

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL WORK SESSION
HELD TUESDAY, MAY 7, 2024, 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 Pro Tempore Shawn Newell, Council Member Suzanne Hyland, Council Member Matt Holton, Council Member Ellen Birrell (via Zoom)

Staff Present: City Manager, Tim Tingey; Records, Culture, and HR Director/City Recorder, Paula Melgar; Community and Economic Development Director, Michael Johnson; Police Chief, Robby Russo; Unified Fire Authority Assistant Chief, Riley Pilgrim; Administrative and Financial Services Director, Scott Jorges; IT Manager, Matt Ervin; Public Works Director/City Engineer, Matt Shipp

Excused: Mayor Mike Weichers and City Attorney, Shane Topham

1.0 WELCOME – Mayor Mike Weichers.

In the absence of Mayor Mike Weichers, Mayor Pro Tempore Shawn Newell called the Cottonwood Heights City Council Work Session to order at 4:00 p.m. and welcomed those present.

2.0 REVIEW OF BUSINESS MEETING AGENDA – Mayor Pro Tempore, Shawn Newell.

The Business Meeting agenda was reviewed and discussed. Mayor Pro Tem Newell reported that the Pledge of Allegiance will be led by Council Member Suzanne Hyland. There will then be the Citizen Comment period where citizens can speak and then Standing Monthly Reports will be shared, including the Monthly Financial Report and the Unified Fire Authority (“UFA”) Report.

Mayor Pro Tem Newell explained that there are six Action Items on the Business Meeting agenda. The first Action Item is Resolution 2024-31, which relates to the Tentative Budget for July 1, 2024, through June 30, 2025. City Manager, Tim Tingey, reported that there will be a discussion about the Tentative Budget during the Staff Report section of the Work Session agenda. Though the Tentative Budget will be adopted during the Business Meeting, that does not mean the budget process is over. There will be a public hearing held in June as well as a Final Budget adoption.

The second Action Item is Resolution 2024-32 – Approving a Revocable Right of Access Agreement with Rocky Mountain Power for a Public Art Project. Mayor Pro Tem Newell explained that this is for a pilot program that allows local artists to decorate certain Rocky Mountain Power pad-mounted electrical transmission and distribution equipment. The third Action Item is Resolution 2024-33 – Approving a Performance Contract for 2024 Butlerville Days. Mayor Pro Tem Newell reported that this will approve entry into an agreement where the musical group, “High Society,” will provide a performance for the 2024 Butlerville Days community event. Mr. Tingey informed those present that these types of contracts will continue to come to the City Council in the next few months as negotiations occur. This performance has been budgeted for.

The fourth Action Item is Resolution 2024-34 – Approving and Ratifying a Bid and Awarding a Construction Contract for the 1700 East Sidewalk and Fort Union Bike Path Project. Public Works Director and City Engineer, Matt Shipp, reported that the project went out to bid. Part of the project is a grant that Planning and Zoning obtained to extend the bicycle path on Fort Union between 1700 East and Brookhill Drive. Mr. Shipp clarified that this is a bike path and sidewalk project combined. He explained that the recommendation is to award the construction contract.

The fifth Action Item is Resolution 2024-35 – Approving and Ratifying a Bid and Awarding a Construction Contract for the City-Wide Cape Seal Project. Mr. Shipp reported that this project is part of the five-year plan and has been in the works for some time. He explained that the cape seal is a chip seal with a slurry seal on top. The slurry seal makes the chip seal smoother. This is for the main roads, such as Fort Union Boulevard, Bengal Boulevard, Highland Drive, and 1300.

The final Action Item on the agenda is Resolution 2024-36 – Approving an Easement Agreement with Metropolitan Water District and AJ Rock, LLC, Concerning the Salt Lake Aqueduct. Mr. Shipp explained that this agreement has been in the works for some time. It is an agreement between the Metropolitan Water District, the developer of the AJ Rock property, and the City. This codifies everything into one agreement. He reported that the District has various easements over and through the property already. The developer and District worked together to bring those down into a corridor, which allowed the developer to work on top of those easements. There are some criteria laid out. Mr. Shipp clarified that Cottonwood Heights is a party to this agreement because the road the developer will be building will be part of the City once it is completed.

Following the Action Items, the City Council will consider the Consent Agenda and then adjourn.

3.0 ROCKWORTH DEVELOPMENT UPDATE – Partner Tom Henriod.

Tom Henriod introduced himself to the City Council and shared a Rockworth Development Update presentation. He noted that Serra Nemelka was also present. Mr. Henriod explained that when the PDD was approved, the City Council looked different than it does now. As a result, it makes sense to share some background information with those currently serving. He reviewed a section of the Landscape Plan. Part of the PDD Ordinance in Cottonwood Heights required the full building footprint design as well as the landscaping and parking lot design. The building footprints were shared with the Council. Mr. Henriod pointed out the Metropolitan Water District easement that runs through the center of the project. It is a 72-inch pressurized water pipe. There has been work done with the District since the plan is to build a road in that area. The pipe needs to be protected.

Mr. Henriod pointed out the crossings on a map of the area. Where the crossings occur, sleeves will be installed at their expense so in the event the Water District needs to replace the pipe, it can be done. He expressed appreciation for the City’s involvement in reviewing the agreements. Other sensitive items associated with this project are geotechnical. The reason the building footprints are located where they are is because of the land itself, as there are fault lines that run through the property. Mr. Henriod explained that this is not unique and is seen in many locations across the Salt Lake Valley. As such, there is a process to identify fault lines and fault line setbacks. This

work makes it possible to determine where the safe locations are for the building footprints. All of the buildings are outside of the recommended setbacks for all of the fault lines identified.

Mr. Henriod shared information about the engineers who participated in the project work. The Planning Department, Engineering Department, and outside resources have reviewed everything that has been done to identify the fault lines and setbacks. It has been a long process, but he feels good about the project that has been put forward. The first phase of the project will involve mass grading. There is a lot of dirt that needs to be moved in the project area and a hillside that needs to be put back where it was. Discussions were had about the age of the aqueduct and future repairs. Community and Economic Development Director, Michael Johnson, reported that the Water District is starting a significant reconstruction on that line further into the City. Mr. Henriod added that the Water District has a 70-foot-wide easement to do whatever is necessary on the property.

A project map was shared. Mr. Henriod explained that everything in yellow indicates the first phase of the grading. He reported that there is a cliff that exists there now that was created by the excavation, so the hill has to be put back where it was. That is going to require a mass amount of grading and fill. It will be installed in one-foot compacted lifts, one foot at a time, and built up. It will be reseeded and vegetated for stability. He referenced the Global Stability Study and explained that it has been drafted, vetted, reviewed, revised, and approved. In addition to the hillside, the main backbone road is part of this phase. It includes utilities that will be installed. There is some storm drain infrastructure as well because some impervious surfaces will be created.

Mr. Henriod shared a rendering of the apartment community. He explained that the hope is that the apartment community work will be started later this year or at the beginning of next year. It will take place after the grading work is complete. There is also excitement about starting the other phases, which include the mixed-use buildings and retail buildings. If the apartment building work starts before the other phases, the other phases will still likely be completed before the apartments are finished. This is because the other buildings are smaller than the apartments.

Council Member Holton asked to look at an aerial view of the project area. Mr. Henriod pointed out the apartment community and explained that it is currently planned for 297 units. There will be two levels of parking. He reported that from the street, it will not be possible to see the parking structure. The hotel was pointed out on the map as well as a retail building. He explained that there are two 4,200-square-foot one-story retail buildings. Additionally, there are mixed-use buildings that are two and a half stories. With those buildings, there will be retail on the ground floor with the office above, which is similar to what was done in Holladay. There is a lot of landscaping over the top of the pipeline and there is a trail system that runs through the area. Something that will come to the City Council in the future is a condominium parcel. He clarified that the pad is already approved, but what has not been approved is the number of units and the height.

Council Member Hyland asked about the projected number of condominium units. Mr. Henriod reported that the current estimate is 99 units. As for height, the hope is that it will be approximately 100 feet. However, he pointed out that a major excavation needs to happen for that building.

Mr. Henriod shared information about Rockwork Companies. He noted that they are a Wasatch Front real estate development, leasing, and property management company. The company has been around since the late 1990s. It started as an assisted living facility developer and operator.

Mr. Henriod reviewed several Rockworth Companies projects. One in Salt Lake City, Utah is similar to what will be done at the gravel pit in terms of the mixture of uses. That project has 108 residential units on top of retail. Another project under construction was shared, which is located in Meridian, Idaho. It is 336 units and is nearly complete. Another current project is the Decker Station Apartments in West Valley, Utah. It is adjacent to a TRAX stop and has 219 units. It is almost complete and will be finished in June. He pointed out the gatehouses and explained that this is a similar product to the gravel pit. It has two stories of parking structure with five levels of residential. Along the streetscape, it is possible to see how the townhome-style units will block the view of the parking structure. Something similar will be done with the apartments.

Another current Rockworth Companies project was reviewed, which was located in Layton City, Utah. It has 253 units and approximately 30,000 square feet of retail with mixed-use along the street. Work is currently being done on the parking structure. Some completed Rockworth Companies projects were discussed. This includes the Holladay Village Square, Holladay Marketplace, The Ridge Apartments, North Union Apartments, Onyx Apartments, and Millpond Apartments. Images of the completed projects were shared with City Council Members.

Mr. Henriod explained that Rockworth Companies is excited about the project in Cottonwood Heights. This is an unbelievable parcel and development must be done right. The intention is to service the local community and the larger community that will frequent the area. Mr. Henriod expressed appreciation for the City Staff and everyone involved in the review process. He reiterated that the site is constrained by the aqueduct, fault lines, and parking requirements. As for what will fill the buildings, he asked that suggestions be shared for restaurants and other uses. There is a desire to target the businesses that the community is interested in seeing.

There was discussion about transportation. Mr. Johnson reported that the Utah Department of Transportation (“UDOT”) Little Cottonwood Canyon Environmental Impact Statement (“EIS”) identifies a mobility hub that would tie in along that main roadway. The location is still to be determined. Mr. Henriod stated that he hopes it will be fairly close to their boundary. Mayor Pro Tem Newell thanked Mr. Henriod and Ms. Nemelka for attending the Work Session.

4.0 STAFF REPORTS

- a. **Tentative Budget Discussion – City Manager, Tim Tingey and Administrative and Fiscal Services Director, Scott Jorges.**

Mayor Pro Tem Newell reported that at each Work Session, informational reports are provided so all members of the Council remain up-to-date on what is taking place in the City. Time is set aside to allow Council Members to ask questions and for City Staff to share important information.

Mr. Tingey shared details about the Tentative Budget. There are a number of items that have changed since the last time the budget was discussed. He reminded Council Members that the

Tentative Budget will be adopted as part of the process identified in State Code and then there will be continued discussions. The Final Budget must be adopted by June 22, 2024. The item will be considered by the City Council during a meeting in the third week of June, on June 18, 2024. He reiterated that the budget will continue to be a Work Session agenda item ahead of that date. There will also be a public hearing held on the budget during the first week of June.

The packet included Tentative Budget information. It includes highlighted sections to indicate the changes made since the last time the budget was discussed. Mr. Tingey has heard from some Staff Members about compensation. He noted that conversations about cost of living adjustments (“COLA”) and merit increases started during the Council Retreat in January. At that time, the percentage identified was 3.4%. There were then Compensation Committee Meeting discussions. In the Tentative Budget is a 3% COLA increase and then some merit increases, which would average out to 3.62%. If the merit is averaged out across all of the employees, it is 2.66%, since there are a number of individuals in the City who have topped out. The amounts include \$325,000 for the COLA and \$231,000 for the merit. At the Compensation Committee level, there were discussions about possibly looking at what other cities are doing.

Mr. Tingey reported that there is not a market adjustment proposed in the Tentative Budget. He noted that those have been done in the past, but with this budget, only COLA and merit components are being considered. He reiterated that there will need to be additional discussions about this portion of the budget ahead of the Final Budget adoption that will take place on June 18, 2024.

Administrative and Financial Services Director, Scott Jurgens, reviewed some of the changes proposed since the last budget review. He reported that there have been several changes proposed since the budget was last shared with the Council on April 16, 2024. Those changes are as follows:

- The overall health insurance increase came in at 5% and is calculated to cost \$44,478. There is no increase in the dental insurance. There was a placeholder of \$50,000 for both health and dental increases, so this is a savings of \$5,522 over the proposed amount;
- The Mayor was able to negotiate a reduction of \$18,000 to the contribution to the Central Wasatch Commission (“CWC”) from \$50,000 annually to \$32,000;
- The police were able to purchase chairs for a conference room out of the current year's budget, so it was possible to reduce the overall request by \$8,400;
- \$527 needed to be added to the Police Valley Emergency Communications Center (“VECC”) Records budget for a Crime Tracer enhancement that is related to the records system;
- The UFA contract had a placeholder of 5% at \$224,878, but is now expected to be adopted at 5.44% or \$244,448, which is an increase of \$19,570 over what was previously projected;
- The City became aware of an issue related to the planned conversion of the 2021 refunding bond from a taxable bond to a tax-exempt bond. Due to the current interest rate environment, if the City converted this bond from a taxable bond to a tax-exempt bond at the end of April as originally planned, the City would be subject to an arbitrage penalty of approximately \$141,551. Based on discussions with the Bond Council and the Financial Advisor, it was determined that if the conversion is delayed until July 1, 2024, there will be no arbitrage penalty. However, this delay will cause a \$41,218 one-time increase in

interest due on July 1, 2024, over the original debt service schedule. Either option is an increase over what was initially planned. Staff recommends the smaller impact at \$41,218.

Mr. Jurges reported that the total result of the changes is a decreased cost of \$11,825 and an increase in the transfer of \$41,218 (\$29,393 total impact) in the General Fund and an increase in the Debt Service Fund of \$41,218 in expenses and transfers. Those changes are highlighted in the Meeting Materials Packet documents. Mr. Jurges read from Page 5 of the materials:

- The overall impact of the changes outlined on the General Fund is a use of fund balance of \$3,208,307. The current budgeted ending Fund Balance on June 30, 2025, would be \$4,502,773. This represents 17.2% of revenues included in this 2024/2025 budget, which is within the limit of 35% outlined in the Utah State Statute. We are required by State Statute to hold 5% (\$1,307,930) and an additional \$261,586 by City Ordinance at 6% (\$1,569,516). In addition, there is a reserve for Compensated Absences (PTO/Vacation) that is booked at about \$739,629 each year. That would leave approximately \$2,193,628 available for appropriation at the end of the budget year (June 30, 2025).

Mr. Tingey shared information about the Storm Water Fund. He explained that when the stormwater fee implementation occurred, the ordinance indicated there could be an increase each year based on increases in costs. The intent has always been to come to the City Council and have the Council make a determination about whether the fee increase needs to occur. He asked for input from Council Members about whether there is a desire to keep it the same at \$7.50. It was noted that there has been a lot of stormwater project work and there have been a lot of emergency contracts more recently. He asked the City Council to discuss a \$0.70 fee increase.

Council Member Holton asked whether the current fee is able to keep up with the needs. Mr. Jurges explained that what was in the budget was expended. There is an emergency project that will be more than \$250,000, another project that will be \$1.1 million, and another that will be \$270,000. He explained that those projects are for maintenance and reconstruction. Council Member Hyland liked that the fee can be adjusted up or down based on what is needed at the time.

Council Member Hyland asked how often a market adjustment is done. Mr. Tingey reported that the last one was done two years ago. Those are normally done every two years or so. He clarified that when a market adjustment is done, it is for the whole City and not just for certain departments. The only time it was done for one department is when there were increases occurring in other cities for police services. A one-time market adjustment was done at that time.

There was discussion on the recent death of a Police Officer in Santaquin. Appreciation was expressed for what officers do to protect citizens. As far as the budget, it was noted that cities are feeling a lot of pressure when it comes to striking a balance between increases and resident needs.

Mr. Tingey explained that during the Business Meeting, there will be a brief presentation on the Tentative Budget. Staff recommends approval of the Tentative Budget. He reiterated that there will still be opportunities to discuss the budget and to receive public comment on what has been proposed. It was noted that Council Member Birrell had joined the meeting via Zoom.

b. Fireworks Restriction – UFA Fire Assistant, Riley Pilgrim.

UFA Assistant Chief, Riley Pilgrim, shared the Fireworks Restrictions 2024 map with those present. He explained that a lot of the updates have to do with what the Legislation allows. Some of the restrictions that were in place in past years created challenges with enforcement. He noted that there were some indirect lines that were not very clear. When he took a closer look at some of the areas, he felt that additional restrictions were necessary so there would be clear lines of delineation. UFA is well within their allowances to add additional restrictions to those areas.

Assistant Chief Pilgrim pointed out the northeast portion of the City on the map. Previously, there was a middle section that was wide open, but this change will eliminate confusion and increase safety. He reviewed some of the buffer areas and discussed the higher-risk areas in the City. Another portion where there is a recommendation is along Bengal Boulevard to the south. There are large lots with a lot of open space. In the past, there has been feedback from residents in the area who have expressed concerns about fireworks there. Mr. Tingey asked Assistant Chief Pilgrim to share information about the work UFA has facilitated to clear out some of the debris. Assistant Chief Pilgrim reported that there is close work done with Salt Lake County Parks and Recreation. There is a lot of open space down in Crestwood in particular and there can be fire problems along the creek. The wildland crew went through there to remove dead vegetation. Additionally, they created more open space so it was possible to accommodate an engine there.

The Council wanted additional information about the restricted areas to better address resident questions. Council Member Holton specifically wanted to know more about the added risk for Crestwood Park. Assistant Chief Pilgrim explained that this is open for discussion. He shared information about the restrictions that are in place in neighboring cities, such as Sandy and Holladay. The reason the Crestwood area was chosen was because everything along the border with Sandy is all restricted. The intention is to be aware of the higher risk and challenging areas.

Council Member Holton wondered whether residents have been instructed to use fireworks in certain legal areas, such as a school parking lot. Assistant Chief Pilgrim explained that the City can decide whether or not to do something like that. Mr. Tingey reported that the police are involved when it comes to enforcement, but signage is placed in multiple areas to let people know what is restricted and what is not. The City tries to communicate as much as possible.

Council Member Hyland wanted to know why certain areas are proposed to be restricted this year that were not restricted last year. Assistant Chief Pilgrim reported that time was spent looking at the comprehensive restrictions, including the restrictions that are in Sandy. The idea is for there to be clarity and alignment. He explained that this is the recommendation being put forward, but ultimately, the City Council can make a decision about where the fireworks restrictions are. Mr. Tingey noted that if Council Members receive questions and comments about the restrictions, they can inform them that the Fire Marshal and UFA Staff have evaluated the State Code parameters and requirements as well as the properties within the City. Based on those recommendations, certain areas have been included in the restricted sections and are considered risk areas.

Council Member Holton believed it was clear in open areas that there are fire hazards. That being said, in the areas where there are homes and green lawns, it is more difficult to make that argument. Assistant Chief Pilgrim reiterated that it is ultimately a decision for the City to make, but this map is recommended. Larger lots typically have higher risks, so it is a common practice to restrict. When it comes to potential carve-outs, he noted that enforcement becomes more difficult the more carve-outs there are. Council Member Hyland pointed out the restrictions coming from Sandy. Council Member Holton asked whether it makes sense to point residents to unrestricted areas.

There was additional discussion about fireworks use. Police Chief, Robby Russo, explained that it used to be that if something left the ground or exploded, it was illegal in certain areas, which was easier to enforce. However, some changes have been made over the years. He asked what the map would look like if there was an overlay done on the previous restrictions. It was noted that the map from last year is on the website. Assistant Chief Pilgrim noted that there were more restrictions proposed, but this will also add clarity and ensure that there is consistency.

Council Member Hyland asked how soon the City Council needs to make a decision about the fireworks restrictions. Assistant Chief Pilgrim reported that it was supposed to be made by May 1, 2024. The maps need to be submitted to the County as soon as possible so those can be printed and published by June 1, 2024. He shared the map from last year and it was compared to the current proposal. Mr. Tingey asked whether the Council wanted to use the same map as last year or if there is a desire to implement the newly proposed restrictions that have been presented. Mayor Pro Tem Newell noted that if it remained the same as last year, there could be public feedback received about concerns. Mr. Tingey explained that this is normally posted on the website and social media channels. Assistant Chief Pilgrim felt the newly presented map was the best option.

Chief Russo reported that nothing in the plan relieves the liability or responsibility of an individual who is reckless in unrestricted areas. Anyone behaving recklessly can still be held accountable. Based on the discussions, several Council Members wanted the map to stay the same. Council Member Birrell made a statement on behalf of District 4. The restrictions seem more punitive moving west, but the feedback she hears from her constituents is that there is a desire to see more restrictions on fireworks. She often hears that the fireworks are upsetting to animals. Additionally, she pointed out that there is a reason the City contracts with UFA. In this case, she would defer to the experts on this matter and support the recommendation made by Assistant Chief Pilgrim.

c. **Short-Term Rental Policy Discussion - City Manager, Tim Tingey and Community and Economic Development Director, Michael Johnson.**

Mr. Johnson explained that there will now be a short-term rental policy discussion. This is not an urgent issue, but it is important for the Council to discuss. He referenced challenges with enforcement and concerns about illegal short-term rental units. The Council previously expressed interest in having a broad discussion on the current short-term rental policies.

Mr. Johnson reviewed what the City currently allows for short-term rentals. There is an ordinance that regulates short-term rentals and there are specific location requirements. The main requirements are that the short-term rentals need to be in a multi-family zoned area of the City, need to be part of a private Homeowner's Association ("HOA") or private development, and that

the association or development needs to have at least eight units that are all accessed by a private road system. What that means in practice is that 90% of the licensed short-term rentals are found in three different developments in the City: Canyon Racquet Club Condominiums, Oaks and Wasatch, and Canyon Place Condominiums. For a compliant location, a Business License is needed, the site needs to be inspected and registered, and there is a Conditional Use process.

There are 110 to 120 legal licenses for short-term rentals in the City that renew each year. Those property owners submit information and every other year, a physical inspection is conducted. Those licensed units are rarely the ones there are issues with. Mr. Johnson explained that the issues normally come from illegal short-term rentals that are in single-family neighborhoods. Questions and concerns about short-term rentals are some of the most common types of phone calls the Planning Department receives. There is usually at least one call per day.

In the past, when the issue has been brought to the City Council, the focus has been on adding language to the ordinance to make it clear what the penalties are and what enforcement looks like. There are still challenges with enforcement. Chief Russo explained that when an illegal short-term rental is visited, there will be a denial that it is a short-term rental. The property owner will claim that cousins are staying in the home, which makes enforcement difficult. He reported that listings on Airbnb and other websites cannot be used solely as an enforcement tool. When an illegal short-term rental is discovered, the fine is \$80, but the rentals are earning far more than that.

Council Member Holton noted that there was a large appropriation given to the Tax Commission, who will go out for a request for proposal (“RFP”) in the next month or two for address verification. Every short-term rental in the State will be identified. From there, they will find out how many are not remitting taxes and how many are not zoned for short-term rentals. There will not be enforcement done as far as local zoning, but the intention is to focus on enforcement for tax payments to the State. That would impact the transient room tax. Council Member Hyland pointed out that most of that goes to the State and only 1% of that will come to Cottonwood Heights.

Council Member Holton reported that there have been many other proposals in the past. One of the proposals last Session was to tell the platforms they cannot host illegal rentals. He believed that was the simplest way to address the illegal short-term rental issue. The platforms operating in the State of Utah should not be permitted to sell illegal rentals. Short-term rental properties should need to show that they are licensed rentals, otherwise, they cannot be listed on the platform. While that would be the most streamlined way to address the short-term rental problem, he acknowledged this is a complicated matter as there are multiple interests involved.

Council Member Hyland thought it made sense for the Council to determine what will guide them on this issue. For instance, if housing affordability is a concern, she pointed out that short-term rentals impact housing affordability in the community. Council Member Holton agreed. He does not have a policy position yet on whether it is better to make all short-term rentals legal so there can be regulation and taxing or if it is better to restrict them. Mr. Johnson reported that high-level research was provided to illustrate what some of the other cities in the area are doing to address this. Millcreek recently amended its ordinance. From a housing affordability perspective, requiring owner-occupancy will assist, because the property will not be an investment property.

Other cities are doing things like capping the number of licenses allowed for short-term rentals. Council Member Hyland wondered how that is decided. Mr. Johnson explained that there are concerns that it can become arbitrary. As far as owner-occupancy in Millcreek, Council Member Hyland noted that there is no way to determine whether the 183 days per year of owner-occupancy actually occurs. Mr. Johnson reported that the accessory dwelling unit (“ADU”) ordinance in the City requires owner-occupancy. What is requested in that case is proof of residency. It is not a perfect system, but a license or bank statement can show that the address is the primary residence. With ADUs, the City also requires the applicant to sign an affidavit that it is the full-time residence.

Mr. Johnson acknowledged that there is no perfect system, but there are concerns about what is currently in place. It is difficult to enforce all of the illegal short-term rental units in the City. Council Member Birrell reported that in Sandy, a certain number of short-term rentals are allowed per neighborhood area, but only with licensing. She often receives feedback that there are young families and elderly residents who would be able to make their monthly expenses if it was possible to have short-term rentals on their properties. There is interest in Staff looking into allowing a maximum number of short-term rental licenses to be issued per neighborhood area in the future. That might be a middle-ground solution to address the current restrictions and violations.

Mayor Pro Tem Newell pointed out that even if more licenses are issued, there will still be illegal short-term rentals in the community. There need to be parameters set up so it is possible to find out where those are located and address the issue appropriately. Council Member Birrell clarified that she is not opposed to the State-led effort to identify where the short-term rentals are taking place. She is supportive of that effort but also supports owner-occupied homes that are licensed for this use when there is a maximum number of short-term rentals allowed per neighborhood.

Council Member Holton noted that there is an issue with illegal short-term rentals and residents following the rules. If another rule is created, it does not necessarily mean everyone will follow the newly implemented rule. In District 1, he does not know anyone who would be supportive of there being short-term rentals. Mayor Pro Tem Newell stated that ADUs and short-term rentals are different. ADUs can be handled in a way that will be accepted by most residents. However, the short-term rental issues are more complicated. There is not enough of a penalty for illegal short-term rentals. Raising the fine is one option to consider, as the higher fine may be a deterrent.

Council Member Hyland asked if a higher licensing fee could be imposed as well as higher penalties for illegal short-term rentals. Mr. Johnson reported that the licensing fee is approximately \$500 per year. Chief Russo explained that raising the fine for illegal short-term rentals could be considered. He noted that a lot of time and effort goes into enforcement efforts. Additionally, a higher fine could act as a deterrent for those with illegal short-term rentals. For those who are not licensed and are using platforms such as Airbnb, there could be a fee imposed.

Additional discussions were had about fines. Mr. Johnson explained that if there was a policy that allowed short-term rentals City-wide and someone failed to obtain a license, there could be different penalties. Mr. Tingey suggested that Staff discuss some options and look at a proposal for fines. There are many elements to this, but Staff can pursue different options after discussions take place with legal counsel. Council Member Hyland did not want to see short-term rentals in

single-family areas, as young families are already being priced out. A lot of cities restrict short-term rentals to certain zones, which is likely the best approach, but enforcement is essential.

Mr. Johnson noted that most of the issues with illegal short-term rentals are in single-family areas. In order to see a change in the way short-term rentals are approached, there would need to be something done in the single-family areas, understanding that there are a lot of concerns about housing affordability. Requirements could be built in, such as owner-occupancy requirements. This could become a tool for a younger family to offset their housing expenses. Council Member Birrell reported that she received input from young families that there is a desire to have short-term rentals only during the ski season. Council Member Hyland asked if it is possible to enforce an owner-occupied requirement. Mr. Johnson explained that there is a model with ADUs where multiple steps need to be taken in order to provide evidence that something is owner-occupied.

Council Member Hyland reported that several residents informed her that they are interested in short-term rentals during the ski season as a way to offset their mortgage. Council Member Holton was supportive of someone staying in one bedroom of a house as a way to supplement income. However, he is less interested in allowing a lot of people to come for the weekend and rent a house. Council Member Hyland noted that with the owner there, it is less likely that there will be issues. Something that has been discussed with Chief Russo is what is done in Logan, where there is no overnight parking allowed on streets from November 15 to March 15 without a permit. That is the rental season and is something that could be considered in Cottonwood Heights as well. Mr. Johnson pointed out that the ADU model requires there to be additional off-street parking.

Council Member Holton stated that he is open to hearing proposals from Staff on this matter. There can be additional discussions at that time. He reminded those present that enforcement is a key issue. Mr. Johnson noted that there could be a pathway for someone operating illegally to come into compliance. The City can ensure that the living conditions are safe, there is parking, and all requirements are met. Council Member Hyland liked the idea of owner-occupancy for rentals. Mr. Johnson reported that Staff will come back with some ideas for Council consideration.

d. SS4A Grant Discussion – Public Works Director/City Engineer, Matt Shipp.

Mayor Pro Tem Newell explained that the next discussion item relates to the Safe Streets and Roads For All (“SS4A”) grant application. Brent Crowther and Sophie Bellina from Kimley-Horn were present at the Work Session. Mr. Crowther reported that SS4A is a Federal-aid project grant that grants \$1 billion per year throughout the country. Kimley-Horn, through a process with Wasatch Front Regional Council (“WFRC”), was chosen to develop the Safety Action Plan. The Safety Action Plan is the basis for which it is possible to apply for portions of the \$1 billion grant.

Mr. Crowther reported that the grant application is due next week. Representatives from Kimley-Horn are present to show the Council where they are in that process based on the projects approved by the City Council. It was noted that Council Member Birrell had joined the meeting in person.

The SS4A presentation slides were shared. Mr. Crowther explained that the SS4A program is part of the Bipartisan Infrastructure Law (“BIL”) passed in 2022. It is a discretionary grant program and the purpose is to prevent serious injuries and deaths related to travel fatalities on public roads.

The focus of the grant program is to provide action planning or funding for the construction of the improvements. There is \$5 billion available over five years, with the first year of the funding being 2022. There are three more years of funding available in 2024, 2025, and 2026. The 2024 application is due next week. Nationally, there has been almost \$2 billion awarded to over 1,000 different jurisdictions. There are significantly fewer implementation grants than planning grants. In Utah, there have been several jurisdictions that have received planning grants, which were listed.

Mr. Crowther reported that the WFRC Comprehensive Safety Action Plan (“CSAP”) is: “A plan to provide local governments the means to make strategic roadway safety improvements.” The CSAP meets eligibility requirements that allow a local jurisdiction to apply for the SS4A Implementation Grant program and also serves as a resource for judications. He explained that completion of an action plan is a requirement in order to apply for an implementation grant.

The CSAP is now available on the WFRC project website. Ms. Bellina reported that the grant application is due on May 16, 2024. The grant application that is being developed has two parts: the implementation grant application and supplemental planning activity. For the application, support letters were requested from several organizations and departments. Those support letters help to strengthen the application. Ms. Bellina shared a project area map and explained that the orange line represents the implementation focus and the blue line is the planning study focus.

Ms. Bellina reviewed the grant application overview and discussed some of the grant details:

- Bengal Boulevard: Highland Drive to 2700 East
 - Shared use path construction;
 - Pedestrian and cyclist improvements;
 - Streetscape and landscaping;
 - Highland Drive/Bengal Boulevard Intersection Improvements;
 - Bengal Boulevard/2700 East Intersection Treatments.
 - Design and Construction Cost: \$7,744,000.

- Supplemental Planning Grant:
 - 2700 East and Fort Union Boulevard:
 - Study possible walkability and safety improvements on 2700 East and Fort Union Boulevard.
 - Planning Cost: \$500,000.

Council Member Birrell asked what is considered to be a buffered bicycle lane. Ms. Bellina explained that there is a 2-foot striped buffer that is painted on the ground. She next shared a cost breakdown. For the implementation, the local funds secured are \$1.3 million and the Federal funds secured are \$2,144,000. The grant request is \$4,300,000 for a total project cost of \$7,744,000. The local funds still needed are \$249,000 in order to address the 20% match requirement. For the supplemental planning, the grant request is \$400,000, the total project cost is \$500,000, and \$100,000 of local funds are still needed. She noted that the total local funds needed are \$349,000.

Discussions were had about the cost breakdown. It was reiterated that there are still some local funds needed. Council Member Birrell asked how soon the matching funds are expected to be received. Mr. Shipp explained that the City is obligating itself to the local funds by making an application. If awarded, this work does not necessarily start right away, but once construction starts, the bills will be due. Once there is a decision to move forward, the matching funds will be needed. Ms. Bellina added that a financial commitment letter signed by the Mayor must be submitted. That letter will confirm that the City is committed to providing the total match amount.

Council Member Birrell was surprised to see that the project cost is as high as it is. It was clarified that the project has been extended. Council Members expressed support to move forward with the application despite the higher costs. Mr. Shipp discussed the process moving forward. A letter signed by the Mayor is needed to show there is a commitment made by the City and that the direction of the Council was followed. The Council reiterated its support to move forward.

SS4A has certain requirements. The completed plan must include a comprehensive safety analysis, identify a set of projects and strategies, and be completed by April 30, 2024. Mr. Crowther reported that the plan also must include at least four of the following items listed:

- Leadership Commitment and Goal Setting;
- Planning Structure/Steering Team Oversight;
- Engagement and Collaboration with Stakeholders and the Public;
- Equity Considerations;
- Policy and Process Change Recommendations;
- Progress Reporting.

Council Member Birrell asked whether the Safety Action Plan mandates any further work within the Transportation Master Plan. Mr. Crowther explained that it identifies safety needs, including the identification of a safety need on Bengal Boulevard, which establishes eligibility. That then makes it possible to request an implementation grant to appropriately address the safety need. Mayor Pro Tem Newell thanked Mr. Crowther and Ms. Bellina for attending the Work Session.

e. **1700 East Project Discussion - Public Works Director/City Engineer, Matt Shipp.**

Mr. Shipp reported that the City Council will be voting on a contract for 1700 East to put in the sidewalk on the west side from Fort Union to 7200. Mr. Tingey shared additional information about the 1700 East project. He explained that this has been in the works for a number of years. Originally, there was approval to do a study and evaluation. Over a few budget cycles, it was possible to get the funding in place for the project itself. It is now possible to move forward.

5.0 REVIEW OF CALENDARS AND UPCOMING EVENTS.

- a. **Art Exhibit at City Hall – May 6-31 – Brighton High School.**
- b. **District 2 Town Hall Meeting Focused on Annexation, May 8 from 6:00-7:30 p.m.**
- c. **Cottonwood Heights Arts Council Plat – *Beauty and the Beast*, July 12, 13, 15, and 18-20. Performance at 7:00 p.m. and 2:00 p.m. Matinees, at Butler Middle School.**
- d. **Butlerville Days – July 25, 26, and 27th at Butler Park.**
- e. **Bark in the Park at Mountview Park on August 24 from 9:30 a.m. to 11:30 a.m.**

The calendar items were reviewed and discussed.

6.0 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 Holton moved to CLOSE the Work Session and ENTER into a Closed Meeting for the Purposes of Discussing Property Acquisition. The motion was seconded by Council Member Hyland. The motion passed with the unanimous consent of the Council.

The City Council was in a Closed Meeting from 6:27 p.m. to 7:01 p.m.

7.0 ADJOURN CITY COUNCIL WORK SESSION.

The Work Session adjourned at 6:27 p.m.

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL BUSINESS MEETING
HELD TUESDAY, MAY 7, 2024, AT 7:00 PM IN THE COTTONWOOD HEIGHTS CITY
COUNCIL CHAMBERS LOCATED AT 2277 EAST BENGAL BOULEVARD,
COTTONWOOD HEIGHTS, UTAH**

Members Present: Mayor Pro Tempore Shawn Newell, Council Member Suzanne Hyland, Council Member Matt Holton, Council Member Ellen Birrell

Staff Present: City Manager, Tim Tingey; Records, Culture, and HR Director/City Recorder, Paula Melgar; Community and Economic Development Director, Michael Johnson; Police Chief, Robby Russo; Unified Fire Authority Assistant Chief, Riley Pilgrim; Administrative and Financial Services Director, Scott Jorges; IT Manager, Matt Ervin; Public Works Director/City Engineer, Matt Shipp

Excused: Mayor Mike Weichers and City Attorney, Shane Topham

1.0 WELCOME – Mayor Pro Tempore Shawn Newell.

In the absence of Mayor Mike Weichers, Mayor Pro Tempore Shawn Newell called the Cottonwood Heights Business Meeting to order at 7:06 p.m. and welcomed those present.

2.0 PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Hyland.

3.0 CITIZEN COMMENTS

Mayor Pro Tem Newell opened the Citizen Comment period.

Leslie Kovach asked that everyone in the room phone their representatives and request that there be approval for a bill that will expand coverage through the State of Utah and provide compensation for those who became ill or died from exposure to radiation fallout. The current RECA bill covers only 10 counties in the State of Utah and does not compensate people who moved or worked outside of the County. The proposed bill expands coverage to all of the State and provides compensation for the people who were impacted. Ms. Kovach shared a picture of her family from 1985. All but two of the eight people in the photograph died of radiation-induced cancers. Her mother grew up in Salt Lake City and suffered from cancers covered under the current RECA. She told her that while attending Olympus High School in Salt Lake City, as part of their science class, they would gather Geiger counters and see how high the results would be.

Ms. Kovach explained that her grandfather died of stomach cancer and worked for Union Pacific. Currently, she is seeking compensation for her family through RECA. She has had to go to the Department of Justice to see if work records can be found because none currently exist. Senate Bill (“S.B.”) 3853 will correct that. She reiterated her request for support from those present.

Randy Long explained that he is present to speak about the issues at Deaf Smith Canyon. He believed there needs to be a Federal law requiring owners of such properties to provide access across their lands for whatever uses the land management agency allows. Mr. Long stated that a City ruling about this matter would be a good start. He next shared information about the canyon.

Jason Owens stated that he is a homeowner and resident of Cottonwood Heights. He grew up in the area that became incorporated in 2005. He currently lives less than one mile from his own neighborhood and his child attends the same school that he used to. Mr. Owens reported that living near a short-term rental is difficult and mentioned illegal drug use, late-night noise, and vehicles parked on the sidewalks and streets. There are new daily strangers coming and going at all hours. He would rather live near a gas station, apartment building, or some other commercial development. This use is completely ruining the livability of the neighborhood. He pointed out that short-term rentals are a safety issue and he has witnessed crimes at neighborhood Airbnb locations. The vacation rentals are destroying the neighborhoods and Canyon View Elementary School has recently cut their number of first-grade classrooms down 25% due to student shortages.

Airbnb locations increase the cost of housing and reduce the availability of housing for residents. Mr. Owens reported that he bid against 40 people for houses. He is aware that many children will not be able to afford to live in Cottonwood Heights when they grow up. Canyon School District sent out an email looking for long-term housing opportunities for teachers within district boundaries. There is not enough long-term housing and there are fewer children, fewer classes, and fewer teachers. Mr. Owens suggested increasing the fines and taxes as well as having non-emergency police officers visit Airbnb locations whenever occupancy is reported by residents.

Most municipalities are making changes to ensure that there are fewer short-term rentals. If Cottonwood Heights decides there is a desire for more legal short-term rentals, it was suggested to ban any person or address that was previously operating a short-term rental illegally in the City. Additionally, it would be best to ban them two miles from the schools to keep children safe. Mr. Owens also suggested a yearly license lottery so the same people will not necessarily be operating or living near a short-term rental each year. There could even be different Airbnb laws for each district in the community. He reiterated his frustrations with the current uses taking place.

Nancy Hardy noted that on April 2, 2024, she made a comment about the seating arrangements for the Council Members. She had not heard a response about that, so she wanted to offer another suggestion. There could be seating by district or there could be a rotation done every quarter.

Mr. Tingey reported that a written comment from Amy Owens was forwarded to the City Council. She raised issues related to short-term rentals. That comment is part of the official record.

There were no further public comments. The Citizen Comment period was closed.

4.0 STANDING MONTHLY REPORTS

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

Mayor Pro Tem Newell reported that the first Standing Monthly Report will be the Monthly Financial Report from Administrative and Financial Services Director, Scott Jurges. Mr. Jurges shared a graph that illustrated the Sales Tax trends through the month of February. The budget is \$9.3 million and the collections are approximately \$31,000 ahead of 2023. Last year, approximately \$9.1 million was received. The Tentative Budget amount is set at \$9.7 million.

The County Option Highway Transportation Sales Tax information was reviewed next. Mr. Jurges explained that these numbers were through February, so there are four months remaining in the fiscal year. To date, there is \$528,000, which is approximately \$2,400 above what there was in 2023. The projection is \$800,000 and the sales tax numbers are currently on track to meet that.

The Transient Room Tax information was shared. It is currently sitting at \$125,000 year to date, which is approximately \$2,000 ahead of what was collected in 2023. The projection for the year is \$175,000, and that number might be beat by approximately \$5,000 or so. The budget for 2025 is projected to be \$180,000. Mr. Jurges explained that the Municipal Energy Tax is the tax that is collected on sales of power and natural gas throughout the City. Through March, the collections have been \$1,832,000, which is \$3,000 ahead of where the City was last year at this time. Last year, the collections were \$2,556,000 and the projection for the year is \$2,600,000, which Mr. Jurges believes will be received. For the 2025 budget, the Tentative Budget lists \$2,580,000.

The Cable Franchise Tax was reviewed next. Mr. Jurges explained that it is the taxes paid on cable television. Currently, half of the year's data has been received, but the third quarter data has not yet been received. There is \$144,000 currently, which is approximately \$12,000 behind the 2023 amount. The projection is \$300,000 and the budget for next year is recommended to be \$300,000.

Mr. Jurges next reviewed the Class C Roads Funds trends. He explained that this is the money that is allocated based on the gallons of fuel that are purchased. It comes through the State Tax Commission. The City is at \$1,311,000, which is \$126,000 ahead of what was received in 2023. The projection was \$1,450,000, but it is possible that the actual number will be higher than that. The amount included in the budget for 2025 is \$1,480,000, which is a slight increase. The last item in the Monthly Financial Report is the General Fund Expense trend. Currently, it is \$1 million ahead of the 2023 spending. There are no concerns about the expenses and trends at the moment.

4.2 Unified Fire Report – Assistant Chief, Riley Pilgrim.

Unified Fire Authority (“UFA”) Assistant Chief, Riley Pilgrim, shared the UFA Quarterly Report with those present. The first quarter is from January 1 to March 31. During that time, there were 467 total incidents in Cottonwood Heights. 117 of those were initially classified as emergent. There were two structure fire calls and two outside rubbish fire calls. For the EMS calls, those were fairly standard and related to falls, illnesses, traffic incidents, breathing problems, and

behavioral health issues. For the other calls, there were unintentional detector calls, public service assistance, detector malfunctions, false alarms/false calls, and there were four chemical calls.

The Q1 Four Year Monthly Comparison chart was shared. Assistant Chief Pilgrim explained that there has not been a significant increase or decrease in calls and the call volume was normal in the first quarter. As for the top engine and truck responses, Station 110 and Station 116 covered the majority of the calls in Cottonwood Heights. Station 126 handled 9.1% of the calls received. Council Member Matt Holton asked if there is a reason Station 110 has the highest number. Assistant Chief Pilgrim explained that there are apartment complexes, multi-family residences, and assisted living centers closest to that station. It is a busier and more active part of the City.

The top ambulance responses were shared. Assistant Chief Pilgrim reported that the majority of the responses came from Station 110 (66%) followed by Station 126 (26%), Station 107 (5%), Station 116 (3%), and Station 118 (1%). There were 344 total unit responses. As for the emergent total times, it was listed at 5:11 for the 50th percentile and 7:03 for the 90th percentile. The goal was to improve the response time by 10% and that has been done in a lot of the stations. Assistant Chief Pilgrim shared a call volume map. A lot of the density is along Fort Union Boulevard, Wasatch Boulevard, and the commercial areas. The heat map demonstrates that density.

5.0 ACTION ITEMS

- 5.1 Consideration of Resolution 2024-31 - Adopting a Tentative Budget for the Period of 1 July 2024 Through 30 June 2025; 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.**
(A budget is required to be adopted by the City Council each new fiscal year. This proposed resolution adopts the tentative budget for the City's 1 July 2024 through 30 June 2025 fiscal year, establishes the date of the public hearing for such budget, and provides for public notice of the hearing).

Mr. Juges shared information about the Tentative Budget. He explained that the Final Budget will need to include the final certified tax rate and the final certified property taxes. That information is normally received around June 10, 2024, and can be incorporated into the document ahead of the Final Budget adoption. In the meantime, the Tentative Budget can be reviewed by the Council and residents. Feedback can be received and there will be additional discussions on what is proposed so adjustments can be made as necessary ahead of Final Budget adoption. Mr. Juges reported that the Final Budget will be adopted at the June 18, 2024, City Council Meeting.

Mr. Juges reviewed some of the changes proposed since the last budget review:

- The overall health insurance increase came in at 5% and is calculated to cost \$44,478. There is no increase in dental insurance coverage. There was a placeholder of \$50,000 for both health and dental increases, so this is a savings of \$5,522 over the proposed amount;

- The Mayor was able to negotiate a reduction of \$18,000 to the contribution to the Central Wasatch Commission (“CWC”) from \$50,000 annually to \$32,000;
- The police were able to purchase chairs for a conference room out of the current year's budget, so it was possible to reduce the overall request by \$8,400;
- \$527 needed to be added to the Police VECC Records budget for a Crime Tracer enhancement that is related to the records system;
- The UFA contract had a placeholder of 5% at \$224,878, but is now expected to be adopted at 5.44% or \$244,448, which is an increase of \$19,570 over what was previously projected;
- The City became aware of an issue related to the planned conversion of the 2021 refunding bond from a taxable bond to a tax-exempt bond. Due to the current interest rate environment, if the City converted this bond from a taxable bond to a tax-exempt bond at the end of April as originally planned, the City would be subject to an arbitrage penalty of approximately \$141,551. Based on discussions with the Bond Council and the Financial Advisor, it was determined that if the conversion is delayed until July 1, 2024, there will be no arbitrage penalty. However, this delay will cause a \$41,218 one-time increase in interest due on July 1, 2024, over the original debt service schedule. Either option is an increase over what was initially planned. Staff recommends the smaller impact at \$41,218.

Mr. Jurges reported that those items are reflected in the document included in the Meeting Materials Packet. There is an item in the Storm Water Fund as well. When the stormwater fee implementation occurred, it was set up to have a fee of \$7.50 per equivalent residential unit (“ERU”). Built-in was a 3% per year increase. It was never the intent to change the fee unless there was support from the City Council to do so. It has not been changed, but the proposal for Fiscal Year 2024-2025 is to increase it to \$8.20 per ERU. That would generate an additional \$130,000 over what is currently received, which is approximately \$1,400,000. Mr. Jurges explained that the City has incurred additional costs for emergency repairs to several sections of stormwater piping. As a result, an increase is proposed, but direction from the Council is needed.

Mr. Jurges shared a document that highlights each of the funds. It shows the beginning fund balance, the revenue, expenditures, transfers, projected ending fund balance, and the projected change in fund balance, as well as any fund balance restrictions and the amount that would be available for appropriation in the future year. The General Fund starts at \$7,711,000, with revenue of just over \$26 million, expenditures of just under \$23 million, transfers out of \$6,488,000, with a projected ending fund balance of \$4,500,000. For the Storm Water Fund, there is \$500,000 in there that is being held for emergency stormwater projects that may arise.

City Manager, Tim Tingey, reported that there will be a public hearing on the budget during the first meeting in June. The decision will be made on the budget on June 18, 2024. Ahead of that meeting, residents can review the budget and share comments during the noticed public hearing.

MOTION: Council Member Hyland moved to APPROVE Resolution 2024-31 – Adopting a Tentative Budget for the Period of 1 July 2024 Through 30 June 2025; 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. The motion was seconded by Council Member Holton. Vote on Motion: Council Member Hyland-Aye; Council

Member Holton-Aye; Council Member Birrell-Aye; Council Member Newell-Aye; Mayor Weichers-Absent. The motion passed unanimously.

5.2 Consideration of Resolution 2024-32 - Approving a Revocable Right of Access Agreement with Rocky Mountain Power for a Public Art Project.
(By this Resolution, the Council will approve the City's entry into an agreement whereunder Rocky Mountain Power will authorize the City to implement a community art pilot program allowing local artists to decorate certain of RMP's pad-mounted electric transmission and distribution equipment in the city's public places).

Mayor Pro Tem Newell reported that the item relates to an agreement with Rocky Mountain Power for a public art project. This item was previously discussed during the Work Session.

MOTION: Council Member Holton moved to APPROVE Resolution 2024-32 – Approving a Revocable Right of Access Agreement with Rocky Mountain Power for a Public Art Project. The motion was seconded by Council Member Hyland. Vote on Motion: Council Member Hyland-Aye; Council Member Holton-Aye; Council Member Birrell-Aye; Council Member Newell-Aye; Mayor Weichers-Absent. The motion passed unanimously.

5.3 Consideration of Resolution 2024-33 - Approving a Performance Contract for 2024 Butlerville Days.
(This Resolution will approve the City's entry into an agreement where the musical group "High Society" will provide a performance for the City's 2024 Butlerville Days community event).

Mayor Pro Tem Newell reported that the item relates to a performance contract for the 2024 Butlerville Days event. This item was previously discussed during the Work Session.

MOTION: Council Member Hyland moved to APPROVE Resolution 2024-33 – Approving a Performance Contract for 2024 Butlerville Days. The motion was seconded by Council Member Holton. Vote on Motion: Council Member Hyland-Aye; Council Member Holton-Aye; Council Member Birrell-Aye; Council Member Newell-Aye; Mayor Weichers-Absent. The motion passed unanimously.

5.4 Consideration of Resolution 2024-34 - Approving and Ratifying a Bid and Awarding a Construction Contract for the 1700 East Sidewalk and Fort Union Bike Path Project.
(By this Resolution, the City Council will approve and ratify a \$1,096,230 bid and award a Construction Contract to R. Cherrington Enterprises LLC d/b/a RC Enterprise Paving & Construction for the work and materials to complete the City's Project No. 23.005-1 700 East Improvements and Fort Union Bike Path Project).

Mayor Pro Tem Newell reported that the next item is to approve and ratify a bid and award a construction contract for the 1700 East Sidewalk and Fort Union Bike Path Project. This item was

previously discussed during the Work Session.

MOTION: Council Member Birrell moved to APPROVE Resolution 2024-34 – Approving and Ratifying a Bid and Awarding a Construction Contract for the 1700 East Sidewalk and Fort Union Bike Path Project. The motion was seconded by Council Member Hyland. Vote on Motion: Council Member Hyland-Aye; Council Member Holton-Aye; Council Member Birrell-Aye; Council Member Newell-Aye; Mayor Weichers-Absent. The motion passed unanimously.

5.5 Consideration of Resolution 2024-35 - Approving and Ratifying a Bid and Awarding a Construction Contract for the City-Wide Cape Seal Project.
(By this resolution, the council will approve and ratify a \$1,387,500 bid and award a construction contract to Advanced Paving and Construction, L.L.C. for the work and materials to complete the City's Project No. 008.23-City-Wide Cape Seal Project).

Mayor Pro Tem Newell reported that the above item relates to a construction contract for the City-wide cape seal project. This item was previously discussed during the Work Session.

MOTION: Council Member Holton moved to APPROVE Resolution 2024-35 – Approving and Ratifying a Bid and Awarding a Construction Contract for the City-Wife Cape Seal Project. The motion was seconded by Council Member Hyland. Vote on Motion: Council Member Hyland-Aye; Council Member Holton-Aye; Council Member Birrell-Aye; Council Member Newell-Aye; Mayor Weichers-Absent. The motion passed unanimously.

5.6 Consideration of Resolution 2024-36 - Approving an Easement Agreement with Metropolitan Water District and AJ Rock, LLC, Concerning the Salt Lake Aqueduct.
(By this Resolution, the City Council will approve the City's entry into an agreement whereunder the portion of Wasatch Boulevard anticipated to be relocated in connection with the development of the proposed "Wasatch Rock" mixed-use project will be subject to certain rights and responsibilities concerning encroachment of the related street improvements on the existing easement for the Salt Lake Aqueduct).

Mayor Pro Tem Newell reported that the item relates to an Easement Agreement with the Metropolitan Water District and AJ Rock, LLC. He explained that this agreement has to do with the Salt Lake Aqueduct. This item was previously discussed during the Work Session. Council Member Ellen Birrell explained that she was not present during that portion of the Work Session. As a result of that absence, she informed those present that she would abstain from the vote.

MOTION: Council Member Hyland moved to APPROVE Resolution 2024-36 – Approving an Easement Agreement with Metropolitan Water District and AJ Rock, LLC, Concerning the Salt Lake Aqueduct. The motion was seconded by Council Member Holton. Vote on Motion: Council Member Hyland-Aye; Council Member Holton-Aye; Council Member Birrell-Abstain; Council Member Newell-Aye; Mayor Weichers-Absent. The motion passed 3-to-0.

6.0 CONSENT CALENDAR

6.1 Approval of the Minutes of the City Council Work Session and Business Meeting Minutes of April 2 and 16, 2024.

MOTION: Council Member Hyland moved to APPROVE the Consent Calendar. The motion was seconded by Council Member Birrell. The motion passed with the unanimous consent of the Council.

7.0 ADJOURN CITY COUNCIL BUSINESS MEETING.

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

The City Council Meeting adjourned at 7:57 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 7, 2024.

Teri Forbes

Teri Forbes
T Forbes Group
Minutes Secretary

Minutes Approved: May 21, 2024.