

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL WORK SESSION HELD TUESDAY, APRIL 16, 2019 AT 5:00 P.M. IN THE COTTONWOOD HEIGHTS CITY COUNCIL CONFERENCE ROOM LOCATED AT 2277 EAST BENGAL BOULEVARD, COTTONWOOD HEIGHTS, UTAH**

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

**Staff Present:** City Manager Tim Tingey, City Attorney W. Shane Topham, Police Chief Robby Russo, Assistant Fire Chief Mike Watson, Records Culture and Human Resources Director Paula Melgar, Public Works Director Matt Shipp, Finance and Administrative Services Director S. Scott Juges, Public Relations Specialist Dan Metcalf

**Excused:** Council Member Mike Shelton and Community and Economic Development Director Michael Johnson

**Others:** Lobbyist Brian Allen, Lobbyist Greg Curtis

**WORK SESSION**

Mayor Peterson called the meeting to order and welcomed those present.

Mayor Peterson asked that Item 3.0 to be presented first, for the convenience of the City's Lobbyists.

**1.0 Review of Business Meeting Agenda – Mayor Mike Peterson**

Mayor Peterson reviewed the upcoming business meeting agenda.

Council Member Mikell expressed concern about the expense of the float and suggested using recyclable materials and/or repurposing materials. Options for a float design were discussed.

Mayor Peterson expressed concern with the surplus of water and water dangers in the City.

UFA Assistant Fire Chief, Mike Watson stated that Water Works in Salt Lake County provided information regarding the minimum and maximum cubic feet per second flow that the waterways can handle. Big Cottonwood Canyon has the ability to handle a maximum of 775 cubic feet per second with Little Cottonwood Canyon at 900 cubic feet per second. The safety message advised staying away from waterways. The wet spring grows the fields in the wildlands and urban interfaces create fire hazards later on. They will continue to get updates and their logistics center is gearing up with sandbags and preparing for runoff. Chief Watson emphasized the importance of staying away from waterways and resisting the urge to jump in to rescue others to prevent further deaths and drownings.

## **2.0 City Council and Staff Reports**

### **a. Proposed Budget for Fiscal Year 2019-2020 – City Manager, Tim Tingey and Finance and Administrative Services Director, Scott Jurges.**

City Manager, Tim Tingey, reported that staff has received significant input from the department heads regarding the budget. They focused primarily on services they need to provide in the community while looking at line items and budget proposals. He confirmed that they will bring the tentative budget before the Council on May 7 for consideration and adoption. Adoption will need to occur by June 18, 2019. They will work toward conducting a Storm Drain Capital Facilities Study and asked if they should look at adopting a Stormwater Fee. Mr. Tingey commented that the budget aligns well with the work objectives set by the Council. He reiterated the importance of employee compensation. After reviewing a market study from South Jordan City along with the 24 job descriptions, he felt they are below market and are proposing to conduct a market study.

Finance and Administrative Services Director, Scott Jurges reviewed the proposed budget for fiscal year 2019-2020. The recommendation calls for \$1,232,000 being transferred to Capital Projects to fund specific Public Works capital projects. The proposed debt service fund of \$1.8 million was \$125,000 more than the current year. The current projected ending fund balance will total \$3,312,000 representing 16.7% of revenues included in the proposed budget. State Statute requires a 5% withholding of revenues along with the City ordinance 1% withholding. The reserve for compensated absence was described. Mr. Tingey reported that the Ferguson Canyon Park and Ride requires a match of \$125,000 with \$600,000 in revenues from Senate Bill 36. \$1.5 million was coming for the Bonneville Shoreline Trail. Total expenditures plus revenues reflected a \$1,642,000 cost to the City. They recommended a transfer from the General Fund of \$1,232,000 and need to use \$410,000 of fund balance of the original \$884,000.

Mayor Peterson appreciated the transparency and clarity of the proposed budget. Benefits in compensation were reviewed. He explained that instead of conducting a study, he preferred taking the proposed \$50,000 back into salary increases by conducting it in-house. The Council discussed the options for conducting a study at length. Council Member Mikell suggested using a temp or intern to conduct some of the research.

Mayor Peterson pointed out they have a placeholder of 5% although UFA has not yet finalized their budget and there is fluctuation from 4.04% to 5.11% due to differences of opinion. UFA has placed their firefighters in the top three in the State and suggested that an option would be to take the final leap and ensure it for the following year. This would result in an increase to the City of 5.11%. Another option was to do it over two years at an increase of 4.54%. Budget details were described. The Mayor believed the challenge comes with the proposal creating inequity between departments. The \$125,000 savings from the termination of the Gilson Engineering contract was described.

Council Member Bracken believed they could cover engineering basics at a lower cost with an in-house engineer but one of the advantages of utilizing the services of Brad Gilson is that he knows the Wasatch Front Regional Council (“WRFC”) system so well. Because he is familiar and knows them well, the City has been better able to utilize their assistance.

Mr. Tingey remarked that it is common practice for cities to have their own city engineer. The Gilson Engineering contract consists of two components, one of which is that they work as the City Engineer and complete the design work. One of the concerns comes with a City Engineer who does all of the design work and ultimately checks that design work. Regardless, they will do an RFP on the second component to ensure that the City Engineer is double checking the design work. He felt they would have the capacity to do that and felt that the services could be provided in-house.

Mayor Peterson reviewed items not included in the budget. He asked if the 3000 East overlay for \$162,000 is critical and explained that it is unique in that it is a street owned by both the City of Holladay and Cottonwood Heights. He asked if the \$200,000 for Ferguson Canyon is from the Canyon Center project money. Items not included in the budget included stormwater projects, fees, providing solar power at City Hall, charging stations, a rain barrel, and the East Jordan Canal. Mr. Tingey confirmed that the mentioned items are not included in the budget and are not recommended, however, they were listed because they were discussed with the committee. Grant funding was reviewed.

Council Member Bracken expressed concern with the Butlerville Days Parade float and would like to see the excess funds put back in. He also suggested changing the newsletter to be distributed monthly.

Options for the parade float were discussed at length. Council Member Mikell expressed frustration with having a float that represents the City being constructed by someone else. She suggested there be more citizen involvement.

**b. Proposed 2019 Fireworks Restriction Map – City Manager Tim Tingey.**

Mr. Tingey reported that staff met with the Fire Marshall and UFA to reevaluate areas that need to be expanded. An expanded map was displayed.

**c. Purchase and Sale Agreement of CHPD Retired K-9 – City Attorney W. Shane Topham.**

Mr. Jurges reported that the Police Department retired K-9 “Ocho” must be declared surplus in order to make him available as an asset. After discussing the issue with Chief Russo, it was determined that they currently have four K-9 handlers and dogs. One of the handlers took a job elsewhere leaving four dogs and three handlers. The cost of the K-9s range between \$4,000 and \$7,000. Ocho is now 4½ years old with an average working life of 6 to 7 years estimating his value at \$1,965. Options were discussed.

City Attorney, Shane Topham explained that normally a K-9 is declared surplus at the end of his service years. This situation is different as he has service life remaining. He emphasized that Ocho’s needs are different than that of a normal dog. It was his understanding that Officer Eatchel’s greatest concern was non-conveyance and not putting him back into the law enforcement service aspect of the contract. He did not think the indemnification was necessary because the risk does not exist. The other issues involve ensuring that the dog is cared for throughout the remainder of his life after

having provided service to the City. Liability on the part of the City was discussed. Mr. Topham confirmed that he would be satisfied with the indemnification.

### **3.0 Legislative Update – Brian Allen and Greg Curtis.**

Lobbyist Brian Allen reviewed the year’s Legislature session and expressed concern with a Nighttime Highway Construction Amendment bill. It was amended and allowed the City to mitigate and regulate issues. He had seen an increase in bills related to clean air, a number of which passed. The vehicle idling bill, however, did not receive the response they had hoped for. Mr. Allen worked with Representative Stenquist on the Stenquist bill and saw the arguments and wisdom on both sides of the bill. He determined that doing nothing was better than running it.

Unlawful outdoor advertising and critical infrastructure materials bills by Logan Wild were reviewed. Mr. Allen described a bill by Representative Daw dealing with development advertising amendments.

The Food Truck Amendment bill would allow some local control and reciprocal licensing. The Tier II Retirement bill passed and will ultimately cost entities money with the first year being funded by the Legislature and then leave it up to the cities and counties the following year.

Mayor Peterson asked about the Affordable Housing Sales Tax and UDOT Transportation bills. Mr. Allen reported that there was a lot of discussion regarding affordable housing although there was not a lot of funding set aside for housing or the homeless. The challenge involved making housing affordable and there was some question about how to keep it affordable long term with inflation.

The sales tax issue was postponed. Work was to continue with the Utah League of Cities and Towns trying to get involved. Mr. Allen reported that the intent of the working group is to bring stakeholders together and come up with a consensus bill when it goes to a special session.

Lobbyist Greg Curtis reported that the UDOT transportation item was funded and Mayor Wilson expressed the need for relief in the Canyons. Funding for a Parking Facilities Study was described. UDOT was aware of the Central Wasatch Commission and the membership of other environmental groups. Gravel pit and parking issues were discussed.

Council Member Mikell commended Messrs. Allen and Curtis for their efforts.

The Stormwater Study was reviewed.

### **4.0 Review of Calendars and Upcoming Events**

Council Member Schedules for the next week - 2019 Calendar:

- a. April 18 – 4:00 p.m. to 7:00 p.m. – UDOT Official Public Hearing on proposed Roundabout – Cottonwood Heights City Hall
- b. April 19 – 7:00 p.m. to 9:00 p.m. – Teen Easter Party @ Rec. Center
- c. April 20 – 10:00 a.m. – Easter Egg Hunt @ Butler Middle School
- d. April 22 – 7:30 p.m. – Masterworks Concerts – Butler Middle School

- e. May 17 – 6:00 p.m. to 8:00 p.m. – Superhero Bike Ride
- f. July 26 – Starting at 4:00 pm – Butlerville Days
- g. July 27 – All Day – Butlerville Days
- h. July 12, 13, 15, 18, 19, 20 – (check the City website for times) – Little Mermaid performance at Butler Middle Scholl.

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

**MOTION:** Council Member Bracken moved to close the Open Session and open the Closed Session for the discussion of litigation and professional competence of character of an individual. The motion was seconded by Council Member Bruce. The motion passed with the unanimous consent of the Council.

The Work Session closed at 8:44 p.m.

**6.0 ADJOURN CITY COUNCIL WORK SESSION**

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

The Work Session adjourned at 6:57 p.m.

The City Council reconvened to continue discussions on the proposed budget at 7:48 p.m.

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL BUSINESS MEETING  
HELD TUESDAY, APRIL 16, 2019 AT 7:00 P.M. IN THE COTTONWOOD HEIGHTS CITY  
COUNCIL CONFERENCE ROOM LOCATED AT 2277 EAST BENGAL BOULEVARD,  
COTTONWOOD HEIGHTS, UTAH**

**Members Present:** Mayor Mike Peterson, Council Member Mike Shelton, Council Member Scott Bracken, Council Member Tali Bruce, Council Member Christine Mikell

**Staff Present:** City Manager Tim Tingey, City Attorney W. Shane Topham, Police Chief Robby Russo, Assistant Fire Chief Mike Watson, Records Culture and Human Resources Director Paula Melgar, Public Works Director Matt Shipp, Finance and Administrative Services Director S. Scott Jorges, Public Relations Specialist Dan Metcalf.

**Excused:** Council Member Mike Shelton and Community and Economic Development Director Michael Johnson

**BUSINESS MEETING**

**1.0 WELCOME/PLEDGE**

Mayor Peterson called the meeting to order and welcomed those present.

The Pledge of Allegiance was led by Leo Weaver from Boy Scout Troop 268.

**2.0 ACKNOWLEDGMENTS**

**2.1 Proclamation 2019-02 in Recognition of Brighton High School Model United Nations Team.**

Mayor Peterson introduced the Brighton High School Model United Nations Team.

Declan identified himself as the Co-President of the Model United Nations Team who was able to attend the National Conference with students from over 30 countries. They won the preparation award and received all superior awards. He reported that they also won the State competition.

Mayor Peterson read a Proclamation recognizing the Brighton High School Model United Nations Team for their accomplishments and being the only Utah school chosen to attend the competition. They won first place as a distinguished delegation at the competition led by James Hodges. April 16, 2019 was declared Brighton High Model United Nations Team Appreciation Day.

## **2.2 Proclamation 2019-03 in Recognition of the Brighton High School Swim Team and Coach Todd Etherington.**

Coach Etherington stated that coming into the season off a State championship, they graduated several team members and came into the current season ranked third. One of the most impressive things to him was not just the swimmers he gets to work with, but the outstanding people that end up becoming swimmers.

Mayor Peterson read a Proclamation recognizing Coach Todd Etherington who was named 5A Coach of the Year for the second year in a row by the Utah High School Activities Association. He has been a constant influence in the lives of Brighton High School swimmers for many years and won numerous State championships. April 16, 2019 was proclaimed Brighton High School Swim Team Day.

## **3.0 CITIZEN COMMENTS**

Nancy Hardy remarked that the City of Cottonwood Heights is losing its charm and character and being attacked from all sides. She opposed UDOT building a five to seven lane commuter road that will divide the City. She suggested Wasatch Boulevard remain a two-lane road with a flex lane in the middle, bike lanes, and walking paths. Mayor Peterson confirmed that City representatives are meeting with UDOT regularly and Wasatch Boulevard is one of their highest priorities and concerns. UDOT refers to the Wasatch Boulevard Master Plan, although not yet adopted by the City. Enhancements, trails, trees, walkability, and access were all identified as concerns.

Tim Hallbeck reported that he received the images of the Ferguson Canyon Trailhead from Gilson Engineering and has been working with a sign company to ensure that signage is UV resistant and graffiti proof. The signage should be completed in the near future and include five images on seven signs.

## **4.0 ACTION ITEMS**

### **4.1 Consideration of Resolution 2019-21 Designating Areas Closed to Discharge of Fireworks for 2019.**

Mayor Peterson reported that the above Resolution designates areas closed to the discharge of fireworks for 2019. State law allows cities to adopt and file with the host county, by May 1, a map identifying areas that are subject to hazardous environmental conditions and closed to the discharge of fireworks.

**MOTION:** Council Member Bruce moved to approve Resolution 2019-21. The motion was seconded by Council Member Bracken. Vote on motion: Council Member Bracken-Aye, Council Member Mikell-Aye, Council Member Bruce-Aye, Mayor Peterson-Aye. The motion passed unanimously.

**4.2 Consideration of Resolution 2019-22 Designating Representatives to the VECC Board.**

Mayor Peterson reported that the above Resolution designates representatives to the Valley Emergency Communications Committee (“VECC”) where Council Member Shelton is the City’s representative with Mr. Tingey as an alternate.

**MOTION:** Council Member Bracken moved to approve Resolution 2019-22. The motion was seconded by Council Member Bruce. Vote on motion: Council Member Bracken-Aye, Council Member Mikell-Aye, Council Member Bruce-Aye and Mayor Peterson-Aye. The motion passed unanimously.

**4.3 Consideration of Resolution 2019-23 Declaring Police K-9 “Ocho” Surplus and Authorizing Sale.**

Mayor Peterson reported that the above Resolution declares police K-9 “Ocho” surplus and authorizes the sale of the dog to his handler, Officer Ken Eatchel.

Council Member Bruce was pleased that the dog will remain with his handler who he knows and loves.

**MOTION:** Council Member Bracken moved to approve Resolution 2019-23 with the amendment striking line 3b. The motion was seconded by Council Member Bruce. Vote on motion: Council Member Bracken-Aye, Council Member Mikell-Aye, Council Member Bruce-Aye and Mayor Peterson-Aye. The motion passed unanimously.

**4.4 Consideration of Resolution 2019-24 Approving a “Float Agreement” with Innovative Design Concepts of Utah, Inc.**

Mayor Peterson reported that the above Resolution approves a “Float Agreement” with Innovative Design Concepts of Utah, Inc. The City float is entered in the Cottonwood Heights Parade, the Days of ’47 Parade, as well as other parades throughout the valley. Council Member Bruce emphasized they are asking Innovative Design to utilize sustainable practices and recyclable materials in the construction of the float.

**MOTION:** Council Member Bruce moved to approve Resolution 2019-24. The motion was seconded by Council Member Mikell. Vote on motion: Council Member Bracken-Aye, Council Member Mikell, Council Member Bruce-Aye and Mayor Peterson-Aye. The motion passed unanimously.

**5.0 CONSENT CALENDAR**

**5.1 Approval of the City Council Meeting Minutes for March 5 and March 19, 2019.**

**MOTION:** Council Member Mikell moved to approve the City Council Work Sessions and Business Meetings Minutes of March 5 and March 19, 2019. Council Member Bruce seconded the motion. The motion passed with the unanimous consent of the Council.

**6.0 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 7:34 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 16, 2019.*

Teri Forbes

Teri Forbes  
T Forbes Group  
Minutes Secretary

Minutes Approved: June 18, 2019