

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL WORK SESSION
HELD TUESDAY, JUNE 18, 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 Mike Weichers, Council Member Shawn Newell, Council Member Suzanne Hyland, Council Member Matt Holton, Council Member Ellen Birrell

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

1.0 WELCOME

Mayor Mike Weichers called the meeting to order at 4:00 p.m. and welcomed those present. He reported that this will be the last Work Session for City Manager, Tim Tingey as he has accepted a position at the University of Utah teaching full-time. He will be missed for his leadership, support, and management. Mayor Weichers thanked Mr. Tingey for all he has done to assist Cottonwood Heights employees and residents.

2.0 REVIEW OF BUSINESS MEETING AGENDA

Mayor Weichers reviewed the Business Meeting agenda. Following the Pledge of Allegiance, which will be led by Council Member Birrell, there will be City Council Committee Reports. There will also be a Citizen Comment Period. After that is a Public Hearing on the Proposed Budget Amendment for Fiscal Year 2023-2024. Mayor Weichers stated that the budget amendment will forward any unused funds that were budgeted for projects but were not used during the calendar year. This is something that is done on an annual basis. Administrative and Financial Services Director, Scott Jurgens, clarified that the amendment relates to the police funds. The re-budget of unused project funds will not be addressed until September. This amendment was discussed at the previous City Council Meeting. The amount is \$25,736 for expense and revenue, so it is offsetting. There will be a public hearing for that budget amendment.

There are several Action Items on the Business Meeting agenda. The first is consideration of Ordinance 417 – Adopting an Amended Budget for 1 July 2023 through 30 June 2024. It relates to the Public Hearing item. The next item on the agenda is Ordinance 418 – Approving a Final Budget for 1 July 2024 through 30 June 2025. Additional information about the budget will be shared during the Work Session. Next on the agenda is consideration of Resolution 2024-40 – Adopting a Privacy Space Compliance Plan. Mr. Tingey explained that this was part of new Legislation that came out this past year from the State Legislature. It states that government entities have to have a Privacy Space Compliance Plan. This was prepared by City Attorney, Shane Topham, and it follows the points outlined in the Legislation. Approval is recommended.

The next agenda item is consideration of Resolution 2024-41 – Approving an Agreement with LRB Public Finance Advisors for Arbitrage Analysis and Compliance Reporting. Mr. Jurges explained that periodically, on tax-exempt bonds, there needs to be an Arbitrage Compliance Report conducted. It compares the interest earned to the interest paid to see if money is owed. The report runs tests to ensure that money is not owned by the Federal Government. These are older bonds that have been looked at previously, but with the City paying off these bonds on July 1, it is important to move forward with this process. These are the final reports for those.

Mayor Weichers reported that the next item on the Business Meeting agenda is consideration of Resolution 2024-42 – Approving an Amendment to a Consulting Agreement with Civil Science Inc. IT Manager, Matt Ervin, explained that Civil Science Inc. are the design engineers for the 1700 East sidewalk project. That goes from 7200 down to Fort Union Boulevard on the west side. That design has been completed and the project has been bid out. The design contract is now being amended to include the construction management portion of this. Mayor Weichers stated that the next agenda item is consideration of Resolution 2024-43 – Consenting to Reappointments to the Parks, Trails, and Open Space Advisory Committee. Mr. Tingey explained that background information on the three individuals was shared with the Council. Those members have served well on the committee previously. The reappointments include Zachery Geiger, Jennifer Follstad-Shah, and Chelsea Voss. There will be new three-year terms for those reappointed members.

The next agenda item is consideration of Resolution 2024-44 – Appointing an Interim City Manager. Mr. Tingey reported that there can be an Interim City Manager if the City Manager is unable to perform their duties. The recommendation is to have Mr. Jurges act as the Interim City Manager until the City Council fills that position. Mayor Weichers expressed his appreciation that Mr. Jurges is willing to serve in that role temporarily. The last Action Item on the agenda is consideration of Resolution 2024-45 – Approving a Consulting Agreement with Tim Tingey. Mayor Weichers clarified that he wanted to make sure it was appropriate to reach out to Mr. Tingey if there were any questions before a new City Manager was hired by the City Council.

The last item on the Business Meeting agenda is the Consent Calendar, which includes the approval of the Meeting Minutes from the May 21, 2024, and June 4, 2024, City Council Meetings.

3.0 WASATCH FRONT WASTE AND RECYCLING DISTRICT

Once a year, Cottonwood Heights has the opportunity to invite the General Manager and CEO of the Wasatch Front Waste and Recycling District, Pam Roberts, to share information. Ms. Roberts presented the Wasatch Front Waste and Recycling District Report slides to the Council. She reported that the mission of the Wasatch Front Waste and Recycling District is to provide sustainable quality integrated waste and recycling collection services for the health and safety of the community. The vision is a sustainable organization that provides for the welfare of communities. Lastly, the goals are to sustain a mid-90th percentile, have high customer satisfaction, achieve a high-80th percentile of employee satisfaction, and balance environmental and financial stewardship. She shared information about the new truck the district has.

Ms. Roberts reported that the Driver of the Year for 2024 is Mr. Vigil. She is proud of the team and of Mr. Vigil, who has been part of the team since 2011. Ms. Roberts shared information about James Kelsey, who is the new Sustainability Coordinator. Any time it is possible to promote from within, that is a morale booster. Council Member Newell noted that when he called about an issue, there was a prompt response from Sione Tuione. Ms. Roberts next shared information about environmental stewardship. Wasatch Front Waste and Recycling District picks up a lot of waste, and it can be up to 145,000 tons. Garbage is the majority of that, but there is also recycling, green waste, and glass. For each City, the diversion rate is measured. She reviewed the curbside subscriber information for Cottonwood Heights, which is 434 for glass and 1,600 for green waste.

Council Member Hyland asked whether all the compost can be utilized. Ms. Roberts reported that it is delivered to the Salt Lake Valley Landfill. Council Member Birrell asked when the Trans-Jordan Landfill will be maxed out. Ms. Roberts believes it will be in approximately eight years. There is some uncertainty, but it continues to be monitored. There is a transfer station that will be opened in Sandy City by Sandy City Public Works. An analysis has been conducted to look at both price and proximity. There is an agreement with Salt Lake Valley Landfill that a certain percentage of the waste will be taken to their facilities. There is already a commitment in place, but the percentage can be dropped once Trans-Jordan opens its transfer station. As for the compost, she does not know exactly how much is used but attends a monthly meeting on landfills and composting. From what she understands, quite a bit of that is resold or reused.

Ms. Roberts noted that there have been some questions about House Bill (“H.B.”) 107 which relates to recycling transparency. Wasatch Front Waste and Recycling District needs to provide certain information. At least twice a year, cities must publish what is collected in the city. On the Wasatch Front Waste and Recycling District website is a new page called District Stats. Information is sent to Cottonwood Heights and Wasatch Front Waste and Recycling District will report twice a year. The intention is to ensure that cities stay in compliance with the requirements.

Ms. Roberts shared an image of a recycling truckload and explained that a fire had occurred. As a result, Wasatch Front Waste and Recycling District are sharing information about what cannot be included in recycling. The cause of fires is often batteries. Mayor Weichers asked how to assist with the communication effort. It was noted that additional information can be included in the newsletter and on social media. Council Member Hyland suggested that the City communicate where certain electronic items can be recycled. There was discussion about the disposal of batteries and electronics. Council Member Hyland noted that it is inconvenient to take items to the solid waste facility. She stressed the importance of clear communication with residents about the options available. Council Member Birrell shared information about the CHaRM Event the Utah Recycling Alliance hosted. It focused on hard-to-recycle items, such as batteries and printers. There could be a discussion about how to best assist residents with discarding those kinds of items.

Council Member Birrell shared additional information about the CHaRM event and the vendors that were present. Mr. Tingey noted that capacity was reached as far as weight load. The data will be collected and there will be a meeting with City Staff about the results. Mayor Weichers asked that the information be shared with the City Council in the future for further discussion.

Ms. Roberts shared information about hazardous waste disposal. There are many items that can be taken to the Salt Lake Valley Landfill facilities to be disposed of safely. For paint, motor oil, gasoline, antifreeze, batteries, cooking oil, and electronic waste, there is information about where to take each specific item on the district website. While this is not necessarily the most convenient solution, disposal is available to residents. As for Cottonwood Heights hosting an event, that would cost money. She is not certain whether CHaRM is a volunteer event. Council Member Birrell clarified that CHaRM is the name of the event and is hosted by the Utah Recycling Alliance.

Mayor Weichers wondered whether Wasatch Front Waste and Recycling District would be willing to do something like the CHaRM event. Ms. Roberts stated that Wasatch Front Waste and Recycling District cannot handle an event like that, but there are other options available. The City could then sponsor the costs. Ms. Roberts further reviewed the information available on the Wasatch Front Waste and Recycling District website. There are a lot of useful resources.

Ms. Roberts reported that June 17 is National Waste and Recycling Worker's Week. The waste and recycling industry is ranked among the top six most dangerous jobs in the United States, so it is essential to thank employees for the critical work that is done. A note or a beverage left out goes a long way. There will be a breakfast celebration at the Wasatch Front Waste and Recycling District office in the north parking lot at 7:00 a.m. on June 20, 2024. Additionally, on July 3, 2024, Wasatch Front Waste and Recycling District will support International Plastic Bag Free Day.

Ms. Roberts shared initial statistics for the Seasonal Container Reservation Program. It started on May 31 and there are three zones that are serviced with 16 total delivery days. Zone 1 has six days that a resident could choose from when setting up a reservation. Zone 2 and Zone 3 have five days that can be chosen from. She recognizes that the reservations are booked up quickly for this service. Council Member Holton respects how difficult it is to find solutions. He understands the difficulties but hopes it will be possible to explore alternate solutions as well. Most residents would likely prefer what was done in the past, which was that bins were placed on streets without a reservation. Discussions were had about misuse of the bins and safety concerns.

Council Member Hyland noted that she has received feedback from residents about how difficult it is to make a reservation. She asked if it was possible to address those concerns. Council Member Holton explained that the midnight registration time is in place because of the high demand levels. That time ensures that the website will not crash. By the morning, the reservations are often gone. As a result, there have been Board discussions about not allowing a resident to reserve a container two years in a row. This would provide more opportunities for those who are interested.

Council Member Birrell shared information about the way the Sandy City program runs, where a few times in the summer, there will be a truck that takes items from the curbside. She finds that solution appealing, as it would also encourage more reuse. She asked why the bins are preferred in Cottonwood Heights. Ms. Roberts explained that the bins were chosen because of staffing levels. This is the fifth year of running the reservation program. The only reason the change was made was because of the staffing needs, as there were too many drivers and ground crews needed.

Council Member Birrell asked how long the bin stays in the driveway of the resident. Ms. Roberts reported that it remains for 24 hours unless it is delivered on a Friday, then it is there for the

weekend. She noted that the Friday dates are the fastest ones to be reserved. Information about CDL driver shortages was shared. Ms. Roberts explained that if there were enough drivers, the current system would likely not be in place and the previous system would remain. Discussions were had about the vendors that are contracted with for the various services provided. Mayor Weichers thanked Wasatch Front Waste and Recycling District for their partnership.

4.0 UTAH OPEN LANDS – TRANSIT TO TRAILS EXPANSION

Utah Open Lands Director of Community Engagement, Allie Eroh, was present to share information about the Transit to Trails program Wasatch Front expansion. Ms. Eroh reported that the Transit to Trails program is a free transportation solution where trail users access three popular trailheads within the Bonanza Flat Conservation Area. Bonanza Flat is at the top of Guardsman Pass. It represents over 1,500 acres of trail, wildlife habitat, and alpine lakes. In 2017, Bonanza Flat was threatened by development with 120 plus units of housing and an 18-hole golf course.

Partnering with Park City Municipal Corporation, there was work done to protect this area. Park City residents approved a \$25 million Open Space bond. Utah Open Lands sponsored the fundraising campaign for the remaining \$13 million gap needed to protect Bonanza Flat. In 2020, it was placed under a conservation easement with Utah Open Lands. The COVID-19 pandemic had profound impacts on recreation trends across the state and there was a 300% increase in the use of recreational areas. With that use came concerns about overuse. As a result, Utah Open Lands launched the Leave It Loved campaign. Ms. Eroh explained that the campaign focused on what individuals can do to be good stewards of the landscape so it can be loved for generations to come.

Looking at the overuse component, the Transit to Trails program was launched in 2021. It was previously funded in collaboration with Park City Municipal Corporation and private donations to Utah Open Lands. Funding has also been received from the Central Wasatch Commission through their Short-Term Projects Grant program. Ms. Eroh reported that some area usage data was collected from the Bonanza Flat Conservation Area. She shared the 2022 and 2023 data collected for the top visitors to Bonanza Flat. It found that a significant number of visitors recreating in the area are coming from areas along the Wasatch Front. As a result, there were discussions about how to expand the program. Council Member Holton asked about the data collection. Ms. Eroh reported that it came from cell phone data through a contract with a third-party group.

Utah Open Lands is looking to partner with entities along the Wasatch Front. The request is for \$10,000 to contribute to the program expansion. Ms. Eroh reported that Transit to Trails is normally offered from Thursday through Sunday. Currently, it operates from Park City to the trailheads in Bonanza Flat. This expanded program would include different areas along the Wasatch Front. Transportation costs for the program in its entirety, if it were available from July to October, are estimated to be between \$60,000 and \$75,000. Council Member Birrell asked where Transit to Trail users park their personal vehicles. Ms. Eroh explained that there is the Munchkin Lot. This service is completely free to the user. The shuttle is pet-friendly and has room for bicycles as well. There are three different drop-off locations currently available. Discussions were had about the shuttles themselves. It was noted that 15-seat vans are used.

Ms. Eroh reported that the proposal is to have a fall pilot program with reduced service in September and October. She reiterated that Utah Open Lands is requesting \$10,000 from the City of Cottonwood Heights to support this effort. The CWC has provided a \$10,000 grant to Utah Open Lands to kickstart this expansion. A contribution from Cottonwood Heights would match these funds, significantly bolstering the project. Utah Open Lands is also soliciting additional support from the City of Sandy, Salt Lake City, and corporate partners to ensure program success.

Council Member Birrell believed the proposal was for a Transit to Trails program in the Wasatch Front area that would take riders to certain trailheads, but not to Bonanza Flat. Ms. Eroh reported that the shuttle would be for Big Cottonwood Canyon. Utah Open Lands is looking at potentially offering stops at different trailheads in that area. However, it would also drop off users at Bonanza Flat on the other side as it drops down on Guardsman Pass. Council Member Birrell wanted to know more about parking. Ms. Eroh explained that a lot of this will depend on the financial partners and where the funding is obtained. There will be work done to determine what parking locations work best and make the most sense for the residents of each individual city.

Council Member Hyland wanted to know why Salt Lake County has not been approached. Ms. Eroh offered to check in with the Executive Director about that, but she confirmed that there has been contact with Salt Lake City and Sandy already. Mayor Weichers stated that the Council will take this matter under consideration. There will be future communication with Utah Open Lands.

5.0 STAFF REPORTS

5.1 Short-Term Rental Fine and Follow-Up Discussion.

Mayor Weichers reported that the first Staff Report relates to the previous discussion on short-term rental fines. Mr. Tingey explained that this is an item that the Council asked to discuss in more detail. There was a brief conversation about the matter previously and at the retreat. He asked Community and Economic Development Director, Michael Johnson, and Police Chief, Robby Russo, to share some ideas. There will then be Council Member feedback received.

If the City Council is willing to entertain a change to the current ordinance, the recommendation would be that the City combine some of the standards in the current Short-Term Rental Ordinance and the current Accessory Dwelling Unit (“ADU”) Ordinance. Mr. Johnson reviewed the current Short-Term Rental Ordinance standards with the Council, which were as follows:

- Short-Term Rental: rented for fewer than 30 consecutive days;
- Allowed via Business License and Conditional Use Permit in areas zoned for multi-family development, containing at least eight units accessed via private roadway (and part of an established Homeowners Association);
- No owner occupancy requirements;
- No parking on public right-of-way;
- Posted license and contact information visible; 24/7 hotline;
- Operation of unlicensed short-term rental is punishable as a Class C misdemeanor upon conviction (each day represents a separate violation).

Most of the licenses that are issued each year are within three developments: Canyon Racquet Club Condominiums, Oaks at Wasatch Condominiums, and Canyon Place Condominiums. Council Member Holton asked if those areas were zoned that way from inception. Mr. Johnson clarified that those are zoned R-2-8 and the zoning was inherited. In the past, there was a limit on how many licenses could be issued, but that does not exist currently. Instead, it is based on whether a property is located in one of the qualifying areas. It was clarified that a Homeowners Association (“HOA”) could not allow a short-term rental if it was not zoned for that. Mr. Johnson confirmed that the City zoning requirements must be met.

Mr. Topham shared information about short-term rentals in 2008. There was a six-month process that included multiple public meetings. There was a lot of input received from the industry and residents. What is currently in place in the City is what was created during that process. Mr. Johnson reported that the vast number of units that the City has issues with are illegally operated.

Council Member Holton asked if someone is allowed to rent a single room as a short-term rental if the home is owner-occupied. Mr. Johnson denied this and reviewed ADU Ordinance standards:

- ADU: rental for more than 30 consecutive days;
- Allowed in all single-family zones;
- Owner occupancy required:
 - License must provide proof of primary occupancy (voter registration, vehicle registration, driver’s license, etc.);
 - Signed affidavit recorded, acknowledging owner occupancy requirements;
 - Licenses do not transfer to new owners.
- Business License and walkthrough inspection required (no Conditional Use Permit);
- One additional parking stall (non-tandem).

Mr. Johnson noted that there were previous concerns about the ADU Ordinance language, specifically that there would be a lot of applications received. However, that has not occurred. In terms of the licensing process, it is steady now but was slow when this was first adopted. Council Member Holton asked about the definition of a single family. Mr. Johnson explained that a family is defined as a group of people that are all related to each other in some way or up to four individuals that are not all related. Either one of those qualifies as a single family by definition.

Discussions were had about ADUs. Mr. Johnson acknowledged that there are illegal ADUs, but those typically do not generate the same amount of enforcement calls that the problematic short-term rentals do. However, when illegal ADUs are discovered, there is a pathway to compliance.

The previous direction received from the City Council was to explore options for consideration, acknowledging the difficulties related to enforcement. Mr. Johnson reported that it is not possible to use website listings alone as proof of an illegal short-term rental. Instead, evidence needs to be built and presented. As a result, there are some considerations for an updated ordinance:

- Expand allowance to single-family areas (similar to ADUs);
- Require annual license, regular inspections, potential Conditional Use Permit;
- Owner occupancy requirements if in single-family zones:
 - Impose the same verification standards as the ADU process (proof of residency, affidavit required for licensure).
- Require additional parking (two non-tandem stalls);
- Properties may not have both ADU or Short-Term Rental active at the same time;
- Post contact/license information;
- Copy of City’s Short-Term Rental regulations available to renters;
- Restate regulations for noise/quiet hours;
- Violations of unlicensed units – minimum \$600 daily penalty;
- License revocation process for non-compliance.

Council Members discussed parking requirements. Council Member Birrell did not like the idea that the driveway could not be counted. That limitation would make it unlikely that more modest homes would be able to have a short-term rental on the property. On the other hand, more affluent homes would likely have more space available. One reason to potentially allow for additional licenses is to accommodate those who are on tighter incomes. Mr. Johnson agreed that there will need to be further conversations about this matter. Mayor Weichers pointed out that there can be issues with vehicles parking on the streets during the winter months. Council Member Birrell clarified that she is not advocating for parking on the road to be counted, but for the driveway to be considered as counted parking spaces. Council Member Holton pointed out that tandem parking can create logistic issues and that will likely result in roadside parking instead.

Council Member Birrell shared an example scenario with the Council where the renters could utilize one half of the driveway and the owners could use the other side of the driveway. Mr. Johnson explained that the driveway could be used, but the tandem spots would not count as far as the parking requirements. Mr. Johnson noted that the City Council can discuss allowing tandem stalls to be counted or reducing the number of parking stalls required. What has been presented to the Council is only for consideration. Council Member Birrell believed that as long as the cars are not being parked on the road, it does not make sense to add more restrictions. Mayor Weichers explained that tandem parking induces people to park on the street. Council Member Birrell pointed out that this is an enforcement issue rather than a regulation issue. It was noted that there were previous discussions about parking in Logan, where it is not possible to park in the street overnight from November 15 to March 15 without a permit. That is something to consider.

Council Member Holton shared examples of ADUs near his home. One has a cutout where the vehicle is located, which is not an issue, but another uses the street for parking. Chief Russo explained that street parking is normally what triggers complaints from residents. Council Member Hyland noted that there might not always need to be a requirement for two parking spaces. For example, if it is a one-bedroom short-term rental, maybe only one space is necessary. Mr. Johnson thanked Council Members for the feedback and noted there could be future discussions.

Chief Russo expressed his approval for the proposed \$600 daily penalty. He pointed out that the current amount is not enough of a deterrent. In Brighton, the penalty amount is \$650. Council Member Holton asked whether any of the considerations listed were taken from ordinances in other cities. Mr. Johnson reported that the considerations took inspiration from the Cottonwood Heights ADU Ordinance as well as what is seen in other cities. Additional discussions were had about the parking requirements that were included in the considerations list. Mr. Johnson reported that for ADUs, the State made it clear that more than one additional stall cannot be required.

Council Member Hyland and Council Member Birrell attended an Association of Municipal Councils Meeting and ran into one of the City Council Members from Brighton. That Council Member provided a lot of information about how Brighton has addressed the non-compliance problems. They use a Granicus program so residents can report violations. That has been successful. Additionally, there has not been a legal challenge to their new ordinances since 2020. A grace period was given for compliance and then there was a license revocation process. There seem to be enough consequences in place that Brighton has been able to achieve more compliance. The Council Members further discussed the parking restrictions currently in place in Logan.

Mr. Johnson reviewed the next steps. This includes Council Member input and direction. He explained that there are several options for Council Members to consider moving forward:

- No change;
- Partial code updates (example: enforcement measures only);
- Proceed with the text amendment process:
 - Allows for public input at Planning Commission and City Council;
 - Does not require a formal decision to be made;
 - Whether adopted or not, this approach takes Staff time to complete.
- Pilot Program: adopt an ordinance to test impacts (anything approved during the pilot process is allowed in perpetuity, regardless of future changes).

Council Member Holton noted that one question is whether the Council wants the ordinance to remain as it is but allow the Police Department to focus on enforcement. He pointed out that some houses will not be conducive to short-term rentals. If there is a desire to make short-term rentals legal in those areas, the Council needs to think about what will be implemented to make sure safety issues are addressed. Council Member Hyland reported that long-term landlords do not tend to check in as often whereas short-term landlords need to do so more regularly.

It was noted that many Council Members feel for homeowners who need the extra income a short-term rental can provide. Council Member Holton completely understood the need to bring in additional income through rentals. He shared an example scenario with the Council. Council Member Newell pointed out that there is an aging population in the community that needs extra resources. Mayor Weichers thought this matter was worthy of a public comment period.

5.2 Tentative Budget for Fiscal Year 2024-2025.

Mr. Jurges shared information about the Tentative Budget for 2024-2025. He shared a summary of items that have changed since the adoption of the Tentative Budget on May 7, 2024:

- General Fund:
 - The City has now received the property tax increase and final rate. The increase calculated by the State Tax Commission is \$54,572, which is \$4,572 more than what was included. The final Certified Tax Rate is 0.001357;
 - Reduce the contribution to the Economic Development Corporation of Utah (“EDCU”) by \$5,000;
 - Add in a revenue and expense of \$72,185 for a grant with Salt Lake County Health Department to go to a Community Health Coalition;
 - Add \$10,000 for the Annexation Study that will be required, related to the unincorporated area around Creek Road.
- Storm Water Fund:
 - Increase the Storm Water Fee starting July 1, 2024, from \$7.50 to \$8.20 per Equivalent Residential Unit (“ERU”) per month. This will generate an additional \$130,414 in revenue to be utilized for stormwater system needs.
- Capital Projects Fund:
 - Increase the debt proceeds and expenses related to the purchase of vehicles by \$7,313 plus \$1,500 for the cost of an escrow account.

These changes would result in an additional revenue of \$76,757 and expense of \$67,185 in the General Fund, an increase in revenue and expense of \$130,414 in the Storm Water Fund, and an increase of \$8,813 in revenue and expense in the Capital Projects Fund. Mr. Jurges next reviewed a screenshot from the State Tax Commission website. It shows the 2023 Year End Final Tax Rate and the new Certified Tax Rate. The New Growth Revenue number was shown. Mr. Jurges explained that he needs to input the Proposed Tax Rate and Budgeted Revenue number.

5.3 Cyber Security Presentation.

Mr. Tingey noted that cyber security is an important issue. He has attended a number of City Manager meetings, and this is a serious challenge for cities. The intention is to be as prepared as possible. He expressed appreciation for the proactive work that has been done by Mr. Ervin.

Mr. Ervin shared a presentation titled, Fortifying Our Digital Footprint. He explained that the threats for cities and towns have increased dramatically over the last five years. Due to cities having smaller IT staffing, less funding, and having robust insurance, and a higher propensity to pay ransom, they have become prime targets. In 2023, the average number of weekly cyber-attacks on cities reached 1,772. It is not wise to lag private organizations when it comes to cybersecurity. He reported that there are several types of threats, which include the following:

- Phishing Attacks;
- Ransomware;

- Malware;
- SQL Injection;
- MitM (Man in the Middle);
- Zero-Day;
- Advanced Persistence;
- Credential Stuffing;
- Social Engineering;
- Site Scraping;
- Drive-By Downloads;
- IoT Device Exploits;
- External Media Transfer.

Mr. Ervin reviewed the role of SIEM and SOC in cybersecurity, which is as follows:

- SIEM: Security Information and Events Management System.
 - Uses sandboxed AI to collect, aggregate, and analyze log data from many sources to provide information and automated response to cyber threats.
- SOC: Security Operation Center.
 - In-house or contracted staff who monitor and analyze data provided by the SIEM. Usually staffed 24/7 to ensure there is no lapse in response to a critical event.
- Cottonwood Heights currently utilizes Adlumin as the SIEM/SOC.

A breakdown of the events for the month of May was shared. Mr. Ervin reported that there were 716,056,543 events, 71 total alerts, 71 cleared alerts, 24 review requests, 20 high alerts, five critical alerts, and zero incidents declared. He shared a pie chart to illustrate the escalations by detection type. Some security best practices were reviewed with the Council, which included the following:

- Security Awareness Training for all Staff;
- Strong Access Controls;
- Prompt Patching of Devices and Software;
- Backup of Critical Data;
- Restricted and Monitored Administrative Privileges;
- Effective Endpoint Protection;
- Continuous Network Monitoring.

Though the above items are done well in the City, there are some potential areas of improvement:

- Maintain Up-to-Date Physical Infrastructure:
 - Most of the equipment purchased with bonds for the building, is approaching nine years old. Some of this physical IT infrastructure is no longer patchable or supported by vendors.
- Encrypt Data at Rest:
 - Encrypting data makes it significantly harder for attackers to use if compromised, reducing the risk of unauthorized access to employee or citizen information.

- Establish a Secondary Site for Quick Recovery:
 - While the city backs up data effectively, we lack secondary hardware for immediate restoration if primary hardware fails. This need became evident after recent attacks on other local cities. Starting in 2024, having a secondary site will also be mandatory for the Police Department systems and CJIS compliance.
- Treat Phones Like Computers:
 - In 2023, there was a notable increase in mobile device compromises. Implementing mobile device management (“MDM”) systems and segregating work from personal use will become standard practice across all sectors in the coming years.
- Embrace New Technologies:
 - As advancements like AI emerge, it is crucial to develop sound policies for their use. There is currently collaboration with HR to address this and other policies for emerging technologies.

Mr. Ervin shared some case studies from 2023 that are driving some of the industry changes. One example is the IOS SMS No-Click Vulnerability. He explained that there is no user interaction needed and the phone is compromised. It is important to continue to update cell phones when new updates are released. According to an estimate from Apple, approximately 25% of devices in the United States are not patched. As a result, one in four devices are vulnerable to this type of attack. Mr. Ervin reported that there was recently training done on Zoom Credential Stuffing. Having different credentials is beneficial for all members of City Staff. Mr. Ervin shared information about cyber-attacks by industry. It outlined the number of attacks each week in different industries. The highest number of attacks occur in education and research, government and military, then State and local government. After that is healthcare, banking and financial services, and retail.

Mayor Weichers expressed appreciation for all the work that Mr. Ervin has done to protect the City. He is grateful for the proactive approach that has been taken. It was noted that multiple cities in Utah have been attacked and have paid ransoms. The work done by Mr. Ervin is very important.

Mr. Ervin shared information about what is required for the Utah Government Trust. Mr. Ervin explained that the Utah Government Trust provides insurance through a contract with a company called Beasley. Every six to 12 months, there is a conversation with the company to discuss the trends. To receive the best pricing, there are some requirements. An audit will be performed and reviewed each year. There is a desire to see continuous patching and that the devices are being secured. That process is important because it can save the City some money.

6.0 REVIEW OF CALENDAR AND UPCOMING EVENTS.

6.1 Art Exhibit at City Hall: June 3-30: Miguel Alejandro Pabon.

6.2 Cottonwood Heights Arts Council Play: *Beauty and the Beast*, July 12, 13, 15, 18-20, Performances at 7:00 p.m. and 2:00 p.m. Matinees, at Butler Middle School.

6.3 Butlerville Days – July 25th, 26th and 27th at Butler Park.

6.4 Bark in the Park at Mountview Park on August 24th from 9:30 a.m. to 11:30 a.m.

The calendar items were reviewed and discussed.

7.0 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 Newell moved to go into a Closed Meeting to Discuss the Character and Professional Competence or Physical or Mental Health of an Individual. The motion was seconded by Council Member Holton. The motion passed with the unanimous consent of the Council.

The City Council was in a Closed Meeting from 5:55 to 6:59 p.m.

8.0 ADJOURN CITY COUNCIL WORK SESSION.

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

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

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL BUSINESS MEETING
HELD TUESDAY, JUNE 18, 2024, AT 7:00 PM IN THE COTTONWOOD HEIGHTS CITY
COUNCIL CHAMBERS LOCATED AT 2277 EAST BENGAL BOULEVARD,
COTTONWOOD HEIGHTS, UTAH**

Members Present: Mayor Mike Weichers, Council Member Shawn Newell, Council Member Suzanne Hyland, Council Member Matt Holton, Council Member Ellen Birrell

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

1.0 WELCOME

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

2.0 PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Birrell.

3.0 CITY COUNCIL COMMITTEE REPORTS

3.1 Committee Reports by Council Member Matt Holton.

Council Member Holton shared updates with the City Council. He reported that there was a presentation during the Work Session from Pam Roberts with the Wasatch Front Waste and Recycling District. She shared information about trash, recycling, glass, and green waste services. Ms. Roberts mentioned National Waste and Recycling Worker's Week and suggested that residents leave out a bottle of water or a note to express appreciation for the workers at that time.

Council Member Holton reported that there will be improved in-person passport services in Utah. Both in-person and emergency passport services will be available to those living in significant population centers that are more than a five-hour drive from an existing passport agency. Council Member Holton pointed out that it would be nice to have that resource nearby for residents.

3.2 Committee Reports by Council Member Suzanne Hyland.

Council Member Hyland stated that the most important task before the City Council currently is hiring a new City Manager. She thanked the City Manager, Tim Tingey, for his professionalism and service to the City. He will be moving on and his last day is on Friday. Council Member Hyland noted that she is a newer Council Member and he met with her while she was running and

ensured that she had the tools and training after she was elected. She appreciated all he has done to assist.

Council Member Hyland reported that she is on the Events Committee and the Butlerville Days preparations are in full swing. There have been discussions about garbage can placement and barricade placement. A lot of thought goes into the details of the event. During the Butlerville Days event, there will be a carnival, live entertainment, fireworks, a drone show, a car show, and a pickleball tournament. Registration for the tournament is now open. The tournament will run from July 16 through July 26. Council Member Hyland informed those present that the ice rink will open back up on July 8. She recently met with Emergency Management. Since the last two years have had so much water, there has been a lot of growth. When all of that dries out in the warm weather, it will be tinder for fires. The restricted areas for fireworks have not been increased, but she asked that residents be aware of the conditions and mindful of the choices made.

Council Member Hyland invited residents to see the Cottonwood Heights Amateur Radio Club at the nationwide competition on the weekend from Saturday at 12:00 p.m. to Sunday at 12:00 p.m. She explained that this will be the lifeline if cell phones do not work for communication. The Cottonwood Heights Amateur Radio Club usually wins this competition.

3.3 Committee Reports by Council Member Shawn Newell.

Council Member Newell reported that one of the committees he sits on is the Canyon School Foundation. The foundation is currently helping to solicit young people to join the Peer Court. He clarified that the Peer Court is where students are able to adjudicate cases that are happening on their campuses. The volunteers for this program receive school credit. Volunteers either do 32 or 72 hours of service on Wednesday nights. It is a phenomenal program for the participants.

Council Member Newell also serves on the Arts Council. He reported that the Beauty and the Beast play will take place in July, and he hopes residents will attend. Those interested in assisting with the play can volunteer to paint the sets. He also serves on the South Valley Chamber Board. To date, Cottonwood Heights has 38 businesses that have joined the South Valley Chamber. It is an excellent opportunity for local businesses to network and gain additional resources. Council Member Newell took time to express his appreciation for Mr. Tingey. He has been an inspiration and has also helped him to grow as an individual. He reiterated his gratitude for all of his work.

3.4 Committee Reports by Council Member Ellen Birrell.

Council Member Birrell stated that in the two and a half years that she has served Cottonwood Heights, she has often heard compliments about Mr. Tingey. He is highly regarded in the community. This speaks volumes to his dedication and professionalism. Council Member Birrell reported that she is thrilled with the new Youth City Council Mayor, who is a bright and talented student from Brighton High School. She is currently traveling to share an auditory performance. She has been invited to attend a City Council Meeting in August and will be introduced then.

Council Member Birrell traveled to southern California in the month of May to audit a program that is done through the Newport Beach Foundation, called the Distinguished Citizen Program.

There is an opportunity to be trained in government. For instance, how it is organized and how things are organized. It was a fascinating experience, and she is in the process of writing out some of the best practices that she learned about during those trips. Additionally, she participates in the Association of Municipal Councils, which brings together Council Members from cities in Salt Lake County. There are a number of best practices that she will bring forward to the Council.

Council Member Birrell participated in the June 8, 2024, Utah Recycling Alliance event in Cottonwood Heights. The event was for difficult-to-recycle items. That is something that will help everyone in the community and she hopes it will become a semi-annual event. Council Member Birrell reported that there will likely not be a reinstatement of bus route 953, which has historically serviced skiers who come from the north. She understands that Utah Transit Authority (“UTA”) is trying to privatize a shuttling arrangement, but she is disappointed about the route.

The Parks, Trails and Open Space Committee is doing well. Council Member Birrell is the liaison to that committee and praised the three members who will be reappointed to the committee later in the meeting. During the Work Session, a representative from Utah Open Lands shared information about the Transit to Trails program and the desire to expand that to include the Wasatch Front as well. Council Member Birrell looks forward to residents reading the article she wrote for the July newsletter. She wants the City to become an example of the best sustainability practices.

3.5 Committee Reports by Mayor Mike Weichers.

Mayor Weichers echoed the comments shared about Mr. Tingey. He will be missed by everyone in Cottonwood Heights, especially City Staff and the City Council. Mr. Tingey is someone that he considers to be a close friend. Mayor Weichers shared information about the Hillside Plaza Advisory Committee. The Committee has been working with a consultant to come up with plans for the Hillside Plaza redevelopment. It has been a long process and there have been some ups and downs so far because everyone has strong opinions. However, last week, he asked the Committee Members to come in and meet for two hours a day for three days. For those six hours, everyone came together to work through some issues. A few concepts were ultimately determined.

4.0 CITIZEN COMMENTS

Mayor Weichers opened the Citizen Comment period.

Brian Prince gave his address as 2921 East Denmark Drive. He expressed frustration and concern with the Stormwater Improvement Project on Creek Road. While he is appreciative of the investment, the traffic has been rerouted to a minor collector road. During the summer months, with well over a dozen children on those local roads, traffic has been rerouted through neighborhoods. Mr. Prince asked whether there is an indication about when Creek Road will reopen, and the traffic will be removed from the neighborhoods. The traffic levels are excessive, and the local roads are not designed to handle that traffic level. He asked to speak to a member of City Staff. Mayor Weichers reported that a member of City Staff will reach out to him shortly.

Runar Boman noted that at the June 4, 2024, City Council Work Session, there was a discussion about the ongoing progress on the Hillside Plaza project. There was discussion about retaining ownership of that property through a land lease program. The idea was to earn a return on that property to offset the bond payments that are being incurred. He likes the idea and believes it is a viable strategy, but that means the challenge of making that property viable in terms of return becomes more significant. If the City owns the property, then the return needs to be considered. Mr. Boman explained that he has considered what the property could be. He thought about the future of Olympus and what a boom that will be for the economy. If it is possible to capture some of those dollars, that should be prioritized. For example, there could be an extended-stay hotel.

Lynn Krauss shared a comment about the political endorsements she has been seeing a lot of lately by Cottonwood Heights officials. While she couldn't find anything that explicitly prohibits this activity, the optics of it are not good. These endorsements introduce a level of partisan politics into the City when Cottonwood Heights is supposed to focus on local, nonpartisan politics. The public expects elected officials to behave according to higher standards than the average person on the street. There are times when those in elected offices should limit their individual freedoms to better serve the greater good of the community. Sitting elected officials would better serve the community by refraining from making public declarations for or against candidates, whether it be City, County, State, or National level positions. To act otherwise undermines public confidence and trust in local government. The City Council and Mayor were elected to represent all members of the community and not to use their position to increase their own political power. Though free speech rights are important, there are times when it makes sense to limit individual freedoms to support the greater good. Multiple people have reached out to her expressing concerns about this.

Nancy Hardy shared comments about the Old Mill. It was declared a historic site by the Daughters of Utah Pioneers in 1966 and listed on the National Register of Historic Place in 1971. The more she learns about the Old Mill, the more it is clear that it needs to be saved. There are photos of the Old Mill that have been hanging in City Hall and have been shown on the Cottonwood Heights website. It was designed by Henry Grow and his family is interested in preserving the Old Mill. Ms. Hardy asked whether Cottonwood Heights has a responsibility to preserve the Old Mill since it is within the City limits. She wants to know what City Staff have done to try to save the Old Mill. It seems that most residents want it to be saved and preserved. She suggested that City Staff reach out to local organizations to see if there is interest in assisting with any preservation efforts.

The City Attorney, Shane Topham, took a moment to thank Mr. Tingey for the work he has done for the City. Mr. Tingey is talented and a committed public servant who has bettered the community.

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

5.0 PUBLIC HEARINGS

5.1 Proposed Budget Amendment for 2023-2024 Fiscal Year – Administrative and Financial Services Director, Scott Jorges.

Administrative and Financial Services Director, Scott Jurgens, shared information about the proposed budget amendment for the 2023-2024 Fiscal Year. He noted that there was a discussion about the amendments at the last City Council Meeting. The amendments relate to overtime for the Police Department. The \$164 listed in the document is a restitution reimbursement.

Mayor Weichers opened the public hearing. There were no comments. The hearing was closed.

6.0 ACTION ITEMS

6.1 Consideration of Ordinance 417 - Adopting an Amended Budget for July 1, 2023, through June 30, 2024.

MOTION: Council Member Holton moved to APPROVE Ordinance 417 – Adopting an Amended Budget for July 1, 2023, through June 30, 2024. The motion was seconded by Council Member Newell. Vote on Motion: Council Member Holton-Aye; Council Member Hyland-Aye; Council Member Newell-Aye; Council Member Birrell-Aye; Mayor Weichers-Aye. The motion passed with the unanimous consent of the Council.

6.2 Consideration of Ordinance 418 - Approving a Final Budget for July 1, 2024, through June 30, 2024.

Mayor Weichers reported that the item was discussed during the Work Meeting.

MOTION: Council Member Hyland moved to APPROVE Ordinance 418 – Approving a Final Budget for July 1, 2024, through June 30, 2024. The motion was seconded by Council Member Holton. Vote on Motion: Council Member Holton-Aye; Council Member Hyland-Aye; Council Member Newell-Aye; Council Member Birrell-Aye; Mayor Weichers-Aye. The motion passed with the unanimous consent of the Council.

6.3 Consideration of Resolution 2024-40 - Adopting a Privacy Space Compliance Plan.

Mayor Weichers reported that the item was discussed during the Work Meeting. Council Member Birrell reported that transgender people are four times more likely to experience violence. Studies show that half will be sexually abused at some point in their lives. If there is a desire to protect women, there should be a focus on the lewdness and loitering laws, not laws that police the genitals of others. The Utah Auditor’s Office has said they will not be investigating these inquiries.

MOTION: Council Member Holton moved to APPROVE Resolution 2024-40 – Adopting a Privacy Space Compliance Plan. The motion was seconded by Council Member Hyland. Vote on Motion: Council Member Holton-Aye; Council Member Hyland-Aye; Council Member Newell-Aye; Council Member Birrell-Aye; Mayor Weichers-Aye. The motion passed with the unanimous consent of the Council.

6.4 Consideration of Resolution 2024-41 - Approving an Agreement with LRB Public Finance Advisors for Arbitrage Analysis and Compliance Reporting.

Mayor Weichers reported that the item was discussed during the Work Meeting.

MOTION: Council Member Newell moved to APPROVE Resolution 2024-41 – Approving an Agreement with LRB Public Finance Advisors for Arbitrage Analysis and Compliance Reporting. The motion was seconded by Council Member Holton. Vote on Motion: Council Member Holton-Aye; Council Member Hyland-Aye; Council Member Newell-Aye; Council Member Birrell-Aye; Mayor Weichers-Aye. The motion passed with the unanimous consent of the Council.

6.5 Consideration of Resolution 2024-42 - Approving an Amendment to a Consulting Agreement with Civil Science, Inc.

Mayor Weichers reported that the item was discussed during the Work Meeting. Council Member Hyland noted that she read the contract and the amendment and has come to understand that this is already a budgeted item. She appreciates that the City invests in continuous sidewalks.

MOTION: Council Member Hyland moved to APPROVE Resolution 2024-42 – Approving an Amendment to a Consulting Agreement with Civil Science, Inc. The motion was seconded by Council Member Newell. Vote on Motion: Council Member Holton-Aye; Council Member Hyland-Aye; Council Member Newell-Aye; Council Member Birrell-Aye; Mayor Weichers-Aye. The motion passed with the unanimous consent of the Council.

6.6 Consideration of Resolution 2024-43 - Consenting to Reappointments to the Parks, Trails, and Open Space Advisory Committee.

Mr. Tingey shared information about reappointments to the Parks, Trails, and Open Space Advisory Committee. Zachery Geiger, Jennifer Follstad Shah, and Chelsea Voss have been serving on the Committee for several years and have been very involved in the work. He recommended that these members be reappointed to the Committee for three-year terms. Council Member Birrell thanked the Committee Members for their years of service already. She also encouraged other members of the community to apply for the Committee.

MOTION: Council Member Birrell moved to APPROVE Resolution 2024-43 – Consenting to Reappointments to the Parks, Trails, and Open Space Advisory Committee. The motion was seconded by Council Member Hyland. Vote on Motion: Council Member Holton-Aye; Council Member Hyland-Aye; Council Member Newell-Aye; Council Member Birrell-Aye; Mayor Weichers-Aye. The motion passed with the unanimous consent of the Council.

6.7 Consideration of Resolution 2024-44 - Appointing an Interim City Manager.

Mayor Weichers reported that the item was discussed during the Work Meeting. Mr. Tingey explained that the recommendation is for Mr. Jorges to serve as the Interim City Manager.

MOTION: Council Member Newell moved to APPROVE Resolution 2024-44 – Appointing an Interim City Manager. The motion was seconded by Council Member Birrell. Vote on Motion: Council Member Holton-Aye; Council Member Hyland-Aye; Council Member Newell-Aye; Council Member Birrell-Aye; Mayor Weichers-Aye. The motion passed with the unanimous consent of the Council.

6.8 Consideration of Resolution 2024-45 - Approving a Consulting Agreement with Tim Tingey.

Mayor Weichers reported that the item was discussed during the Work Meeting.

MOTION: Council Member Holton moved to APPROVE Resolution 2024-45 – Appointing a Consulting Agreement with Tim Tingey. The motion was seconded by Council Member Birrell. Vote on Motion: Council Member Holton-Aye; Council Member Hyland-Aye; Council Member Newell-Aye; Council Member Birrell-Aye; Mayor Weichers-Aye. The motion passed with the unanimous consent of the Council.

Mr. Tingey expressed his appreciation for the residents, City Staff, City Council, and the Mayor. It has been an honor to serve and be part of this community. He tried hard to benefit the City. Mr. Tingey praised the efforts of City Staff and explained that he will miss working with them. The Department Heads are wonderful, and it has been a privilege to work alongside them. He admires the dedication and diligence of the Council Members and the Mayor and wishes everyone the best.

7.0 CONSENT CALENDAR

7.1 Approval of the Minutes of the City Council Work Session, CDRA Business Meeting, and City Council Business Meeting Minutes of June 4, 2024.

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

8.0 ADJOURN CITY COUNCIL BUSINESS MEETING.

MOTION: Council Member Hyland moved to ADJOURN the Business Meeting, move back into a Work Session, and move into a Closed Meeting for the Purpose of Discussing the Character or Professional Competence or Physical or Mental Health of an Individual. The motion was seconded by Council Member Holton. The motion passed with the unanimous consent of the Council.

The City Council Meeting adjourned at 7:51 p.m.

I hereby certify that the foregoing represents a true, accurate, and complete record of the Cottonwood Heights City Council Work Session and City Council Business Meeting held Tuesday, June 18, 2024.

Teri Forbes

Teri Forbes
T Forbes Group
Minutes Secretary

Minutes Approved: July 2nd, 2024.