

MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL WORK SESSION HELD TUESDAY, APRIL 28, 2020 AT 5:00 P.M. THE MEETING WAS HELD ELECTRONICALLY, WITHOUT A PHYSICAL LOCATION DUE TO THE CURRENT COVID-19 PANDEMIC AND AS AUTHORIZED BY THE GOVERNOR'S EXECUTIVE ORDER DATED 18 MARCH 2020

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

Staff Present: City Manager Tim Tingey, Police Chief Robby Russo, Assistant Fire Chief Riley Pilgrim, Public Works Director Matt Shipp, Community and Economic Development Director Michael Johnson, Records, Culture and Human Resources Director Paula Melgar - City Recorder, Finance and Administrative Services Director S. Scott Jorges, City Attorney Shane Topham

WORK SESSION

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

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

Mayor Peterson reviewed and discussed some of the Business Meeting agenda items.

Community and Economic Development Director, Michael Johnson discussed Item 5.1 that involved reappointments to the Architectural Review Commission. The terms of the Commission Members expire on May 1, 2020. Each Commissioner currently serving is interested in continuing their service. Mr. Johnson reported that the ARC provides constructive criticism on projects to make them better overall.

City Manager, Tim Tingey reported that the Commission Members have specific experience in real estate or architecture and they ask hard questions that are backed by technical expertise. He remarked that individuals with these skills are difficult to find.

Council Member Mikell expressed concern about voting on the matter without information. She proposed that the Council be provided with examples of the ARC's work and bios of the Commissioners. She clarified that her intent was not to question the recommendation to approve the renewals but to do due diligence.

Mr. Johnson stated that the next ARC meeting is scheduled for the end of May and items for that meeting will not be impacted if the renewals are approved before that time. Mr. Tingey committed to getting information and bios of the ARC Commissioners to the Council in the next week to allow the Council to vote on May 5, 2020. He encouraged the Council Members to attend an ARC meeting to better understand their role.

Mr. Johnson provided information on Item 5.2 involving an Interlocal Agreement with Salt Lake County for a bicycle repair station. He reported that a Cottonwood Heights resident serves on the Salt Lake County Bicycle Advisory Committee and advocated that the Committee purchase a bicycle repair station. It was to be placed at the Big Cottonwood Canyon Park and Ride and was paid for by the Committee. The Interlocal Agreement specifies that the County will purchase and deliver the repair station and the City will install and maintain it. Mr. Johnson stated that the cost will be minimal.

Public Works Director, Matt Shipp addressed Item 5.3 involving an independent agreement with YESCO regarding the relocation of the McDonald's sign on Fort Union Boulevard. He stated that the City has worked out an agreement with the State and has a cost secure contract. YESCO was awarded the bid and will move the McDonald's sign from the sidewalk to a new easement so that the sidewalk can be opened up. Mr. Shipp explained that this is part of the Highland Drive and Fort Union Boulevard Intersection Project.

Mr. Johnson addressed Item 5.4 regarding an amendment to the Infrastructure Grant Agreement with the State for the East Jordan Canal Trail. He explained that this item is on hold pending a public open house. This amendment will provide an extension for the open house and allow the public to be informed.

Mr. Tingey addressed Item 5.5, which clarified certain retirement contribution benefits that the Legislature passed during the last session. Utah Retirement Systems ("URS") has changed some wording based on their policies and procedures and addresses and clarifies the retirement contributions for full-time employees. It also specifies that elected officials are considered part-time. Information was added pertaining to Public Safety personnel as well. City Attorney, Shane Topham added that he believed the City would pick up some portion of the contribution for Public Safety employees that was authorized in the 2020 Legislative session.

2. Staff Reports.

a. Proposed Tentative Budget Discussion – City Manager, Tim Tingey and Finance and Administrative Services Director, Scott Jurgens.

Mr. Tingey reviewed financial updates and the implications in the budget. He discussed projected revenue reductions and the methodology used. The City projects reductions of about \$100,000 per month in Sales Tax Revenue during the COVID-19 crisis. He emphasized the importance to look at these numbers monthly and recalibrating as needed.

Mr. Tingey reported that Class C Road Fund revenue projections may need to be revisited depending on the available data.

Mr. Tingey addressed the County Park and Ride project. A prior recommendation included an allocation of \$6,500 in the budget for maintenance of the Park and Ride. Mr. Tingey would be meeting with the County and the various entities involved to discuss the Interlocal Agreement on May 7. He received an email from all four of the ski resort entities who indicated that they will not be contributing to the Park and Rides. Their contributions account for roughly half of the entire amount per year. Mr. Tingey stated that he will know more after the May 7 meeting.

Mr. Tingey discussed snow removal in the interior park paths for Golden Hills and Mill Hollow. This was subject to review by an insurance provider. Mr. Tingey reported that he reached out to a provider and hoped to get more information soon.

Council Member Mikell asked about the process for items to be recommended. Mayor Peterson proposed this specific idea regarding snow removal at the last meeting and there were no objections. Council Member Mikell proposed determining the process for recommendations before meetings as no votes are allowed.

Mr. Tingey addressed the Ferguson Canyon project. It was suggested that \$425,000 from the existing Bonneville Shoreline Trail grant fund be combined with the \$125,000 that was set aside in the current budget to move the project forward. Mr. Tingey reported that this would leave roughly \$225,000 remaining in the Bonneville Shoreline Trail Grant Fund. Mr. Tingey met with Greg Curtis and Carlos Braceras from UDOT. Mr. Curtis suggested looking at other options for funding including looking at the Congestion Mitigation and Air Quality (“CMAQ”) dollars to see if they can go elsewhere.

Mr. Tingey discussed maintenance of the Big Cottonwood Canyon Trail. He spoke with the County about getting reimbursement from TRCC if the City uses CRDA funds. The County will evaluate with staff and supervisors in that area. Mr. Tingey reported that he was awaiting a response.

Mr. Tingey addressed employee compensation and stated that the current proposal is to retain jobs at the current compensation level with no increases in Market, Merit, and Cost of Living Allowance (“COLA”) adjustments until the economy improves significantly. Mr. Tingey believed there was a consensus to approve that approach.

A reduction of the annual City contribution to the Central Wasatch Commission (“CWC”) was discussed. The contribution was decreased by 10%, from \$50,000 to \$45,000. Mayor Peterson committed to looking into additional decreases.

Mr. Tingey reviewed the discussion on reevaluating and eliminating the 50/50 Improvement Program for one year. He also reviewed the possibility of canceling Butlerville Days this year. Finance and Administrative Services Director, Scott Jurges addressed how the items Mr. Tingey reviewed will impact the Fund Balance. Incorporating these items puts the Fund Balance at \$1,340,000 with the current ending balance in the General Fund being \$2,500,000. After removing the required holdings there would be approximately \$750,000 available for appropriation at the end of the budget year in June of 2021. He reported a \$69,000 change in the General Fund.

Mr. Jurges addressed projects in the Capital Improvements Fund and the ending fund balance. He reported an overall fund build of \$2,370. This would be added to the \$228,000 that is currently available for a total of nearly \$231,000 for Capital Projects if there were no other adjustments.

Mr. Jurges verified the process for finalizing the budget. Currently, the budget is tentative and being modified weekly. The proposal was to have a tentative budget by May 5 and put it out at that time. The budget can still be adjusted until a final budget is adopted on June 16, 2020. Mr. Tingey added that the City is required by State law to adopt a tentative budget at the first Business Meeting in May. If the Council wants another discussion on May 5, they would only be able to have a Work Session.

Council Member Bracken suggested a tentative budget be prepared so it could be available for the public to review.

The Ferguson Canyon overflow was next addressed. The City has entered into an Interlocal Agreement with the County to provide overflow parking and a park. The agreement specifies that the City will spend at least \$551,000. There has since been an extension in the agreement allowing until 2021 for construction. Years ago, funding was approved by the Wasatch Front Regional Council for \$1,800,000 to fund a Park and Ride. These two different agreements cannot coexist and move forward with one that will violate the other. The main question was which fund can be used as a placeholder for the \$551,000 since CMAQ money cannot be used for this purpose. There had been discussion about taking Bonneville Shoreline Trail money for the site as there may be connectivity to the Bonneville Shoreline Trail and Ferguson Canyon to the Despain Property. The City contacted Messrs. Curtis and Braceras from UDOT and asked if there was a creative way to partner with UDOT and the County to use CMAQ money or come up with another option. There was the potential to ask the County for an extension because of the COVID-19 crisis and use an amount within that \$125,000 to proceed with site design.

Mr. Jurgas addressed potential problems with the funding of the site. Before the current budget, the City had other funding sources in CMAQ that could be utilized to cover the \$550,000 obligation with the County agreement, but this was no longer the case. \$125,000 is covered in the budget and the City now needs to cover the \$425,000 from another fund and be able to state exactly where that \$425,000 is coming from. Mr. Jurgas suggested the City use the Bonneville Shoreline Trail funds as a placeholder to avoid encumbering additional funds with the intent to obtain alternative funding.

In response to a question from Council Member Bruce, Mr. Shipp explained that it is not a viable option to put off-road work. Doing so would be more costly in the long term if the City does not perform scheduled maintenance on roads.

In response to a question regarding the CRDA money, Mr. Tingey affirmed that it cannot be referred to as committed without first going through a process. Mayor Peterson proposed the option of using the General Fund to budget the Ferguson Canyon Project and then make a Fund Balance transfer to the Capital Fund Balance. He stated that it is worrisome that transferring money out of Fund Balance is not backed by revenues coming in. He commented that it could be risky to take the Fund Balance down too low.

Council Member Mikell expressed hesitation regarding the option to take from the Bonneville Shoreline Trail to complete the project. She suggested they meet with the Parks, Trails, and Open Space Committee before proceeding. She preferred the idea of taking money out of the Capital Fund and General Fund while trying to find the right solution.

Mayor Peterson stated that a decision needs to be made regarding a placeholder. Council Member Bruce preferred to use General Funds knowing there was a high likelihood that the City will have additional funding. She worried that earmarking the Bonneville Shoreline Trail funds would send the message that it was not a priority.

Mr. Tingey reported that the Parks, Trails, and Open Space Committee has seen all the plans for this area and has been weighing in. He explained that this area is part of the Bonneville Shoreline Trail and could be legitimately used for this property. Mayor Peterson expressed support for using the Bonneville Shoreline Trail funds as a placeholder. Council Member Bracken advocated using the Bonneville Shoreline Trail. Mayor Peterson clarified that it would be a placeholder to keep the General Fund money available for discretionary use on essential services. The intent would be to ask the County for an extension and find alternative sources of funding.

Mayor Peterson proposed taking \$200,000 from the Capital Fund and the other half from the Bonneville Shoreline Trail Fund as a placeholder. He stated that it is necessary to get more information.

Snow removal on interior paths in parks was discussed. The City was waiting for more information regarding liability. The Council decided to include it in the tentative budget subject to review liability.

The Council discussed the \$6,500 budgeted for the Park and Ride. A determination was made to leave it in the budget. Mayor Peterson asked Mr. Tingey to emphasize in meetings with the other entities that there is no more money available from the City for this purpose.

The 50/50 Sidewalk Improvement Program was discussed. As it is a very popular program, there was concern about completely removing it from the budget. It was proposed that they leave \$10,000 in for this purpose. Mr. Shipp proposed putting the \$10,000 in the Trip Hazard Program instead and delaying the 50/50 Program for this year. There was a consensus from the Council to pursue this course of action.

Mr. Tingey clarified that there will be a Business Meeting next week. There should be a consensus for the tentative budget so it can be presented to the public the following week if it is adopted. It would be difficult to make changes during next week's Work Session and immediately present the tentative budget to the public. Mr. Tingey asked if any items need clarification. In response to a question, Mr. Tingey stated that the Unified Fire Authority ("UFA") budget has not yet been finalized. There were no further concerns raised by the Council.

Mayor Peterson stated that the City will know the status of Butlerville Days before the final budget. He pointed out that many cities are canceling events.

3. Review of Calendars and Upcoming Events.

Council Member Schedules for the following week - 2020 Calendar:

- a. July 17 and 18 – Butlerville Days – PENDING.

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

There was no closed meeting.

5. Adjourn City Council Work Session.

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

The Work Session adjourned at 6:59 p.m.

MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL BUSINESS MEETING HELD TUESDAY, APRIL 28, 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 Tali Bruce, Council Member Christine Mikell, Council Member Douglas Petersen

Staff Present: City Manager Tim Tingey, Police Chief Robby Russo, Assistant Fire Chief Riley Pilgrim, Public Works Director Matt Shipp, Community and Economic Development Director Michael Johnson, Records, Culture and Human Resources Director Paula Melgar - City Recorder, Finance and Administrative Services Director S. Scott Jorges, City Attorney Shane Topham, Public Relations Specialist Tim Beery, Senior Planner Matt Taylor, Assistant Police Chief Paul Brenneman, Assistant Emergency Manager Julie Sutch

1.0 WELCOME/PLEDGE

Mayor Peterson called the meeting to order at approximately 7:00 p.m. The Pledge of Allegiance was led by City Council Member Doug Petersen.

2.0 STAFF REPORTS

2.1 City Manager's Coronavirus Efforts Report- City Manager Tim Tingey, Communications Manager Tim Beery, Assistant Emergency Manager Julie Sutch, and Assistant Chief Paul Brenneman.

City Manager, Tim Tingey reported that he sends the Council updates when he receives new information. The City continued to work closely with Salt Lake County. Many members of City staff are part of different working groups trying to receive and disperse information.

Mr. Tingey reported that the City is taking things a week at a time in terms of the COVID-19 crisis. The currently limited office hours in City Hall will continue as they have been since the beginning. Many people were working remotely and employees are answering phones full-time. He had not received any complaints from residents. He commended staff for their diligence in telecommuting and remarked that everything that needs to get done is being done.

Assistant Chief Brenneman provided an update on Coronavirus efforts made by the Police Department and Emergency Management personnel. The situation was largely the same as two weeks earlier. The department was seeing an increase in the availability of PPE and hand sanitizer.

Communications Manager, Tim Beery provided an update on communication efforts being made during the crisis. He had tried to avoid overloading communication channels with too many numbers and has focused on three specific channels – the State of Utah, Salt Lake County, and the Canyon School District. Pertinent information is pushed out onto Twitter, Facebook, email, and the City website. He reported that the development of a newsletter is nearly ready to be disseminated.

Mayor Peterson stated that the newsletter will include efforts to facilitate small business rehabilitation, which is one of the City’s priorities.

Council Member Bracken clarified that Dump Passes are available at City Hall. Dump Passes allow members of the City to take a load of personal items to the landfill and dispose of them without an extra fee. He explained that this will become more crucial this year due to alterations in the Area Clean-Up Program. This year, 80 trailers per day will be available but they will be doled out on a first-come-first-serve basis. They can remain in a citizen’s driveway for 24 hours. Council Member Bracken asked Mr. Beery to include this information in the newsletter and encourage citizens to talk to their neighbors when they have reserved a trailer.

Council Member Mikell commented on the Governor’s guidelines for the general public and businesses to maximize public health and economic reactivation. She saw an opportunity for the City to make it understandable to residents. She did not see many changes and expressed worry that some residents are misinterpreting the new guidelines. She emphasized the need to ensure that all citizens are wearing masks and gloves in places where social distancing is not possible. She hoped the City could put out a simple, focused message to residents. Mayor Peterson stated that Mayor Wilson is likely to add more specifics to the guidelines.

3.0 CITIZEN COMMENTS

There were no citizen comments.

4.0 DEPARTMENT QUARTERLY REPORTS

4.1 Financial Quarterly Report – Finance and Administrative Services Director, Scott Jurges.

Finance and Administrative Services Director, Scott Jurges provided an overview of the March 31 month-end financial report. He stated that most of the numbers in the report are from periods before the shut down due to COVID-19. He focused predominantly on the General Fund.

Mr. Jurges showed the General Fund Sales Tax results through January. At the end of March, the budget was \$6,350,000. The prior year, the City received \$6,341,000. At the end of January, the City had collected \$3,790,000 which puts Cottonwood Heights about \$276,000 ahead of 2019. He reported that the City is in a good position.

Mr. Jurges shared the County Option Sales Tax, which is related to a highway that is new this year. The City has budgeted \$600,000. At 58% of the year, the City has collected \$346,000 which is barely behind expectations.

Mr. Jurges discussed the Municipal Energy Tax, which is a tax on power and natural gas. He explained that the City has tended to see reductions in this area. The City has \$2,050,000 in the budget and has collected \$1,400,000, which is only \$16,000 behind last year. This was one of the items the City will adjust downward in next year's budget.

Mr. Jurges described the Cable Franchise Tax, which involves taxes on cable TV, satellite, and other related areas. Mr. Jurges reported that there is typically a \$10,000 erosion per year. The City budgeted \$325,000 and had received \$163,000 to date. The City was close to getting what was received last year and it will not be much different from what is currently in the budget.

Mr. Jurges next addressed Class C Road Funds where there has been a slight reduction. The reduction was due to fuel-efficient cars and less gas being purchased. He reported that the City's projection was close to last year's collection although there will be reductions that are not yet seen due to a slowdown in gas sales due to the COVID-19 crisis.

Mr. Jurges demonstrated the General Fund expense trend and stated that he was not concerned about being in a negative position at the end of the year. Because of reduced revenues, Mr. Jurges reported that the City will be slightly ahead of budget at the end of the year in terms of fund balance projections but the difference will not be as significant as it has been in past years.

In response to a question from Mayor Peterson, Mr. Jurges reported that he had taken revenue shortfalls over the past few months into account when projecting the year-end fund balance.

5.0 ACTION ITEMS

5.1 Consideration of Resolution 2020-13 Approving Reappointments to the Architectural Review Commission.

Mayor Peterson reported that the Council agreed to table the above item for one week to receive additional information. The Council intended to complete reappointments at the next meeting.

5.2 Consideration of Resolution 2020-14 Approving an Interlocal Agreement for a Bicycle Repair Station with Salt Lake County.

Community and Economic Development Director, Michael Johnson reported that the above item involves an agreement with Salt Lake County. Over the past year, the Salt Lake County Advisory Committee purchased a bicycle repair station as a result of a recommendation made by a City resident who serves on the Committee. The intent was to install the repair station at the Big Cottonwood Canyon Park and Ride. Mr. Johnson reported that the agreement states that the County will purchase the repair station and the City is responsible to install and maintain it. The costs to the City were negligible.

MOTION: Council Member Bruce moved to approve Resolution 2020-14. Council Member Petersen seconded the motion. Vote on motion: Council Member Mikell-Aye, Council Member Bruce-Aye, Council Member Bracken-Aye, Council Member Petersen-Aye, Mayor Peterson-Aye. The motion passed unanimously.

5.3 Consideration of Resolution 2020-15 Approving an Independent Contractor Agreement with YESCO, LLC for Relocation of a Pylon Sign.

Public Works Director, Matt Shipp reported that the above resolution is part of the Intersection Project for Highland Drive and Fort Union Boulevard. The funds from the project come from the State and will not come out of the General Fund. He reported that YESCO was awarded the bid and will move the McDonald's sign on Fort Union Boulevard from the middle of the sidewalk.

MOTION: Council Member Bracken moved to approve Resolution 2020-15. Council Member Mikell seconded the motion. Vote on motion: Council Member Petersen-Aye, Council Member Bracken-Aye, Council Member Bruce-Aye, Council Member Mikell-Aye, Mayor Peterson-Aye. The motion passed unanimously.

5.4 Consideration of Resolution 2020-16 Approving Amendment No. 1 to an Infrastructure Grant Agreement with the State of Utah for the East Jordan Canal Trail.

Mayor Peterson reported that the above resolution involves an amendment for the continuation of funding to give the City time to perform its due diligence and gather community input. Mr. Shipp added that the City is still looking to hold public hearings for residents who live along the trail to allow them to provide input per the recommendation from the City Council.

MOTION: Council Member Bruce moved to approve Resolution 2020-16. Council Member Petersen seconded the motion. Vote on motion: Council Member Bracken-Aye, Council Member Bruce-Aye, Council Member Petersen-Aye, Council Member Mikell-Aye, Mayor Peterson-Aye. The motion passed unanimously.

5.5 Consideration of Resolution 2020-17 Authorizing and Clarifying Certain Retirement Contributions and Benefits.

Mr. Tingey reported that URS recently modified certain policies and procedures governing participation in retirement programs. URS has requested that City Councils formally adopt the changes. The resolution clarifies that elected officials are part-time employees and not eligible for URS participation. The amendment also deals with SB 56, which is the 2020 legislation involving all City employees that participate in the new Public Safety and Fire Fighter Contributory Retirement System.

MOTION: Council Member Bracken moved to approve Resolution 2020-17. Council Member Bruce seconded the motion. Vote on motion: Council Member Petersen-Aye, Council Member Bracken-Aye, Council Member Bruce-Aye, Council Member Mikell-Aye, Mayor Peterson-Aye. The motion passed unanimously.

6.0 CONSENT CALENDAR

6.1 Approval of the City Council Meeting Minutes of April 7, 2020.

MOTION: Council Member Bruce moved to approve the minutes of April 7, 2020. Council Member Petersen seconded the motion. The motion passed with the unanimous consent of the Council.

7.0 ADJOURN CITY COUNCIL BUSINESS MEETING.

MOTION: Council Member Bracken moved to adjourn and thanked staff for their hard work. Council Member Bruce seconded the motion. The motion passed with the unanimous consent of the Council.

The meeting adjourned at 7:45 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, April 28, 2020.

Teri Forbes

Teri Forbes
T Forbes Group
Minutes Secretary

Minutes Approved: May 19, 2020