a Psychology major and decided to use the knowledge she gained in Law Enforcement. She was pleased to be in Cottonwood Heights. Mayor Peterson thanked Officer Sustayta for choosing Cottonwood Heights and for her service.

Officer Williamson introduced himself and reported that he is originally from Oregon. His father worked in law enforcement for many years and currently serves in the Internet Crimes Against Children Department. Officer Williamson attended college in North Dakota on a baseball scholarship where he played second base and outfield. After graduation he returned to Oregon

before making the decision to come to Cottonwood Heights. Mayor Peterson thanked Officer Williamson for his service.

Officer Duran introduced himself to the Council and stated that he retired from Law Enforcement in January 2019 after 24 years. He was a police officer in Las Vegas for one year before returning to Utah to work in law enforcement. Officer Duran reported that he worked for the City of Cottonwood Heights in 2018 and was pleased to be back.

### **3.0 CITIZEN COMMENTS**

Mr. Killpack addressed the Council regarding the possibility of a community garden. He shared an experience he had finding some beautiful greenery that was determined to be inaccessible to the public. He expressed the belief that Cottonwood Heights needs more greenery and a greater sense of community. He supported the concept of a community garden to improve the sense of community and enjoy nature. He offered to donate \$100 and asked for funding from the City as well. Mayor Peterson thanked Mr. Killpack for his efforts and state that there is an existing community garden at Mountain View Park.

Council Member Mikell mentioned that several years ago she presented two ideas at a local elementary school for students to participate in. One was a film festival, which is an endeavor the City is currently taking on. The other was a community garden. Council Member Mikell envisioned the garden as one that could grow vegetables. She encouraged Mr. Killpack to work with the Council and mentioned that she had an idea for a potential location.

Kelly Jones reported that she lives in North Salt Lake and is part of the Utah ERA Coalition. She distributed information about the organization to the Council at a previous meeting. They are a group of volunteers who are working to ratify the ERA in Utah. Ms. Jones speaks to representatives on Capitol Hill and one of the most common questions she receives is why the ERA is needed in Utah. She explained that Utah is growing and many great businesses recruit employees to come to Utah. Some businesses are having difficulty attracting employees because Utah is last in terms of metrics for women. Ms. Jones reported that support would send a message that Utah supports women. She encouraged the Council to adopt a resolution in support of the ERA.

Leslie Peterson expressed her support for the ERA and thanked Ms. Jones for her efforts. She was proud to be a member of the community urged the Council to support the ERA effort.

There were no further citizen comments.

### **4.0 ACTION ITEMS**

#### **4.1 Consideration of Resolution 2020-07 Approving Entry into an Interlocal Agreement with Salt Lake County for Aerial Imagery.**

Community and Economic Development, Director Michael Johnson reported that the above resolution involves and Interlocal Agreement with Salt Lake County. The County consulted with

a private firm to provide aerial imagery for all of Salt Lake County. The County then offered the imagery to each municipality at a rate at a lower cost than if the City were to do it on its own. The total cost was just under \$1,200. Mr. Johnson explained that the images are very valuable and contain useful information.

**MOTION:** Council Member Bruce moved to approve Resolution 2020-07. The motion was seconded by Council Member Petersen. Vote on motion: Council Member Petersen-Aye, Council Member Mikell-Aye, Council Member Bruce-Aye, Council Member Bracken-Aye, Mayor Peterson-Aye. The motion passed unanimously.

## **5.0 CONSENT CALENDAR**

### **5.1 Approval of the City Council Retreat Minutes of January 22, 2020 and the City Council Meeting Minutes of February 4, 2020.**

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

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

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

The meeting adjourned at 7:27 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, March 3, 2020.*

Teri Forbes

Teri Forbes  
T Forbes Group  
Minutes Secretary

Minutes Approved: April 7, 2020