

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL WORK SESSION  
HELD TUESDAY, DECEMBER 13, 2022, AT 4:00 P.M. IN THE COTTONWOOD  
HEIGHTS CITY COUNCIL WORK ROOM LOCATED AT 2277 EAST BENGAL  
BOULEVARD, COTTONWOOD HEIGHTS, UTAH**

**Members Present:** Mayor Mike Weichers, Council Member Douglas Petersen, Council Member Scott Bracken, Council Member Shawn E. Newell, Council Member Ellen Birrell

**Staff Present:** City Manager Tim Tingey, City Attorney Shane Topham, Records Culture and Human Resources Director Paula Melgar, Community and Economic Development Director Michael Johnson, Administrative and Financial Services Director Scott Jurges, Police Chief Robby Russo, Public Works Director Matt Shipp, IT Manager Matt Ervin

**1. WELCOME – Mayor Weichers.**

Mayor Mike Weichers called the meeting to order at 4:02 p.m. and welcomed those present.

**2. REVIEW OF BUSINESS MEETING AGENDA – Mayor Mike Weichers.**

The Business Meeting Agenda items were reviewed and discussed.

Mayor Weichers reported that a few items would take place before the Citizen Comment period. This included acceptance of the financial statements. He noted that there was a meeting with Administrative and Financial Services Director, Scott Jurges, and the audit company. Cottonwood Heights would accept the financial statements during the Business Meeting. Mr. Jurges explained that Cottonwood Heights received a clean audit and nothing out of order was found. The next item on the agenda was the City Council Committee Reports followed by the Citizen Comment Period.

There were three Action Items on the agenda. The first was consideration of Ordinance 390 – Amending Code Section 11.16.010 regarding speed designations on Certain Roadways. Mayor Weichers indicated that the item was discussed at the last City Council Meeting and would allow the City to lower speed limits on certain roadways. Public Works Director, Matt Shipp had not had time to research the reason for the existing speed limits, but he believed it was a carryover from the County. It is not unusual to have lower speed limits on arterials and collectors in cities. The Ordinance would give the City the ability to change the speed limits rather than changing the actual designation of a road. Changing road designations could impact funding. City Manager, Tim Tingey reported that a review of the State Code was done. There was nothing stating that speed limits could not be lowered below 35 MPH.

The second Action Item was consideration of Ordinance 391 – Approving the Project Area Plan for the “Town Center at 2300 East Fort Union” Community Reinvestment Area. Mr. Tingey explained that it would be voted on during the City Council Business Meeting as well as during the Community Development and Renewal Agency (“CDRA”) Business Meeting. Council Member Bracken asked for a discussion about the item ahead of the votes.

Community and Economic Development Director, Michael Johnson explained that the item is related to the draft Project Area Plan. This was the plan that enabled the creation of a Community Reinvestment Area. The plan mentioned that the City is under contract to purchase the Hillside Plaza but adoption of the plan does not lock the City into purchasing the plaza. However, it allows the City to use Redevelopment Agency bonding as a potential means to finance the purchase. The intention was to come in at a later time and amend the project area budget after negotiating with the taxing entities so Tax Increment Financing (“TIF”) could be implemented as a future economic development tool. The reason the Project Area Plan was being considered tonight had to do with the pending acquisition of the Hillside Plaza property.

Council Member Birrell asked what authority could change the existing land use and zoning for the 10 acres of hillside. Mr. Johnson reported that land use and zoning are legislative functions. The designations can be amended at the direction of the Council. There was language in the State Code and City Code if the Council wants to enact a zone change or a land use change. He explained that there was a legal process for that, which included noticing and public hearings. Mr. Tingey clarified that the Project Area Plan would not impact zoning. It was a Redevelopment Plan that would put forth the vision of the City so there could be reinvestment in the area. The plan that would be considered during the CDRA and Business Meeting was governed under Redevelopment Agency law. It was focused on tools that could bring reinvestment into an area. The City Council was considering the potential for reinvestment in that specific project area. How that reinvestment was pursued was contingent upon a budget coming forward later and work with private investment groups. There could be some potential Development Agreements to facilitate redevelopment. When there were investment opportunities, the Council would consider those Development Agreements. The Project Area Plan would establish the reinvestment area.

The Project Area Plan specified that the area was envisioned as a potential redevelopment opportunity since 2005 in the General Plan. The plan was a proactive economic development tool that would allow the City to have a greater say in how redevelopment moves forward. Council Member Bracken noted that Table 3 on Page 13 showed an assumption of 60% participation from other entities. He wondered if that needed to be in place. Mr. Johnson pointed out a note at the end of the plan. It stated that the City had not included a planned budget or any tax increment projections from other taxing entities. That would need to come back to the Council. As currently written, there was no guaranteed participation from any taxing entities. Council Member Bracken wondered what the point of Table 3 was. Mr. Johnson explained that since the negotiations had not taken place, some language had been removed. Cleanup may be needed. Any cleanup or additional language would come back in a future comprehensive amendment.

Mr. Tingey clarified that the Project Area Plan is necessary and would be considered for adoption at tonight’s meeting. However, certain elements would come back for an amendment to address the specific contribution of the other taxing entities. Council Member Bracken asked if it would be best to strike the portions that referenced other taxing entities. Mr. Johnson noted that any references to taxing entity participation could be amended to state that participation was pending an amendment and adoption of the budget.

The last Action Item on the Business Meeting Agenda was consideration of Resolution 2022-64 – Approving a Consulting Agreement with Bowen Collins & Associates, Inc. for Design Services. Mayor Weichers explained that the matter was discussed at the last City Council Meeting. He reported that the Consent Calendar would not be approved at tonight’s meeting.

**3. STAFF REPORTS**

**a. Fire Special Service District Creation Discussion – City Manager.**

Mayor Weichers reported that under the Unified Fire Authority (“UFA”) there are four current members. This includes Cottonwood Heights, Holladay, Riverton, and Herriman. There was also a Special Service District called the Unified Fire Service Authority (“UFSA”). There were another 10 cities and townships that belong to the UFSA. He explained that UFSA is a taxing district. If there is an increase to the membership fee, the UFSA taxing district increases the rate to correspond with what is needed to collect the correct amount each year. Council Member Bracken noted that there is a Truth In Taxation hearing related to that process.

Council Member Birrell wondered what the difference was between UFA and UFSA. Mayor Weichers clarified that the cities that belong to UFSA belong to a taxing district that can increase taxes to pay for necessary fire services. Cottonwood Heights does not belong to the UFSA. The Cottonwood Heights Membership Fee came from the General Fund. When there is an increase, that increase needs to be accounted for in the General Fund. That was the reason the Special Service District discussion was scheduled. Herriman and Riverton, who also belong to UFA, created a Special Service District for fire. As a result, they did not need to account for increases to the membership fee within their General Fund.

Council Member Newell asked if this meant there would need to be a Truth In Taxation process. Council Member Bracken confirmed that was the case. On the assumption that UFA had cost increases each year, there would need to be a Truth In Taxation process each year to account for that. If Cottonwood Heights creates a Special Service District, there would be a separate line item. Mr. Tingey explained that there would be a fund that would be audited separately from the rest of the City. The Truth In Taxation process would also be separate from the rest of the City.

The purpose of the Special Service District was to make the costs of fire services clear. Additionally, the General Fund is often static and the City would not have to worry about the increases to the membership fee being taken from the General Fund. The cost of UFA was not going down and this was largely due to personnel. Council Member Bracken asked what the City currently pays UFA from the General Fund. Mayor Weichers explained that it is approximately \$4.5 million. Last year, there was a \$300,000 membership increase. That meant another \$300,000 was needed from the General Fund. That number ended up dropping slightly, but it still needed to be funded within the General Fund. The question was whether the City Council wanted to consider creating a Special Services District. That type of district meant that there would likely be a Truth In Taxation hearing each year for the district in order to increase the membership fee.

Mayor Weichers reported that a Special Service District would put less stress on the General Fund as the increase would come from an increase to the Special Services District. There were

advantages and disadvantages to consider. Some of the advantages included less pressure on the General Fund and additional transparency pertaining to UFA costs.

Council Member Newell asked about the costs associated with the creation of a Special Service District. Mr. Tingey explained that in order to create a Special Service District, there is a process that needs to be followed. That information was included in the packet for review. Essentially, the governing body needs to pass a Resolution with the intent of creating a district. Written notice needs to be provided to all property owners and there needs to be consideration of any protests. After that, the governing body would adopt the Special Service District through Resolution or Ordinance. That information would be forwarded to the Governor's Office for the district and there would be a process on that end. There are costs associated with noticing and the education process as well as costs associated with the separate audits and Truth In Taxation hearings that would occur in the future. There were ongoing costs to create the fund.

Mayor Weichers noted that Cottonwood Heights and Holladay are the only UFA cities that do not have the Special Service District. However, he explained that Holladay is currently looking into whether a Special Service District would be beneficial. Council Member Bracken was surprised when Riverton and Herriman created their own Special Service Districts. He understood the importance of flexibility in the General Fund but did not believe there would be a significant amount of added transparency. There was a risk that the annual Truth In Taxation process would lead residents to believe that there was an annual tax increase for the City. That could make City-based Truth In Taxation processes more challenging in the future.

It was noted that no decision had been made but the intention was to have a discussion with the City Council and determine whether it was something worth looking into. Council Member Newell wanted to better understand what the challenges would be moving into a Special Service District. He wanted to know what the costs would look like. Mayor Weichers pointed out that Herriman and Riverton have already done this, so it may be possible to obtain information from them. Council Member Birrell was concerned about taking on incremental costs. She was all for transparency but was not sure why there would be more transparency with a Special Service District than within the General Fund line item. She noted that a Special Service District may increase the workload for City Staff. There were also the noticing and auditing costs to consider.

Mayor Weichers asked about the City Staff time that would need to be dedicated to the Special Service District. Mr. Tingey explained that there would need to be time dedicated to the district. It essentially meant that the City needs to manage another fund. If there was a Truth In Taxation process each year, there were certain time and financial costs associated with that as well. The costs would include noticing and educating the public. It was noted that it would be possible to hold the Truth In Taxation hearing every few years or it could be done on an annual basis. It was harder to transfer money out of the Special Service District fund because that money was for a specific purpose, but it was always possible to transfer money into the fund when necessary.

Council Member Bracken reported that UFSA was created around the time Cottonwood Heights was incorporated. For the City, the numbers did not make sense at that time. Cottonwood Heights would have paid significantly more than if the City was only a paying member. As a result, the City opted out of UFSA and saved a significant amount over time. Mayor Weichers pointed out

that those savings would not go away if the Special Service District was created. Council Member Bracken explained that this would be a district just for Cottonwood Heights. Mr. Tingey stated that with UFSA, the majority of the Board approves increases. Council Member Petersen noted that the UFSA numbers were not favorable for Cottonwood Heights. He wanted to see numbers side-by-side to better understand whether a Special Service District makes sense. It could include information about the ongoing costs.

The Council discussed other cities that have Special Service Districts. Council Member Newell stressed the importance of looking at comparison numbers. Mayor Weichers explained that the General Funds in cities like Herriman and Riverton will continue to grow based on the homes and businesses being created. The increases that Herriman and Riverton receive based on growth would not need to be used to cover the associated fire costs. Council Member Newell pointed out that money from the General Fund could be used to subsidize if necessary. Cottonwood Heights would not have that luxury. Council Member Bracken noted that Cottonwood Heights would not experience that amount of new growth, and as a result, would be a lot more likely to need an annual Truth In Taxation for the district than Herriman or Riverton.

Mayor Weichers explained that the General Fund is less likely to continue to grow and cover increases from UFA. There were other areas with more opportunities to grow. Council Member Petersen noted that the same kind of issue had occurred with the school districts. Mayor Weichers suggested that the Special Service District be discussed during the retreat. This would allow Council Members to do a bit more research and have more in-depth discussions.

**b. Housing Plan – Community and Economic Development Director.**

Mr. Johnson reported that the Mayor and City Council received a letter of non-compliance from the State of Utah Division of Workforce Services. It related to the 2019 Moderate Income Housing Master Plan. There had been meetings with the State representative who signed the letter to understand the deficiencies within the plan. The necessary corrections were made and sent back to the same official for review. The changes made were considered satisfactory and would be compliant. There now needed to be a formal process to amend the plan. Mr. Johnson explained that this requires both Planning Commission and City Council approval.

The item was reviewed by the Planning Commission the previous week. There were no public comments and a unanimous recommendation of approval. Mr. Johnson shared information about the technical and minor amendments that were made to the 2019 Moderate-Income Housing Master Plan. The changes made were in accordance with the letter received. The State identified two deficiencies including a discrepancy in the exact language between current State Legislation and the language in the General Plan as well as the need for more detail in the actual Master Plan. For instance, the steps taken to implement the various strategies identified by the City.

Mr. Johnson explained that the items were included in the 2022 report that was approved by the Council in the fall. However, those items were not in the original 2019 Moderate-Income Housing Master Plan. The language from the report was added to the Master Plan. Mayor Weichers reported that during a Utah League of Cities and Towns (“ULCT”) meeting, it was noted that nearly every city ran into this issue. It was not something unique to Cottonwood Heights.

Mr. Johnson informed the Council that reporting requirements would be different next year as there would likely be changes to the Legislation again. He noted that the update was required to be made by February 16, 2023. These were minor changes and it was a straightforward process.

The technical changes were reviewed. Mr. Johnson reiterated that these were minor and the intention of the language remained the same. There was slight rewording and a more detailed explanation of what was being done to implement the outlined strategies. During the General Plan process, the Council would look at the strategies and determine whether they were the ones the City wanted to continue to pursue. There would also be an appendix added to the back so the 2022 data was attached. That was included in the report but not the Master Plan. Mr. Johnson reported that there would be public comment and action at the next City Council Meeting.

**c. Sensitive Lands Evaluation and Development Standards (“SLEDS”) Ordinance Update – Community and Economic Development Director.**

Mr. Johnson did not have any new content related to the Sensitive Lands Evaluation and Development Standards (“SLEDS”) but the item was on the Work Session Agenda to allow for additional discussion. He reported that Staff looked into fertilizer to determine if there was an approved list of pesticides, insecticides, and fertilizers that could be used near open water sources. The Source Water Protection Manager for the State reached out and indicated that there was not a list like that. It was something the City would continue to look into.

Council Member Birrell asked about the long-term plan related to the SLEDS Ordinance update. Mr. Johnson explained that there would be a public comment period in January 2023. The entire SLEDS Ordinance would be available for public comment. There could be additional revisions if those were desired by the Council. Mr. Tingey noted that it was important for the Council to be comfortable with the language before the approval process started. Outstanding questions or issues could be shared with Staff. Mr. Johnson reported that the information and proposed updates would be added to the City’s website before public comment. The Council could continue to discuss the SLEDS Ordinance from that point.

There was discussion regarding when to vote on the item. Mr. Tingey explained that the Council could hold the public comment period in January 2023. The Council could consider the public comments and determine whether another Work Session discussion was necessary. The vote could be scheduled whenever the City Council felt comfortable voting on the SLEDS Ordinance updates. Mr. Johnson noted that the updates were City-initiated so the timeline was flexible.

**d. Unified Fire Authority (“UFA”) Critical Risk Assessment – Assistant Fire Chief.**

Assistant Fire Chief, Riley Pilgrim was not present. As a result, the item would be discussed at the January 3, 2022, City Council Meeting.

**4. REVIEW OF CALENDARS AND UPCOMING EVENTS.**

- a. City Hall will be closed Monday, December 26, 2022, for Christmas.
- b. City Hall will be closed Monday, January 2, 2023, for New Year's.
- c. City Hall will be closed Monday, January 16, 2023, for Martin Luther King Day.
- d. Cottonwood Heights Film Festival will be held Saturday, January 21, 2023, at the Butler Middle School Auditorium (7530 South 2700 East).
- e. City Hall will be closed Monday, February 20, 2023, for Presidents' Day.

The calendar items were reviewed.

**5. POSSIBLE CLOSED MEETING TO DISCUSS LITIGATION, PROPERTY ACQUISITION, AND/OR THE CHARACTER AND PROFESSIONAL COMPETENCE OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL.**

**MOTION:** Council Member Bracken moved that the Cottonwood Heights City Council go into a Closed Meeting to discuss litigation, property acquisition, and/or the character and professional competence or physical or mental health of an individual. Council Member Newell seconded the motion. The motion passed with the unanimous consent of the Council.

The City Council was in Closed Meeting from 4:57 p.m. to 5:37 p.m.

**6. ADJOURN CITY COUNCIL WORK SESSION.**

**MOTION:** Council Member Bracken moved to CLOSE the Closed Session, OPEN the Work Session, and ADJOURN the Work Session. The motion was seconded by Council Member Petersen. The motion passed with the unanimous consent of the Council.

The Work Session adjourned at 5:37 p.m.

**MINUTES OF THE COTTONWOOD HEIGHTS COMMUNITY DEVELOPMENT AND RENEWAL AGENCY BUSINESS MEETING HELD TUESDAY, DECEMBER 13, 2022, AT 5:45 P.M. IN THE COTTONWOOD HEIGHTS CITY COUNCIL CHAMBERS, LOCATED AT 2277 EAST BENGAL BOULEVARD, COTTONWOOD HEIGHTS, UTAH**

**Members Present:** Chairman Mike Weichers, Board Member Douglas Petersen, Board Member Scott Bracken, Board Member Shawn E. Newell, Board Member Ellen Birrell

**Staff Present:** CDRA CEO Tim Tingey, CDRA Attorney, Shane Topham, CDRA Secretary Paula Melgar, Community and Economic Development Director Michael Johnson, Administrative and Financial Services Director Scott Juges, Police Chief Robby Russo, Public Works Director Matt Shipp, Assistant Fire Chief, Riley Pilgrim, IT Manager Matt Ervin

**1. WELCOME – Chairman Mike Weichers.**

Chairman Mike Weichers called the meeting to order at 5:45 p.m. and welcomed those present.

**2. PUBLIC HEARING ON PROPOSED ADOPTION OF PROJECT AREA PLAN FOR THE “TOWN CENTER AT 2300 EAST FORT UNION” COMMUNITY REINVESTMENT AREA – Introduction by Community and Economic Development Director, Michael Johnson.**

Community and Economic Development Director, Michael Johnson presented the Staff Report and explained that there was a proposal to create a Community Reinvestment Area called the “Town Center at 2300 East Fort Union” Project Area. He shared a map with those present. The area encompassed approximately 70 acres of property in the direct vicinity of Fort Union Boulevard and 2300 East. Preparation of the plan was initiated by Resolution from the Community Development and Renewal Agency (“CDRA”) in 2019. Progress stalled when the COVID-19 pandemic hit. Priorities were temporarily diverted elsewhere but the focus shifted back toward the Community Reinvestment Area. Mr. Johnson clarified that the plan was a proactive economic development tool that allowed the City to have a say in how future developments are shaped and designed in the area. This was an area of the City that had long been targeted in community master plans as a potential town center. The area had the potential to be redeveloped into something that fits the long-range vision of the City.

Mr. Johnson explained that the Project Area Plan does not have a budget attached to it. Generally, Community Reinvestment Area participation from other taxing entities to initiate Tax Increment Financing (“TIF”). It requires a cost-benefit analysis, a proposed budget, and information on participation by the affected property taxing entities. That was not included in the plan and there was no initial proposal to have TIF participation. The intention was to come back and amend the plan with that information at a later date once negotiations have taken place with the other taxing entities. He reported that the City is currently under contract to purchase the Hillside Plaza property. This was accurate, but adoption of the plan did not commit the City to the purchase. However, it did open up a method of financing through Redevelopment Agency bonds to finance



the purchase should the City decide to move forward with that property. Board Member Bracken informed those present where the project area was located.

Chairman Weichers opened the public hearing.

*Dale Smith* identified the red lines on the map shown. He wondered if the red lines identify the areas affected by the Project Area Plan. This was confirmed. Ms. Smith wondered what it meant that those areas were included. Chairman Weichers explained that the defined area means that redevelopment in that area would be eligible for TIF. CDRA CEO, Tim Tingey reported that it is a designated redevelopment area. The project area was established as a way to promote redevelopment, opportunity, and reinvestment.

There were no further comments. The public hearing was closed.

**3. UPDATE ON CANYONS CENTER DEVELOPMENT – Introduction by Canyon Center Capital, LLC’s Chris McCandless.**

Chris McCandless shared information about the Canyon Center development. He explained that work was diligently being done despite the fact that the marketplace is struggling in general. As discussed previously, the podium was under contract to sell to an entity. It was being sold to pay off the debt. A portion of that podium was still owned by the developer but the sale brought additional partners into the picture. Mr. McCandless explained that resources were being poured into the Canyon Center. He shared information about the capital that had been invested so far. The land cost approximately \$6.5 million and the infrastructure improvements were \$3 million. The latter included the \$750,000 for the Rocky Mountain Power backbone. The power system in the area was a mess and part of the plan was to clean that up appropriately.

The parking garage was estimated at \$14.8 million in construction. That put the hard costs at \$28.6 million. The replacement value for that today was approximately \$38,000 per stall. Given the nature of what was happening in Big Cottonwood Canyon and Little Cottonwood Canyon, parking would become even more of an issue in the future. As a result, the parking garage would be an asset. Mr. McCandless reported that the attorney and entitlement costs were approximately \$850,000. Most of that was related to legal fees. The hotel had an assessed value of \$25 million. Eight Settlers Distillery was assessed at \$6.5 million. Mr. McCandless discussed Units 2D and 2E and explained that their assessed value was approximately \$4 million.

For residential homes, the assessed value was \$13.6 million. The apartment property had a value of approximately \$4 million. That was slightly more than what he had sold it for. He speaks to the owner regularly and asked when the apartment complexes would be built. According to the owner, the challenge was that the cost of everything had increased significantly. Mr. McCandless stated that SAOLA Restaurant has a value of \$4 million. The office podium itself, not the building, had an appraised value of \$7.5 million. As for future investments, there were a few pieces left. The office building or potential medical office building would be approximately \$22 million. That was originally estimated to be \$16 million. Rents were decreasing but costs were increasing. The apartments would be approximately \$31.5 million. The community park and the land being donated to the City were approximately \$1 million.

Mr. McCandless reported that the values associated with the facilities were currently \$89.75 million. Based on the property tax at 1.2% this would create \$1.77 million per year in taxes that would go to the associated taxing entities. In addition, there were Sales and Franchise taxes to consider. The benefit associated with this project was significant. When the apartments, the office or medical building, and the community park were completed, that would add another \$22 million, \$31.5 million, and \$1 million in assessed value and increase the project value to approximately \$144 million. That was what he expected to see happen.

It was noted that a group out of Minnesota approached them a few weeks ago and submitted a Letter of Intent (“LOI”). That group believed there was a marketplace for a high-end medical office building. Based on their qualifications and abilities, it made sense to give them a shot, but try to maintain the original integrity of the project itself. Mr. McCandless did not believe a regular office would work in that space because rents versus vacancy versus costs were in a negative position. As a result, the intention was to move forward with the Minnesota group. At the same time, the condominium office concept was moving forward. When everything is finished, this would be a great place and an asset to the City. He was available to answer questions.

Board Member Birrell appreciated the overview that was shared. She wondered if the condominium and office space over the parking garage was also the space the Minnesota developer thought would be best for a medical complex. This was confirmed. Mr. McCandless noted that a lot of parties had approached them and the hope was that the space would be utilized appropriately. Board Member Petersen asked about the parking structure. Mr. McCandless explained that it was an expensive parking structure. It is not currently being used much and he did not understand why skiers were not utilizing it. The parking spots were offered to Snowbird for their employees but they had not heard back from them. The same offer would be made to the other ski resorts as well. Board Member Birrell believed the issue was that it was difficult to carry ski equipment across to the bus stop. It took approximately five minutes.

Board Member Bracken noted that the total built-out value is approximately \$144 million. He wondered what was currently taxable. Mr. McCandless believed this was \$89 million or so. Chairman Weichers asked about the estimated timeline with the group in Minnesota. Mr. McCandless reported that they need to make their decision by January 16, 2023. He would let the City know if they sign on. If the Minnesota group does not sign on, the work would move forward with the condominium/office/residential concept.

#### **4. ACTION ITEMS.**

##### **4.1 Consideration of Resolution 2022-02 – Adopting the Project Area Plan for “The Town Center at 2300 East Fort Union” Community Reinvestment Area.**

**MOTION:** Board Member Newell moved to APPROVE Resolution 2022-02 – Adopting the Project Area Plan for “The Town Center at 2300 East Fort Union” Community Reinvestment Area. The motion was seconded by Board Member Bracken. Vote on Motion: Board Member Petersen-Aye; Board Member Bracken-Aye; Board Member Newell-Aye; Board Member Birrell-Aye, Chairman Weichers-Aye. The motion passed unanimously.

**5. APPROVAL OF MINUTES.**

The minutes of the meeting were to be approved through the following process: The Agency's secretary promptly will circulate a draft copy of the minutes to the Board Members, who then will have three business days to provide any proposed corrections to the secretary. The secretary will then circulate a revised draft of the minutes to the Board Members and the same review process will continue until such time as no corrections to the draft minutes are received within the three business days review period, whereupon that draft of the minutes will be deemed approved and will become the final minutes of the meeting.

**6. ADJOURN.**

**MOTION:** Board Member Petersen moved to ADJOURN the Cottonwood Heights CDRA Business Meeting. The motion was seconded by Board Member Birrell. The motion passed with the unanimous consent of the Board.

The CDRA Business Meeting adjourned at 6:10 p.m.

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL BUSINESS MEETING  
HELD TUESDAY, DECEMBER 13, 2022, AT 7:00 P.M. IN THE COTTONWOOD  
HEIGHTS CITY COUNCIL CHAMBERS, LOCATED AT 2277 EAST BENGAL  
BOULEVARD, COTTONWOOD HEIGHTS, UTAH**

**Members Present:** Mayor Mike Weichers, Council Member Douglas Petersen, Council Member Scott Bracken, Council Member Shawn E. Newell, Council Member Ellen Birrell

**Staff Present:** City Manager Tim Tingey, City Attorney, Shane Topham, Records Culture and Human Resources Director Paula Melgar, Community and Economic Development Director Michael Johnson, Administrative and Financial Services Director Scott Jurges, Police Chief Robby Russo, Public Works Director Matt Shipp, Assistant Fire Chief Riley Pilgrim, IT Manager Matt Ervin

**1. WELCOME – Mayor Weichers.**

Mayor Mike Weichers called the meeting to order at 7:00 p.m. and welcomed those present.

**2. PLEDGE OF ALLEGIANCE.**

The Pledge of Allegiance was led by Council Member Newell.

**3. ACTION ITEMS.**

**3.1 Acceptance of Financial Statements – Administrative and Financial Services Director, Scott Jurges.**

Administrative and Financial Services Director, Scott Jurges reported that the City finished the financial statements for the year that ended on June 30, 2022. Treasurer and Financial Reporting Manager, David Muir, had done a lot of work to compile the information. Mr. Jurges explained that this was a complicated year because there were two new bonds. This included the bond where the 2014 and 2016 bonds were refunded and the bond for the Public Works Building. Having two new bonds added to the set of financial statements made it more complex.

Mr. Jurges reviewed the financial statements with the Council. He reported that the statements would be posted on the City website on December 14, 2022. On Page VI, there was a Certificate of Achievement for Excellence in Financial Reporting. This was the certificate for the financial reports that were done one year ago. He explained that it took time for those to be reviewed. The City has received the certificate for 10 consecutive years and Mr. Muir had been the author of all 10 of those financial statements. That was a notable accomplishment for Mr. Muir and the City.

Following the certificate, there were the Management Reports and on Page 9 there was the Independent Auditor's Report. The latter was done by Larson & Company. Russell Olsen from Larson & Company was present to discuss their opinion on the audit. Mr. Olsen explained that the Independent Auditor's Report is a standard audit report, which means that the opinion was clean. A clean audit was described as follows in the report:

- In our opinion, the accompanying financial statements present fairly, in all material respects, the respective financial position of the governmental activities, each major fund, and the aggregate remaining fund information of Cottonwood Heights, as of June 30, 2022, and the respective changes in financial position and, where applicable, cash flows thereof and the respective budgetary comparisons for the General Fund for the year ended June 30, 2022, in accordance with accounting principles generally accepted in the United States.

The report went on to describe the audit standards that were followed to reach that conclusion as well as the responsibilities of City management and the auditor. The Independent Auditor's Report included information about different sections of the financial statements. For instance, the required supplemental information and the supplementary information.

Mr. Olsen reported that there was another Audit Report specific to the Federal funds the City received. In this case, it was the American Rescue Plan Act ("ARPA") funds. Whenever a certain amount of Federal funds was received, the auditor was required to look at the internal controls of the City and how the controls affect the money spent. This ensures that the money is spent in the way it is intended to be. The opinion was that in all material respects, the City was compliant with the requirements of the grant.

In addition, there were two reports and a letter included for Council review. The first report was the Government Auditing Standards Report. Any time a government audit was performed, there was a requirement that the internal controls and compliance be examined. Mr. Olsen explained that once those elements were evaluated, the audit procedures were determined. There was no opinion on that report as it was an indication of what had been done in terms of governing auditing standards. The second report was the State Compliance Report. In Utah, the State Auditor's Office required that the specific items listed were looked at for compliance. Mr. Olsen explained that in this case, an opinion was issued, which was that in all material respects, the City was compliant with those requirements. The final letter was called Communication to Those Charged With Governance. This was where any findings or issues during the audit were disclosed. There was nothing that needed to be reported there as everything was in order.

The Council thanked Messrs. Jorges, Muir, and Olsen for their work. Council Member Petersen noted that the dedication means a lot to the City. To see how well the work had been done for so many consecutive years was encouraging. Mayor Weichers expressed his appreciation. He serves on the Audit Committee and had asked Mr. Olsen how common it was to have a clean report. According to Mr. Olsen, it was not uncommon to have a clean report.

It was noted that pages 31 and 33 had two reports that might be of interest to the Council. Those pages offered an overview of what happened during the year. It showed the Debt Service, Capital

Improvement, and General Funds. As for the General Fund, the City began the year with just under \$8 million of Fund Balance. Revenues of \$26.5 million were brought in and then there were expenditures of just under \$19 million. There were transfers out of \$6.3 million, which brought the amount down to \$9.3 million of Fund Balance. Of that, the City needed to keep \$1.6 million for the 5% required by the State and the 1% the City kept. There was also \$660,000 in compensated absences and \$25,000 for pre-paid items. There was \$7.6 million available as of June 30, 2022.

Mr. Jorges reported that the 2014 and 2016 bonds were not fully paid off. The City still owed money on those bonds as they were not callable until July 2025. The balance was in an escrow fund that could not be accessed, which was currently \$13,642,000. That would pay the bonds in the future. At that point in time, the bonds would be retired and the net amount of outstanding bonds would drop. Those were the bonds associated with the City Hall project. The Council reiterated its appreciation for all of the financial work that had been done for Cottonwood Heights.

#### **4. CITY COUNCIL COMMITTEE REPORTS.**

##### **4.1 Committee Report by Council Member Douglas Petersen.**

Council Member Petersen expressed his gratitude for his fellow Council Members and City Staff. He reported that the Business Association was planning a Sub for Santa program. A lot of that work had been done already for six families. He was amazed by what the Business Association did and how the association promoted business in Cottonwood Heights.

Council Member Petersen met with the South Salt Lake Valley Mosquito Abatement District Board. He also had the opportunity to be part of the Audit Committee and thanked Messrs. Jorges and Muir for their hard work. Council Member Petersen works with the Parks, Trails, and Open Space Committee. He reported that the pickleball and tennis courts in Antczak Park would open in March 2023.

Council Member Petersen had the opportunity to work with constituents every day. He was grateful for assistance from City Staff, especially Public Works Director, Matt Shipp, as he recently had a fence repaired on Highland Drive going south from Bengal Boulevard.

##### **4.2 Committee Report by Council Member Scott Bracken.**

Council Member Bracken reported that December tends to be an easier month as CH2 often puts things off until January. The Youth Council met recently and attended the *SpongeBob Musical* at Brighton High School. A number of Youth Council Members were involved with that.

Council Member Bracken stated that all elected officials take their jobs very seriously. Often, constituents approach Council Members and ask why certain decisions were made. All of the Council Members have an obligation to provide answers to those questions. When someone comes forward with a comment or complaint, Council Members need to take it under advisement, find out more information and return to the citizen with an honest response. That was something Council Member Bracken had tried to do. He wanted to commit to continued study and conducting the appropriate research so the Council can make informed decisions.

#### **4.3 Committee Report by Council Member Shawn E. Newell.**

Council Member Newell shared information related to the Arts Council. The Council was looking for participants and accepting applications. He reported that the Arts Council does great work for the City. There are a number of wonderful activities planned for the next year. Anyone interested in applying for the Council could reach out to City Staff for additional information.

Council Member Newell stated that his professional background relates to safety. He was grateful that Staff was so focused on safety. It is important to make Cottonwood Heights as safe as possible. This can be done in small increments. He felt it was necessary for safety to continue to be a priority for the City and residents. There was a good turnout for the Mini Shakeout through Emergency Planning. That was one-way community members can get involved with safety. There is also the Neighborhood Watch program.

Important conversations were taking place in the Legislative Committee. Council Member Newell reported that he attends Utah League of Cities and Towns (“ULCT”) meetings and there are a lot of topics discussed there that will impact the community in the future. It was encouraging to know that the City has partnered with an entity that does such great work for communities.

#### **4.4 Committee Report by Council Member Ellen Birrell.**

Council Member Birrell continued to work with fellow Council Members, City Staff, and other contacts to discuss the Utah Department of Transportation (“UDOT”) Little Cottonwood Canyon Environmental Impact Statement (“EIS”). UDOT was moving toward its Record of Decision (“ROD”), which would likely be released in the first quarter of next year. Council Member Birrell planned to meet with the Salt Lake County Mayor and Deputy Mayor later in the week to discuss the foothill areas of Salt Lake County, including District 4. This work relates to the vision for improved transit and mobility for all users.

Council Member Birrell attended the Granite Community Council Meeting recently. In addition, she attended the Sound of Christmas program. She was amazed by the level of talent exhibited by each of the performers. Council Member Birrell reported that she has been intently studying the Sensitive Lands Evaluation and Development Standards (“SLEDS”) Ordinance. The Council was focused on updates to that ordinance and would work on that in the new year. Council Member Birrell commended Ben Hill and the CHRC on the Skate With Santa event.

#### **4.5 Committee Report by Mayor Mike Weichers.**

Mayor Weichers expressed gratitude to the City Council and Staff. He reported that a few months ago, he was appointed to the Board of Directors for the Salt Lake County Board of Health. The Board of Health meets monthly. One of the first things the Board did was hear from the Executive Director. She often begins by speaking about the numbers for the past month related to the flu, RSV, COVID-19, and monkeypox. Other than monkeypox, the latest update was the first time the numbers had slowed down. However, he noted that the numbers for flu, COVID-19, and RSV will likely increase due to the time of the year.

The Executive Director also shared the monthly numbers from all of the County-owned health facilities. Mayor Weichers explained that each month, the Board receives training to learn more about the individual departments. The Board operates as an oversight Board and votes on a budget that is approved by the County Council.

## **5. CITIZEN COMMENTS.**

*Michael Hanson* expressed his appreciation to Unified Fire Authority (“UFA”) Assistant Fire Chief, Riley Pilgrim. Assistant Chief Pilgrim was able to get the crew at Station 116 to come and do a first responder demonstration for an adult special needs activity group. He noted that Police Chief, Robby Russo had done something similar in previous years. Mr. Hanson also had the opportunity to rent the Community Room twice in the past month. He was thankful that it was available to rent. Mr. Hanson expressed his gratitude for Ann Eatchel and commended her for her professionalism.

There were no further public comments. The citizen comment period was closed.

## **6. ACTION ITEMS.**

### **6.1 Consideration of Ordinance 390 – Amending Code Section 11.16.010 Regarding Speed Designations on Certain Roadways.**

Mayor Weichers reported that the above item was discussed during the Work Session. Council Member Bracken noted that he previously expressed concerns about the amendment. After seeing the details, he found that the amendment is fairly minor and was comfortable moving forward.

**MOTION:** Council Member Petersen moved to APPROVE Ordinance 390 – Amending Code Section 11.16.010 Regarding Speed Designations on Certain Roadways. The motion was seconded by Council Member Birrell. Vote on Motion: Council Member Petersen-Aye, Council Member Bracken-Aye, Council Member Newell-Aye, Council Member Birrell-Aye, Mayor Mike Weichers-Aye. The motion passed unanimously.

### **6.2 Consideration of Ordinance 391 – Approving the Project Area Plan for the “Town Center at 2300 East Fort Union” Community Reinvestment Area.**

Mayor Weichers reported that the above ordinance was discussed during the Work Session and the Community Development and Renewal Agency (“CRDA”) Business Meeting.

**MOTION:** Council Member Birrell moved to APPROVE Ordinance 391 – Approving the Project Area Plan for the “Town Center at 2300 East Fort Union” Community Reinvestment Area. The motion was seconded by Council Member Newell. Vote on Motion: Council Member Petersen-Aye, Council Member Bracken-Aye, Council Member Newell-Aye, Council Member Birrell-Aye, Mayor Mike Weichers-Aye. The motion passed unanimously.



**6.3 Consideration of Resolution 2022-64 – Approving a Consulting Agreement with Bowen Collins & Associates, Inc. for Design Services.**

Mayor Weichers reported that the above resolution was discussed during the Work Session.

**MOTION:** Council Member Bracken moved to APPROVE Resolution 2022-64 – Approving a Consulting Agreement with Bowen Collins & Associates, Inc. for Design Services. The motion was seconded by Council Member Petersen. Vote on Motion: Council Member Petersen-Aye, Council Member Bracken-Aye, Council Member Newell-Aye, Council Member Birrell-Aye, Mayor Mike Weichers-Aye. The motion passed unanimously.

**7. CONSENT CALENDAR.**

There was no Consent Calendar to review.

**8. ADJOURN CITY COUNCIL BUSINESS MEETING.**

**MOTION:** Council Member Newell moved to ADJOURN the Cottonwood Heights City Council Business Meeting. The motion was seconded by Council Member Petersen. The motion passed with the unanimous consent of the Council.

The City Council 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 Work Session, CDRA Business Meeting, and City Council Business Meeting held Tuesday, December 13, 2022.*

Teri Forbes

Teri Forbes  
T Forbes Group  
Minutes Secretary

Minutes Approved: January 3, 2023