

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL WORK SESSION
HELD TUESDAY, MAY 2, 2023, 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, *District 1 (Vacant)* Council Member Scott Bracken, Council Member Shawn E. Newell (via Zoom), Council Member Ellen Birrell

Staff Present: City Manager Tim Tingey, Records, Culture, and Human Resources Director Paula Melgar, Culture Manager Ann Eatchel, Community and Economic Development Director Michael Johnson, Senior City Planner Samantha DeSeelhorst, Associate City Planner/Sustainability Analyst Ian Harris, Police Chief Robby Russo, Assistance Police Chief Paul Brenneman, Administrative and Financial Services Director Scott Jurges, IT Manager Matt Ervin, UFA Assistant Chief Riley Pilgrim, Public Works Director/City Engineer, Matt Shipp

Excused: City Engineer Shane Topham

1. WELCOME – Mayor Weichers.

Mayor Mike Weichers called the meeting to order at 4:00 p.m. and welcomed those present.

Mayor Weichers announced the passing of Council Member Doug Petersen after a short battle with cancer. The Mayor offered his sincere condolences to Council Member Petersen’s friends, family, and wife, Cathy. A flower was placed on the vacant seat in honor of his passing and Mayor Weichers expressed gratitude to the City for their support during this difficult time.

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

The Business Meeting Agenda items were reviewed and discussed.

Public Works Director/City Engineer, Matt Shipp reviewed consideration of Resolution 2023-23, an Amendment to Agreements with SIRQ, Inc. for Construction Manager-General Contractor Services (“CMGC”). He reported that the City entered into an agreement with SIRQ, Inc. in 2022 for the Public Works Building to be constructed in a two-phase process. Phase I has been completed and the City is now returning to hire SIRQ, Inc. as the CMGC for the building. He explained part of the requirements are for the submittal of a guaranteed maximum price that includes their fee as part of the building for \$7.9 million. Items not included in the CMGC are furnishings, shop materials, material testing, the Rocky Mountain Power line, network, identification, and the design fee. Mr. Shipp reported that the estimated cost of the building is \$9 million giving \$500,000 over the already \$8.5 million. He stated that inside the guaranteed maximum price there is a contingency of \$425,000 that may be used to offset costs. They were, however, unsure how much of that will be used during construction. It was confirmed that a 12-month construction period would begin as soon as the agreement has been signed.

Council Member Newell thanked Mr. Shipp for the update and gave his assurance of the construction timeline being held as tight as possible. He looked forward to future updates.

The next agenda item was consideration of Resolution 2023-24 Approving entry into an Agreement with Ivory Development. Community and Economic Development Director, Michael Johnson, reported that it is the Development Agreement for the Doverhill Drive Subdivision property. Ivory Development closed on the acreage for their private development and this agreement ensures that the City pays the same purchase price as originally communicated. He stated that it ensures construction of the park to the City's satisfaction, which must occur within two years from the date of the Pre-Construction Agreement for the first phase of the development.

3. STAFF REPORTS.

a. Spring Runoff Preparations – Public Works Director/City Engineer, Matt Shipp and Assistant Police Chief, Paul Brenneman.

Assistant Police Chief, Paul Brenneman presented the Spring Runoff Preparations Report and stated that the current flood watch does not include any alerts that impact Cottonwood Heights. The precipitation forecast shows moisture at or near normal temperatures. The water equivalent percentage reflects 248 inches in Big Cottonwood Canyon and 174 inches in Little Cottonwood Canyon. Both creeks are measuring well below bank full. He commended volunteers throughout the City for their efforts.

Mr. Shipp reported that over the last three weeks, residents and volunteers have been busy filling sandbags at the Public Works Yard. Local churches have held large events filling over 8,000 sandbags at locations throughout the City with two more events scheduled for the weekend. To date, 83,000 bags have been filled with 10,000 bags in reserve. The Public Works Yard still has 32,000 unfilled bags with enough sand if more are required.

Chief Brenneman reported that the Public Works Department is actively monitoring every road crossing through the City twice daily. Should the need arise, six Emergency Management Districts have agreed to keep a list of available volunteers. In such an instance, he would coordinate with the Public Works Department on what would then become a City effort. A drone is also available to provide a better perspective on what is taking place.

The True Wood Care Facility has been protected with a 300-foot muscle wall consisting of specially designed jersey barriers filled with water and supplemented on the bottom with sandbags. Chief Brenneman noted that the location is vulnerable due to a drain issue in the rear parking lot.

Council Member Birrell commended the work completed and the efforts of volunteers throughout the City. She recognized Christy Phillips, one of two Volunteer Captains, for her organizational efforts in running one of the sandbag filling stations. She appreciated the efforts of Chief Brenneman and Matt Shipp for being so responsive to residents.

Chief Brenneman noted that there is a concern with the mid-level snow and believed Big and Little Cottonwood Canyons will not be an issue for three to four weeks, depending on the weather. He

was confident that the Canyons can handle excessive water and a plan is in place to address issues. They will continue to monitor the situation and notify the City of any concerns.

Mayor Weichers commended Staff and community volunteers for their preparations. He emphasized the need to notify residents of the safety concerns with the creeks and keep family members and pets away. It was confirmed that a mailer will be sent out warning residents of any safety concerns.

b. Sustainability Priorities – Senior City Planner, Samantha DeSeelhorst and Associate City Planner/Sustainability Analyst, Ian Harris.

Associate City Planner/Sustainability Analyst, Ian Harris presented the Sustainability Priorities Report and stated that Cottonwood Heights, along with Millcreek and Holladay, adopted an Interlocal Sustainability Action Plan (“ISAP”). This Plan serves as a guiding document outlining the intent of the City with respect to sustainability. Ten conceptual priority projects were presented to the Council in January 2023 allowing Staff to receive direction. Those concepts were narrowed down to the following five recommended sustainability projects:

The Mountview Park Pollinator Garden. This project will promote the use of native, non-invasive plant materials, along with pollinator-friendly species, and prioritize their use for City-initiated projects. It will be a continuation of the refurbishment while educating the public about its benefit. Staff has allocated 12 months to complete the project at a cost of \$25,000. It is not included in the current year’s budget.

Sustainability Code Updates (EVs and Bikes). This item will be a Zoning Text Amendment and consider requiring amenities such as solar infrastructure and Electric Vehicle (“EV”) chargers during the development process, or rough-in connections for these amenities to be added in the future. Prioritizing and providing a variety of transportation options can reduce local air pollution, improve public health, and even provide cost savings. Staff proposed preparation of an EV-ready Ordinance and a Bike Parking Ordinance for new commercial and multi-family development. The project timeframe will be approximately six months. It was noted that no funding will be needed from the City and research shows the cost impact to developers will be three to four times as expensive to retrofit an EV stall versus installing in an EV-ready space.

The Tree Planning Event. The City will host a Tree-Sale Event where Staff will place a competitive, bulk order of trees, reserving a number for the City’s own use to obtain Tree City USA designation. Residents will be able to purchase trees at a steep discount and assist in the City’s goal of enhancing its tree canopy. Funding is proposed at \$35 to \$55 per tree and \$7,000 to \$11,000 in total tree costs. Pricing for the public will vary, depending on the Staff’s calculation of the number of trees needed to reach the Tree City USA designation, which must be reserved and planted by the City itself. Staff estimates allocating 9-12 months toward this effort. Initial steps will include:

- Obtaining quotes for a bulk order;
- Coordinating with the Communications Manager on public outreach; and

- Organizing logistics for a pick-up date in Spring 2024.

Event options were considered. It was the consensus of the Council that a local nursery be involved.

Update City Hall Landscaping. This project will promote the use of native, non-invasive plant materials, along with pollinator-friendly species, and prioritize their use for City-initiated projects. This would bring most City Hall landscaping in line with the City's own Water Conservation Standard Ordinance by removing lawn from non-active spaces, retrofitting irrigation to drip systems, installing water-efficient landscaping, reducing City water usage, and serving as an example to residents and businesses. Staff anticipated a timeframe of 12 to 24 months. The initial process would involve identifying the scope of the project and budget and working with a contractor to further plan and implement landscaping which would involve:

- Specifying species;
- Securing labor;
- Removing lawn;
- Installing or retrofitting irrigation for drip;
- Reinstalling soil; and
- Planting and mulch.

Mr. Harris reported that funding will depend on scope but Staff estimates lawn removal at \$20,000, plantings at \$110,000, and irrigation retrofit of \$25,000, labor included. After an initial period, the City would again be responsible for ongoing maintenance.

Council Member Birrell suggested involving Brighton High School students in the process and creating a collaborative academic exercise.

Improve Community Outreach. Staff will devote increased time to community outreach in the following three areas:

- Monthly Newsletter/Social Media Content;
- Preparing and Updating Info Documents; and
- Improving Sustainability Webpage.

Mr. Harris reported that this project will be ongoing with the opportunity to review the effectiveness of these efforts at future intervals and adjust outreach accordingly. The timeframe will depend on the area of focus. After City Council approval:

- Staff can work and prepare content for the next newsletter and research material for future content.
- Staff estimates two months for review and identification of informational areas.
- Website maintenance will be an ongoing project with Staff targeting different areas for periods of time.

No projected funding is needed at the present time but Staff will return to the Council to continue discussions should an outreach opportunity arise.

Mr. Johnson reported that several of the items discussed will carry a fiscal note and suggested moving forward with the Sustainability Code Updates and Community Outreach proposal as they do not carry the same budget impact. The Tree Planning Event will require a budget allocation but is intended to recoup costs with a target date of Spring 2024. He suggested continued discussion regarding the Mountview Park Pollinator Garden and the City Hall Landscaping Update.

Council Member Newell supported the proposed projects and confirmed that those requiring funding can be included in the 2023-2024 fiscal year budget.

Council Member Birrell was in support of the Pollinator Garden and was interested in additional grants that may be available. She was excited about the Tree Planting Event and Community Outreach.

Senior City Planner, Samantha DeSeelhorst understood it was the direction of the Council to include a budget proposal for items 1 and 3 and pursue Staff time for 2 and 5.

Mr. Johnson acknowledged Planning Staff and their efforts to take the City from having no sustainability program to becoming regionally recognized.

c. **Chicken and Rooster Ordinance Discussion – Community and Economic Development Director, Michael Johnson.**

Mr. Johnson led the Chicken and Rooster Ordinance discussion and stated that interest was expressed by residents that the City Council consider allowing roosters on certain properties within the City. Currently, City Ordinance allows chickens to be kept on any residential property in the City, in accordance with the following general requirements:

- Enclosures are subject to review and approval by Animal Control and all chickens must be licensed with the City. The license is required to be renewed annually.
- Chickens may be kept for familial gain from the production and consumption of eggs.
- Up to six egg-laying hens and up to four chicks may be kept on a residential lot.
- Roosters and crowing hens are prohibited.

Mr. Johnson reported that chickens are regulated separately from general domestic pets and separately from livestock. There are no additional allowances for the number of chickens or the keeping of roosters in the City's Rural Residential (“RR”) Zones. However, the RR Zones allow for the keeping of livestock if they meet certain requirements.

Chickens are almost unanimously allowed in surrounding cities as farm animals but not in typical residential zones. Mr. Johnson reviewed allowances in the following cities:

- Holladay – Not specified;
- Millcreek – Not allowed;
- Murray – Not allowed;
- Sandy – Not allowed as household pets (defined as farm animals);
- South Jordan – Not allowed in residential zones;
- Midvale – Not allowed;
- Riverton – Roosters are allowed in Agriculture zones but prohibited on lots less than 10,000 square feet in Unincorporated Salt Lake County. Roosters are not allowed in residential zones; and
- Taylorsville – Not allowed.

Should the City Council wish to pursue an Ordinance to allow roosters, research while working with the Police Department and Animal Control would be required. Mr. Johnson recommended the allowance be based on lot sizes of .50-acre and larger.

Council Member Birrell was opposed to the noise of a rooster and believed that .50-acres is not enough to shield neighbors from the disturbance. Options were considered.

Police Chief, Robby Russo, stated that this discussion was the result of a complaint regarding a family who has a rooster that disturbs the neighbors. It got to the point that Code Enforcement cited the property owner and is currently going through the court system. Since then, the victims and witnesses feel intimidated and are reluctant to testify. He explained that this was pulled from the Ordinance due to opposition from the Health Department. He understood that the allowance of six chickens is viable but no one is agreeable to roosters. Although this may be a valid argument, it remains a concern with impacts on the health, safety, welfare, and noise on the neighbors and he believed enforcement would become an issue.

It was the consensus of the Council that this item not be moved forward.

d. Public Works Building Contract – Public Works Director/City Engineer, Matt Shipp.

The above item was discussed earlier in the meeting.

e. Butlerville Days Fireworks Display and Drone Show – Culture Manager, Ann Eatchel.

Culture Manager, Ann Eatchel presented the Butlerville Days Fireworks display and Drone Show request. She reported that they will have the Open Sky Drone Show on Friday, July 28 in place of the Movie in the Park. Stage acts will run until 10:00 p.m. followed by the Drone Show which will be coordinated to music. The change comes at a \$10,000 savings with Rocky Mountain Power and Granite Construction sponsorships. The Atlantis Fireworks Display will take place on Saturday, July 29 with a total price increase of \$15,400.

Council Member Birrell commented that although the Drone Show sounds entertaining, she did not believe it was something she could support. She felt that Butlerville Days is a wonderful event that has been financially supported with incredible efforts by Staff and volunteers. She preferred the funds be put toward another film festival similar to the event held in January that is more in alignment with the City's sustainability goals.

Mayor Weichers supported the Drone Show and felt it will generate excitement among residents and bring the community together. He believed this event could be something for the Council to evaluate after the first year.

Council Member Bracken stated that Butlerville Days is an enjoyable event and appreciated having sponsors in place. He spoke with multiple groups asking if they had attended past events and there have been positive responses to most. The events of the week create community building and he commended the Committee for their efforts.

Ms. Eatchel reported that Butlerville Days events and the Drone Show were decided on by a Committee of all residents. Ideas are always taken back to the Committee of residents as well as Staff prior to approval.

f. Telecom Tax – City Manager, Tim Tingey, and Administrative and Fiscal Services Director, Scott Jurges.

Administrative and Financial Services Director, Scott Jurges presented the Telecom Tax discussion and reported that research was conducted after the Council expressed interest during the January 2023 Council Retreat. The Utah Code Section 10-1.4 states that this tax was first authorized to be collected on July 1, 2004, with the current maximum rate of 3.5% beginning July 1, 2007. With over 150 cities having already implemented the Telecom Tax, the two cities not collecting it are Cottonwood Heights and Millcreek. It was estimated that it will bring in \$300,000 based on the number of phones located within the City. Steps for implementation include the following:

- The City must adopt an Ordinance (outlined in 10-1-403(1)) that outlines:
 - The tax rate (not to exceed 3.5%).
 - The effective date of the ordinance must be the first day of a calendar quarter (January 1, April 1, July 1, and October 1).
- Enter into a uniform Interlocal Agreement with the Utah State Tax Commission.
- The City Code, Uniform Interlocal Agreement, must be submitted to the State Tax Commission 90 days prior to the beginning of the tax collection start date.
- The State Tax Commission charges a collection fee of up to 1.5% of the fee collected. This rate is currently 0.65% of the fee collected.

Council Member Birrell was opposed to the proposed tax and expressed concern for residents who are on a fixed income or those experiencing financial difficulties.

Mayor Weichers explained that the Telecom Tax became an option as a way to delay a property tax increase and has been implemented in nearly every other city in the County.

Council Member Newell reviewed the mitigation of property tax for residents and believed this was an opportunity to ensure that the City is not falling behind as a municipality when it comes time to have the funding for other structural needs. He believed the Telecom Tax is fairly passive and not a significant monthly increase should it be implemented. It is important as a City to be able to mitigate other instances where they have to look at tax increases of other types.

Council Member Bracken commented that the Telecom Tax is similar to a utility and a cost of living but they are also obligated to provide services. He viewed the tax as a stepping stone while keeping diversification in revenue sources. He supported implementation as opposed to going through the Truth in Taxation process.

Mayor Weichers supported moving the matter forward along with Council Members Newell and Bracken. He explained that the Telecom Tax is included in the Tentative Budget and the revenue will be part of the budgeting process with the adoption of a new Ordinance requiring a public hearing.

g. **Proposed Tentative Budget Discussion – City Manager, Tim Tingey and Administrative and Fiscal Services Director, Scott Jurges.**

Mr. Jurges presented the proposed Tentative Budget and stated that it reflects what was previously discussed during the January City Council Retreat. Additional discussion took place with the Benefits, Compensation, and Budget Committees as well as individually with the City Council and Department Directors.

The General Fund:

Projections were updated with an anticipated Fund Balance of \$8.1 million, a decrease of \$1,229,000 over the beginning Fund Balance and \$1,020,000 over what is reflected in the budget. The \$8.1 million represents 31.1% of the 2022-2023 budgeted revenues. The City is required to hold 5% by State Statute with a City Ordinance requiring 1% or \$1,564,000 in the Fund Balance. A compensated absence was booked at \$660,000 current valuation from the audit of June 2022 or \$5,873,000 available for appropriation at the beginning of the 2023-2024 budget year.

Revenues:

- Property taxes were proposed to be budgeted at \$8,234,000 with a \$50,000 placeholder increase. Revenues will be determined by the State Tax Commission along with the Certified Tax Rate. The anticipated rate will be lower than the previous year and is determined by real estate values. It was noted that as property values rise, the property rate decreases.

- Sales Taxes for 2021-2022 totaled \$8,755,000. The 2022-2023 Sales Tax is budgeted at \$8,800,000 and is on a trajectory for \$9.2 million. The projected sales tax for the 2023-2024 upcoming year totals \$9.5 million or a \$300,000 increase.
- The County Option Highway Sales Tax is budgeted at \$800,000, which is \$20,000 more than what was received in 2021-2022 and \$150,000 more than the current budgeted year. Funds may be used for trails, highways, and similar items.
- The Energy Use Tax is the Franchise Tax charged to either the electric or natural gas bill and is budgeted at \$2.3 million, which is \$100,000 more than the current budget. When providers have a rate increase, it results in the City receiving a slight increase.
- The Fee in Lieu Of Tax is charged on vehicles and is age-based. \$300,000 is built into the budget, which is a reduction of \$125,000 from the current year's budget. This matches the current projections. As other entities increase their taxes, they receive a higher share of the Fee in Lieu.
- The Franchise Tax relates to cable television and is built into the budget of \$300,000. The City has seen slight decreases of approximately \$5,000 yearly largely due to the cable companies splitting their cost into cable TV and the data aspect.
- The Transient Room Tax is budgeted at \$175,000, which is an increase of \$75,000 over the current budget. With the new hotel in the Canyon Center Area, the City is seeing consistent returns.
- The Telecom Franchise Tax is included in the budget per the discussion held at the Council Retreat. It was expected to generate \$300,000 annually. To put this tax in motion, there are noticing requirements with the Utah State Tax Commission that may not be implemented and collected starting July 1, 2023. An Ordinance will require adoption and then be submitted to the Utah State Tax Commission which will then notify the various entities. Implementation could begin October 1, 2023, at the direction of the City Council.

Mr. Jurges reported that all of the tax-type revenue changes resulted in a \$1,250,000 increase over the current year's budget or a 6.1% increase in overall tax revenue.

- Class C Road Funds were budgeted at \$1,400,000 which is an increase of \$150,000 to be more in line with what is being reflected for the current budget year and has been seen since the 2021-2022 fiscal year trends. This is the average \$.30 fuel charge purchased at the gas station which then goes to the State and is split and submitted.
- The \$2,267,000 of the American Rescue Plan Act (“ARPA”) State and Local Fiscal Recovery Funds was removed from the budget as it is not complete.

Total revenues budgeted are \$25,352,579, which represents a decrease of \$602,670 from the current budget or a 2.3% overall reduction. After taking out the ARPA funds, the overall increase was \$1,400,000 from the 2022-2023 original adopted budget, or a 5.8% increase.

Expenditures:

- Market: A market adjustment was included at a cost of \$92,077.
- Cost-of-Living Adjustment (“COLA”): The current COLA is included at 5.5% and represents a savings of \$104,936 from the 6.5% amount that matches the CPI-U. The

overall impact of this is about \$557,734. It will apply to all employees who are not out of range.

- Merit: The currently recommended Merit increase will average 3.62% or 1 step in the new salary structure for all employees who are not at the maximum step. When all employees are considered, the average is 2.5%. This is to recognize the growth, knowledge, and longevity of those who are not yet at the top of their range with an overall impact of \$228,803.
- A Health cost increase of 6%: The initial proposed increase was 11.2% resulting in a \$105,000 increase. The City pushed back and was able to evaluate several options to lower the amount while keeping the out-of-pocket maximum and deductible cost for employees the same at 6%. The overall impact of the increase will total \$56,864. Dental costs have not changed due to reduced utilization by employees over the past year.
- Utah Retirement Systems (“URS”) has proposed no changes.
- Year over Year annualization of the current employee base shows a savings of \$199,996 over what was budgeted in the current year. Total employee cost changes resulted in an increase of \$735,482 from the current budget.

Other Department or Division items that impact the recommendation would include:

- Elections: The City holds bi-annual City elections with a budget of \$40,000 which the County bills the City back for at the end of the year. An additional \$40,000 is needed to cover the City elections this next budget year.
- City Attorney: An inflationary cost increase of \$15,000 may be subject to change.
- Cottonwood Heights Recreation Contributions: A reduction of \$60,000 for pickleball court lighting from the prior year was offset by \$62,000 for playground equipment upgrades and \$60,000 for tennis court refinishing.
- Mayor and Council:
 - A reduction of \$12,000 for topical surveys to be performed.
 - A reduction of \$15,000 for a Road and Traffic Study is to be performed by the Central Wasatch Commission (“CWC”).
- City Manager:
 - \$35,000 to cover a projected liability insurance premium increase that will be finalized prior to the adoption of the final budget.
- Finance & IT: A cost increase of \$34,000.
 - Add in \$4,000 for ESRI/GIS License upgrade for CED.
 - Add in \$30,000 as a placeholder as old police records are being housed at the Valley Emergency Communications Center (“VECC”) and require them to be brought in-house.
- City Hall Maintenance: No changes were recommended.
- Community and Economic Development (“CED”) cost increase of \$15,000.
 - \$15,000 increase in Community Renewable Energy program noticing costs.
- Overall Police cost increase of \$94,050.
 - Butlerville Day’s overtime for the third day of the event was \$5,000.
 - VECC/Versaterm Dispatch Fees increased by \$5,050.
 - AT&T Fleet Tracking Subscription – \$8,000.

- Postage for Evidence Transportation – \$400.
- Radio Replacement Funds – \$50,000.
- FARO Mapping Subscription – \$5,600.
- FLOCK Camera System (License Plate Recognition) – \$20,000.
- Ordinance Enforcement increase of \$5,000.
 - Summer Ordinance and Animal Control weekend call out overtime – \$2,000.
 - Overtime for evenings and weekends – \$3,000.
- Fire increase – \$270,000. The Unified Fire Authority (“UFA”) will have its meeting in the future to finalize the actual amount.
- Public Works increase of \$111,950.
 - The addition of a Staff Engineer – \$109,950.
 - Pedestrian Crossing Maintenance – \$2,000.

Overall, the expenses were recommended at \$21,850,168, which is an increase of \$1,390,482 after removing all non-recurring grants from the current year.

Transfers out of the General Fund:

- Capital Projects Fund – \$2,750,000 for Public Works Capital Projects.
- Debt Service Fund – \$2,405,041 for Debt Service spread as follows:
 - Land and Buildings – \$1,569,548.
 - Police Vehicles – \$487,683.
 - Public Works Vehicles – \$310,218.
 - Public Works Light Duty Vehicles – \$37,592.
- Community Development and Renewal Agency (“CDRA”) Fund \$560,763 for the Hillside Plaza Debt Service. This amount will be about \$1,130,000 annually starting our next budget year.
- Storm Water Fund – \$200,000.
 - \$200,000 to cover the difference between the fee and \$1,600,000 in overall funding needed in this fund.

The overall impact of the changes outlined in the General Fund is a use of fund balance of \$2,413,393. The current budgeted ending Fund Balance will be \$5,684,812. This represents 22.4% of revenues included in this 2023-2024 budget which is within the limit of 35% outlined in the Utah State Statute. The City is required by State Statute to hold 5% and an additional \$253,526 by City Ordinance or 6%. In addition, there is a reserve for Compensated Absences that is booked at about \$660,343 each year leaving approximately \$3,503,315 available for appropriation at the end of the budget year ending June 30, 2024.

Capital Improvements Fund:

The Capital Improvements Fund is projected to have a \$379,174 Beginning Fund Balance available for appropriation.

Revenues:

- Transfers in from the General fund of \$2,750,000.
 - Includes the County Option Sales Tax Funding for Transportation of \$800,000 and the \$400,000 from the Quarter of the Quarter Funds.
 - Additional transfer of \$1,550,000 from the General Fund revenues.
- Projecting \$1,100,000 in grant revenue for the Bengal Highland intersection.
- Budgeting \$25,000 in interest revenues. This item will be reviewed and adjusted as needed.

Expenses:

- Overall Public Works Capital Improvements Fund included expenses of \$4,253,700.
 - Overall Street Funding included is \$4,050,000.
 - City Striping – \$175,000.
 - Roadway Capital Projects – \$2,750,000.
 - Street Sign upgrades (speed signs and flashers) – \$25,000.
 - Bengal Highland intersection – \$1,100,000 funded from a grant.
 - Overall sidewalk projects funding included is \$203,700.
 - 2300 East Sidewalk project – \$40,000.
 - The City’s portion of the HAWK signals – \$43,700.
 - Americans with Disabilities (“ADA”) Ramp Projects – \$35,000.
 - Sidewalk 50/50 Program – \$50,000.
 - Hazard Mitigation – \$35,000.
- Total Expenses – \$4,253,700.

The overall impact on the Capital Projects Fund Balance will be a decrease in Fund Balance of \$378,700, which brings the projected ending fund balance to \$474 available for appropriations at the end of the budget year.

Storm Water Fund

The Storm Water Fund is a new program that began in June of 2021 to cover Storm Water maintenance and capital expenses. The proposal details a revenue modeled at \$7.50 per month per Equivalent Residential Unit (“ERU”) and associated expenses. The City will limit spending to retain around \$500,000 for a minimum fund balance at any given time to allow flexibility with any potential future bonding and any emergency repairs and issues. The Storm Water Fund is projected to have a \$500,000 Beginning Fund Balance available for appropriation.

Revenues \$1,406,430:

- Monthly billing at \$7.50 per ERU. It is anticipated to escalate near 3% per year going forward. The City currently utilizes Rocky Mountain Power to collect these revenues.

Transfers in \$200,000:

- Transfer in of \$200,000 to get to approximately \$1,600,000 in total annual funds available to cover expenses.

Expenses \$1,606,430:

- Operational and Maintenance costs of \$674,000, which includes about \$615,000 in personnel costs.
- \$280,000 for Cory Hill Circle reconstruction.
- \$652,430 for flushing out stormwater manholes and inlets and raising buried storm drain manholes.

The overall impact on the Storm Water Fund balance will total \$500,000 in Ending Fund Balance.

CDRA Fund

The CDRA Fund has a projected beginning fund balance of \$1,530,478. This will be the third year for the Tax Increment Financing (“TIF”) on the Canyon Centre Parking Project. The City has also included the Hillside Plaza Center operations in the expenses and revenues.

Revenues:

- \$10,000 in interest on the fund balance.
- \$750,000 in Property Taxes related to the Canyon Centre Project. This will be updated when the official distribution of Property Taxes is known.
- \$550,000 in operational revenue from the Hillside Plaza shopping center.

Transfers In:

- \$560,736 transfer in to cover the Debt Service payments related to the Hillside Plaza shopping center due during the fiscal year. The overall annual impact will be about \$1,130,000 in future years.

Expenses:

- \$10,000 in Miscellaneous Professional Fees related to CDRA projects.
- \$750,000 in total costs related to the Canyon Centre Project. This will be updated when our official Property Tax distribution is known.
- \$550,000 in operational expenses related to the Hillside Plaza Shopping Center.
- \$560,763 in Debt Service payments related to the Hillside Plaza Shopping Center due during the fiscal year. The overall annual impact will be about \$1,130,000 in future years.

The Projected Ending Fund Balance in the CDRA Fund is \$1,530,478 available for the Fort Union and Cottonwood Corporate Center Redevelopment Areas.

Debt Service Fund:

The Debt Service Fund is projected to have a \$13,357,350 Fund Balance at the beginning of the 2023-2024 budget year. This amount includes escrow funds to be used to pay off the 2014 and 2016 building bonds on July 1, 2024.

Expenses \$2,951,041:

- Police Vehicle Annual Lease \$487,683.
- Public Works Light Duty Vehicle Lease \$37,592.
- Public Works Vehicle Lease \$310,218.
- Building Bonds (2014, 2016, & 2021) \$1,593,363.
- Public Works Building Bond \$521,685.
- \$500 Miscellaneous to ensure the City does not go over budget.

Revenues and Transfers in \$2,789,191:

- Transfer in of \$2,405,041.
- Interest on the Escrow Funds to cover Debt Service is \$383,650.
- \$500 Miscellaneous to ensure the City does not go over budget.

The overall impact on the Debt Service Fund Balance will be a decrease of \$285,635 in Escrow Funds and would push the net available balance to \$673,000 at year-end.

Mr. Johnson reported that City budgeting starts even prior to January. He expressed appreciation to the Department Heads, Council Members, and those who serve on the Budget and Compensation Committees. Staff recommended approval of the Tentative Budget.

4. REVIEW OF CALENDARS AND UPCOMING EVENTS.

- February 15 – May 31, 2023 – Cottonwood Heights Children’s Choir Rehearsals will be held Weekly on Wednesdays. Free Ongoing Registration for School Grades 3rd – 6th, 2023. For More Information Visit chcityarts.com or contact aeatchel@ch.utah.gov.**
- June 2 – 9:00 a.m. to 1:00 p.m. – Free Shredding Event at the City Hall Parking Lot.**
- July 27 through 29 – Cottonwood Heights Butlerville Days (Volunteers and Sponsors Needed. For more information, visit Butlervilledays.com or call Ann Eatchel at 801-550-8225).**

5. **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.

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

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

The Work Session adjourned at 6:33 p.m.

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL BUSINESS MEETING
HELD TUESDAY, MAY 2, 2023, 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, *District 1 (Vacant)* Council Member Scott Bracken, Council Member Shawn E. Newell (via Zoom), Council Member Ellen Birrell

Staff Present: Records, Culture, and Human Resources Director Paula Melgar, Culture Manager Ann Eatchel, Community and Economic Development Director Michael Johnson, Senior City Planner Samantha DeSeelhorst, Associate City Planner/Sustainability Analyst Ian Harris, Police Chief Robby Russo, Assistance Police Chief Paul Brenneman, Administrative and Financial Services Director Scott Jorges, IT Manager Matt Ervin, UFA Assistant Chief Riley Pilgrim, Public Works Director/City Engineer, Matt Shipp

Excused: City Manager Tim Tingey, City Engineer Shane Topham

1.0 WELCOME.

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

2.0 PLEDGE OF ALLEGIANCE.

The Pledge was led by Council Member Bracken.

3.0 ACKNOWLEDGMENTS

**3.1 Acknowledgment of Council Member Doug Petersen’s Life and Service.
Mayor Mike Weichers.**

Mayor Weichers reported that Council Member Doug Petersen passed away on April 20 after a short battle with cancer. An acknowledgment in the Cottonwood Heights Newsletter recognizing Council Member Petersen’s life was read. Council Member Petersen’s City Council service began in January 2020 followed by difficulties and challenges impacting the City. The insight and optimism he provided were critical in helping the City overcome such challenges and the relationships he shared with residents and Committee Members was another key element of his leadership. He was described as an enthusiastic champion and the loss of his great energy, leadership, sense of humor, personality, engaging smile, and passion for the community will leave a void in Cottonwood Heights.

Mayor Weichers thanked the residents for their outpouring of love toward Council Member Petersen and his family.

4.0 CITIZEN COMMENTS

Mike Faulk reported that he walks to the Recreation Center and in doing so, crosses Bengal Boulevard at the crosswalk. He asked the City to mitigate the safety concerns of crossing as cars do not slow down or yield to pedestrians.

Richard Jensen reported that he has raised children in Cottonwood Heights with his youngest who is currently a Junior at Brighton High School. Each of his children has participated in at least one or several sports programs and attended over 500 Brighton High School games or competitions, all without ever witnessing anything of concern. He stated that while attending a basketball game in November 2021 at Alta High School where his daughter was cheering, an argument ensued and police officers stepped in to control the situation. He witnessed Brian Griffiths, a Cottonwood Heights Police Officer, handcuff a Brighton High student and take him away while being physical, almost dragging him faster than he could walk. The parents expressed their concern to the officer with the way he handled the student and then witnessed him being slammed into the lockers and told to sit down. The officer told bystanders and parents to leave while one mother refused to do so until the boy's parents arrived. They left the school and later learned that the Cottonwood Heights Police Department had filed charges against the mother for disorderly conduct, failure to leave, and trespassing, all of which were eventually dismissed. Mr. Jensen stated that in 2022, he and his family attended a basketball game at Olympus High School and once again witnessed Officer Griffiths run to center court and point at students telling them to exit a specific door.

Due to time constraints, Mayor Weichers asked Mr. Jensen to submit his comment via email, which would be distributed to the City Council.

Leslie Kovach thanked the Public Works Department which has been checking on Ferguson Creek twice daily, which runs adjacent to her home. She thanked the Police Department for how they have handled issues in her neighborhood, which includes the closing of Big Cottonwood Canyon and ski traffic. She encouraged the City to step up and make a public statement opposing the gondola.

There were no further citizen comments.

5.0 STAFF QUARTERLY REPORTS

5.1 Public Works Report – Public Works Director/City Engineer, Matt Shipp.

Public Works Director/City Engineer, Matt Shipp presented the Public Works Report and stated the Public Works Department has responded to over 55 snow events. He estimated 196 inches of total snowfall with 5,800 tons of salt and trucks having traveled 50,000 miles. Flood preparations included an estimated 85,000 sandbags that have been filled with 1,200 tons of sand. The Public Works Yard contains 32,000 empty sandbags with enough sand to fill them and 10,000 ready for the City's use if needed. He reported that church events over the past month have filled approximately 30,000 bags to be used in deployment in neighborhoods and are available for residents to use. The efforts of volunteers were recognized.

5.2 Monthly Financial Report – Finance and Administrative Services Director, Scott Jurges.

Finance and Administrative Services Director, Scott Jurges presented the Monthly Financial Report and stated that Sales Taxes collected for the 2022-2023 Fiscal Year totaled \$8,755,000 with year-to-date totals reflecting an increase of \$239,000. The current budget is \$8.8 million with a projected year-end total of \$9.2 million. The 2023-2024 fiscal year is budgeted at \$9.5 million. The Highway Transportation Sales Tax for 2022 totaled \$780,000 and with a projected current year total of \$800,000. The budget for 2023-2024 will remain at \$800,000 due to current trends.

The Transient Room Tax was becoming a more significant revenue source with a 2022 total of \$144,000. It is currently \$22,000 ahead with a projected year-end total of \$175,000. The budget for 2023-2024 will remain at \$175,000.

The Municipal Energy Tax collected for 2022-2023 totaled \$2,173,000 and is currently \$41,000 ahead with a projected year-end total of \$2,250,000. The budget for 2023-2024 is \$2.3 million.

The Cable Franchise Tax current totals were \$9,000 behind the 2022-2023 with an anticipated year-end total of \$310,000. The budget for 2023-2024 will remain at \$300,000.

The Class C Road Fund reflects a significant increase between 2021 and 2022 and is currently \$10,000 ahead of the previous year. The collection period for the funds ends in the April collection period. It was anticipated the current year-end total will be \$1,425,000 with a 2023-2024 budget of \$1.4 million.

The General Fund Expenditures total reflects an increase from the previous year due to the State and Local Fiscal Recovery Funds where some were carried forward as well as funds expended during the current year. The current total reflects a \$1.4 million increase over the prior year. Mr. Jurges believed the City was trending positively and will come in under the current \$21,459,000 current budget.

6.0 ACTION ITEMS

6.1 Consideration of Resolution 2023-20 Adopting a Tentative Budget for the Period of I July 2023 Through 30 June 2024; Providing for Public Inspection of Such Budget; Establishing the Time and Place of a Public Hearing to Consider Adoption of such Budget; and Providing for Public Notice of Such Hearing.

Mr. Jurges reported that the Tentative Budget was reviewed in detail at the previous meeting and is available from multiple media sources as well as the 17-page packet on the City website. He reported that the current budget is projected with an ending fund balance of \$8.1 million or 31% of the budgeted revenue of the current year. Of that, tax-type revenues are expected an increase of \$1.5 million or 6.1% overall in collections throughout the year. Total revenues will be budgeted at \$25,352,000 in the General Fund or a decrease of \$602,000. When the American Rescue Plan

Act (“ARPA”) Funds of \$2 million are removed, a \$1.4 million increase in the ongoing revenues will be reflected.

Overall expenditures were recommended at \$21,850,000 or an increase of \$1,390,000 after removing all non-recurring grants.

Expenditures include the following:

- \$735,000 – Personnel Cost Change.
- \$270,000 – Unified Fire Authority (“UFA”) change.
- \$62,000 – Cottonwood Heights Recreation increase.
- \$27,000 – Reduction in Mayor and Council items.
- \$35,000 – Increase in Liability Insurance and City Manager area.
- \$40,000 – Increase for Bi-Annual Election.
- \$15,000 – Increase for Attorney costs.
- \$94,000 – Increase in Police Department costs.
- \$34,000 – Increase in IT costs.
- \$5,000 – Ordinance Enforcement costs.
- \$15,000 – Economic and Community Development costs.
- \$111,950 – In Public Works increases.

Transfers out include the following:

- \$2,750,000 – Public Works Capital-related projects.
- \$2,405,000 – Debt Service.
- \$560,000 – CDRA Fund specific to the Hillside Debt Service.
- \$200,000 – Storm Water Fund.

The total is a use of the Fund Balance of \$2,413,000 leaving an end Fund Balance of \$5,684,000 prior to any under expend. It was anticipated that \$3.5 million would be available on June 30, 2024.

The Capital Improvements Fund's new revenues include the following:

- \$2.75 million in transfers.
- \$1.1 million in Grant Revenues related to the Bengal Blvd/Highland Drive intersection.
- \$25,000 in Interest Revenues.

Expenditures:

- \$4,253,000 in new expenses
 - \$4,050,000 in Street Items.
 - \$203,000 for Sidewalk Projects.

A total of \$4,253,000 will decrease the Beginning Fund Balance by \$378,000 leaving \$474 available for appropriations at the end of the budget year.

The Storm Water Fund:

- \$500,000 is held in the account at any given time.
- Revenues – \$1,406,000.
- Transfers in of \$200,000.
- Expenses of \$1,600,000.

The CDRA Fund:

Beginning Fund Balance of \$1.5 million for the 2023-2024 fiscal year.

Revenues:

- \$10,000 – Fund Balance;
- \$750,000 – Tax Increment Revenues related to the Canyon Center Project.
- \$550,000 – Operational Revenue Hillside Shopping Center.
- \$560,000 – Transfer from General Fund.

Expenditures:

- \$10,000 – Miscellaneous Professional Fees.
- \$750,000 – Canyon Center Tax Increment.
- \$550,000 – Operational Expenditures related to Hillside Plaza.
- \$560,000 – Debt Service payments related to Hillside Plaza Bond.

Debt Service Fund:

\$13,357,000 – Starting Fund Balance most in escrow fund to pay off 2014 and 2016 Bonds that will occur on July 1, 2024.

- Expenditures of \$2,951,000.
- Revenues of \$2,789,000 were transferred in from General Fund.

This will reflect a decrease of \$285,000 in the Escrow Fund and push the net available Fund Balance to \$673.

City Manager, Tim Tingey reported that Budget discussions will continue in the upcoming Work Sessions related to the budget.

MOTION: Council Member Newell moved to APPROVE Resolution 2023-20. The motion was seconded by Council Member Bracken. Vote on motion: Council Member Bracken-Aye, Council

Member Newell-Aye, Council Member Birrell-Aye, Mayor Mike Weichers-Aye. The motion passed unanimously.

6.2 Consideration of Resolution 2023-21 Approving a Firework Display Contract with Lantis Productions for 2023 Butlerville Days.

MOTION: Council Member Bracken moved to APPROVE Resolution 2023-21. The motion was seconded by Council Member Newell. Vote on motion: 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 2023-22 Approving a Drone Show Performance Contract with Open Sky Productions, LLC for 2023 Butlerville Days.

Council Member Birrell did not believe a Drone Show was the best way to spend the City's funds and expressed opposition to the Resolution.

Council Member Newell stated that as technology develops, the Drone Show provides interest to the youth. He appreciated the nurturing this opportunity provides.

MOTION: Council Member Bracken moved to APPROVE Resolution 2023-22. The motion was seconded by Council Member Newell. Vote on motion: Council Member Bracken-Aye, Council Member Newell-Aye, Council Member Birrell-Nay, Mayor Mike Weichers-Aye. The motion passed 3-to-1.

6.4 Consideration of Resolution 2023-23 Approving an Amendment to Agreements with SIRO, Inc. for Construction Manager-General Contractor Services.

MOTION: Council Member Newell moved to APPROVE Resolution 2023-23. The motion was seconded by Council Member Bracken. Vote on motion: Council Member Bracken-Aye, Council Member Newell-Aye, Council Member Birrell-Aye, Mayor Mike Weichers-Aye. The motion passed unanimously.

6.5 Consideration of Resolution 2023-24 Approving Entry into a Development Agreement with Ivory Development, LLC.

Council Member Birrell was in favor of the Ivory Development Agreement which includes a two-year time limit from the Pre-Construction Meeting to complete the park.

MOTION: Council Member Birrell moved to APPROVE Resolution 2023-24. The motion was seconded by Council Member Bracken. Vote on motion: Council Member Bracken-Aye, Council Member Newell-Aye, Council Member Birrell-Aye, Mayor Mike Weichers-Aye. The motion passed unanimously.

7.0 CONSENT CALENDAR

7.1 Approval of the Minutes of the City Council Work Session and Business Meeting of April 18, 2023.

MOTION: Council Member Bracken moved to APPROVE the Minutes of the City Council Work Session and Business Meeting of April 18, 2023, as modified. The motion was seconded by Council Member Birrell. The motion passed with the unanimous consent of the Council.

8.0 ADJOURN CITY COUNCIL BUSINESS MEETING.

MOTION: Council Member Birrell moved to ADJOURN. The motion was seconded by Council Member Bracken. The motion passed with the unanimous consent of the Council.

The City Council Meeting adjourned at 8:02 p.m.

I hereby certify that the foregoing represents a true, accurate, and complete record of the Cottonwood Heights City Council Work Session and Business Meeting held Tuesday, May 2, 2023.

Teri Forbes

Teri Forbes
T Forbes Group
Minutes Secretary

Minutes Approved: June 6, 2023