

**CITY COUNCIL MEETING**  
Tuesday, January 21, 2020 7:00 p.m.  
Community Recreation Center  
10640 N Clubhouse Drive, Cedar Hills, Utah

Present: Jenney Rees, Mayor, Presiding  
Councilmembers: Denise Andersen, Ben Ellsworth, Mike Geddes, Brian Miller  
Absent/Excused: Kelly Smith  
Chandler Goodwin, City Manager  
Charl Louw, Finance Director  
Greg Gordon, Recreation Director  
Jeff Maag, Public Works Director  
Hyrum Bosserman, City Attorney  
Colleen Mulvey, City Recorder  
Others: Lt. Josh Christensen

1. Call to Order

This meeting of the City Council of the City of Cedar Hills, having been properly noticed, was called to order at 7:09 p.m. by Mayor Rees. The Pledge of Allegiance was led by C. Andersen and the invocation was given by C. Miller.

2. Approval of Meeting's Agenda.

**MOTION: C. Ellsworth—To approve the agenda.** Seconded by C. Miller.

Yes	-	C. Andersen	
		C. Ellsworth	
		C. Geddes	
		C. Miller	Motion passes.

3. Public Comment: Time has been set aside for the public to express their ideas, concerns and comments. Comments are limited to three minutes per person with a total of 30 minutes for this item.

There were no comments.

**CONSENT AGENDA**

4. Appointment of Will Frazier, Rob Blake and Melissa Willie to the Family Festival Citizens Advisory Committee.

**MOTION: C. Andersen—To approve the consent agenda.** Seconded by C. Geddes.

Yes	-	C. Andersen	
		C. Ellsworth	
		C. Geddes	
		C. Miller	Motion passes.

## CITY REPORTS AND BUSINESS

### 5. City Manager

Mr. Goodwin reported that the executive staff budget retreat was this Friday. The Council would hold its retreat on February 8<sup>th</sup>. Secondly, he congratulated the finance department for receiving the GFOA Distinguished Budget Presentation Award.

### 6. Mayor and Council

Mayor Rees said those of the Council who went to the last ULCT meeting saw that there was a presentation about the Communities that Care Program. This was run by volunteers within the City; it looked to implement things that could reduce smoking, suicide rates, and other various issues. American Fork was getting its program up and going which was overseen by the Police Department. The City was invited to join, and if they decided to move forward with this, they would reach out to other members of the community who they felt would work well with the community on this matter. They were waiting to hear from Mr. Bunker about the cost and they would discuss the details later.

She also sat on the Regional Growth Committee in Salt Lake and they had put together a new 2050 transportation plan. This was a plan that communicated across cities in Utah. There was also a road map for air quality improvements in place.

Technical Advisory Committee (TAC) listed proposed projects, and the City was working with Pleasant Grove on getting funding for Swen Monson Lane. It was listed as #10 on project list with MAG.

Mayor Rees reported on having attended another meeting on tobacco policies. The proposed bill stated that anyone who sold flavored tobacco would have to be considered a specialty retail tobacco business. This would be hard for them because they had zoned those out but did not want to zone out Walmart etc. She would coordinate as that moved forward.

### 7. Review/Action and Public Hearing on possible adjustments to the Water and Sewer Fund and the Capital Projects Fund

Charl Louw explained that there were two outstanding utility revenue bonds that were callable. Both could be paid off for about \$500,000 in unrestricted funding but one from 2007 had \$1.1 million outstanding and had allowed for restricted money to be used to pay it off. That one would have a great impact on improving debt service coverage and cash flow for the City. He made a recommendation to pay off the 2007 bond early.

Mayor Rees asked to be reminded how many years early this would be paid off. Mr. Louw said it would be paid off eight years early.

Mr. Goodwin said according to the City's bond covenant, they had to maintain a 1.25 ration and traditionally they were between 1.3 or 1.35. This year they were a bit tighter at a 1.26. Paying off

the bond allowed the City to bump their ration back up to about 1.5 which made their water sewer fund healthier. It gave the City more options when mandating new State laws.

C. Geddes asked if there was a downside to paying it off early to which Mr. Louw said no. If they were to get down to their reserves, he liked to have at least two months of revenue in reserve.

Mr. Goodwin added that the City had a healthy balance which was good. They did not have any major projects coming up. He did not see a downside to this.

Mr. Louw explained that the other part of this item related to wrapping up the Harvey Park project so it could be opened. Residents asked for a sound barrier, for which he had provided some pricing. A fence on the whole north side was about \$14,000 plus from Public Works funding. C. Geddes asked if the City would install this fence. Mr. Louw said yes, it would be installed by Public Works.

C. Andersen said the opacity of the black fencing bothered her. Mr. Louw said from the street a person probably could not really see through it anyway. They could start on one side and then see what happened. C. Andersen was thinking about mischief. Mr. Louw said they did not have to install the fence in the exact way it was being presented to the Council. C. Geddes suggested just doing the northern boundary first.

Mr. Goodwin stated they needed to find a solution that was balanced. He felt that putting a fence just on the north side to alleviate the noise as best they could while not creating an environment that created too much mischief would be ideal. He personally was not concerned about the direction of the noise east and west of the park.

C. Geddes did not see it as an issue. C. Andersen said if they were not adding fencing on the sides, she thought it would be best to use green colored fencing. There was further discussion on the matter.

Mayor Rees said she was impressed with Harvey Park coming in under budget.

#### Public Hearing

There were no public comments.

**MOTION: C. Ellsworth—To approve Resolution No. 01-21-2020A, a resolution adopting the amended 2019-2020 Fiscal Year budget for the City of Cedar Hills.** Seconded by C. Andersen.

Yes - C. Andersen  
C. Ellsworth  
C. Geddes  
C. Miller Motion passes.

8. Review/Action on a Resolution Authorizing the Mayor to Execute a Cooperative Agreement between the State of Utah Division of Forestry, Fire and State Lands regarding Wildfire Management.

Mr. Goodwin said the American Fork Fire Department had worked to prepare this agreement for the City's approval. It would make the City take on annual paperwork that would serve as qualifier mitigation. They had a community wildfire group, and in the event, there was a wildfire on the hillside, they were to initially attack the fire. Bringing in the planes to dump water on fires was the most expensive part (covered by the State). The commitment was about \$4,000 a year. There was no need to budget adjust for this.

C. Miller clarified that this commitment was for five years. Mr. Goodwin stated that this was correct.

**MOTION: C. Andersen—To approve Resolution No. 01-21-2020B, a resolution authorizing the Mayor to execute a cooperative agreement with the State of Utah Division of Forestry, Fire and State Lands regarding wildfire management.** Seconded by C. Geddes.

Yes - C. Andersen  
C. Ellsworth  
C. Geddes  
C. Miller Motion passes.

9. Review/Action on Alcohol Events at the Vista Room.

Mr. Goodwin said that previous direction from Council was to discontinue allowing alcohol events in this room. They wanted to get a Council vote on the matter. The ramifications in budget for this would be a revenue loss of about \$5,000. A contract would be presented later.

C. Ellsworth asked if they could start banning it that day, to which the answer was no; a contract was needed. Mr. Goodwin noted that one was sent to an attorney for review earlier that day.

**MOTION: C. Ellsworth—To direct Cedar Hills staff to modify the Vista Room contract and any supplemental agreements to no longer permit any form of alcohol to be consumed on premise as part of an event, pending attorney approval of the contract.** Seconded by C. Andersen.

Yes - C. Andersen  
C. Ellsworth  
C. Geddes  
C. Miller Motion passes.

*Items #10 and #11 were discussed together.*

10. Review/Action on Amendments to the Planning Commission Bylaws.

11. Review/Action on an Ordinance Amending Title 9, Chapter 1, Article B of the City Code related to the Planning Commission.

Mayor Rees stated that she condoned the resolutions in City code for all the boards, and the Planning Commission, she recognized that there were other committees that were not quite following what their rules said. Not being up to date with current land use legislation put them at

a disadvantage and cost them a lot of money. She worked closely with Mr. Goodwin on this so that when bills were passed in State legislature, they put together an action plan for adherence to the new laws. Land use was becoming more of an issue all the time. Something important for them was to get their general plan updated. There were several sections that had not been updated in a long time. Mr. Goodwin said several sections needed to be thrown out and others needed to be updated.

Mayor Rees wanted to make sure that the City Council was staying on top of those issues. On the Planning Commission there were a few things to discuss: 1) The Planning Commission was a different group in that they had been able to elect their own chair and vice chair every year where in all of the other committees, the chair and vice chair were appointed by the mayor with advising consent of the Council. She wanted the Council to consider making this consistent across the board or asked if they would like to keep the Planning Commission's ability to appoint their own chair. She wanted to update their bylaws to have a requirement that said the chair was required to participate 80% of the time. The Planning Commission did a great job and it was a hard committee to be on. She thanked them for all they did, but they were struggling to have people to fill vacancies. She also wanted to look at paying chair a little more than per meeting rate, because they would work more to get those plans done. They only meet once a month and it has been a challenging to move in the direction of updating the general plan.

Mr. Goodwin said he has worked with the Planning Commission for eight years. He believed that the Planning Commission liked picking its own chair and having autonomy. He leaned towards letting them keep the selection of their own chair and agreed with Mayor Rees that they needed to make the chair accountable to be at 80% of meetings. There was further discussion on the Planning Commission's autonomy as a group.

Mayor Rees said that per code, there would be five regular members, three alternates and one City Council representative. They changed this a few years ago because they had a dedicated Councilmember who liked to give a lot of feedback to the Planning Commission which caused some issues. There were concerns with the legal team that the councilmember was not supposed to be involved at the level at which they were. Therefore, it was noted that a Councilmember was only there to listen at the Planning Commission meetings.

Mr. Goodwin said the Planning Commission members felt that it encroached on their autonomy, but the legal concern was that if a Planning Commission decision was not liked by the applicant, then the appeal was to the City Council. So legally they felt the appeal authority was influencing the decision which was problematic. The Councilmember there really could not be part of the Planning Commission discussion; understanding what the roles were was very important.

C. Andersen asked what the repercussions were if the Planning Commission chair did not attend all 80% of the meetings. Mayor Rees said part of the change to the bylaws would be that the Commission would need to meet again. It could also go to the vice-chair and that they had to attend 80% of the meetings.

C. Geddes was not sure pay was a significant factor. Mayor Rees said they were trying to get new people to come on. It was challenging; therefore, financing may help.

C. Miller would support the attendance requirement with specific repercussions. Mr. Goodwin said there was an attendance requirement for each member in the bylaws.

C. Miller added that the attendance requirement should be prescribed specifically over this time span and if they were not fulfilling that requirement then it fell to the vice chair. He thought that by consolidating the ability of appointing the chair to the Mayor, he could foresee some political relationships where people could be appointed for reasons other than being the most qualified or being the best for the job. He said he didn't think that would happen with this Council, but he could foresee something like that might happen in the future.

Mr. Goodwin said bylaws did state that failure to attend regularly would lead to a possible forcible resignation.

Mayor Rees added that the bylaws gave authority to the chair to make that call. For this reason, she was recommending that the Council just appoint a person who would attend.

Mr. Goodwin clarified that the proposal they had before them was the Mayor making the appointment of the chair. If they wanted to go in another direction, then this action should be tabled. C. Geddes suggested talking to the Planning Commission next week about it. There was continued deliberation on an appropriate action to take on this item at that point in time.

**MOTION: C. Andersen—To table items #10 and #11.** Seconded by C. Ellsworth.

Yes	-	C. Andersen	
		C. Ellsworth	
		C. Geddes	
		C. Miller	Motion passes.

12. Discussion on an Interlocal Cooperative Agreement with Lighthub Communications Agency.

Mr. Goodwin said the City was discussing options with regards to fiber. They heard a presentation from Utopia, and it was an interesting perspective considering Cedar Hills was a founding member. They got a basic understanding of what Utopia was from the presentation. The other option in motion was Lighthub which currently consisted of American Fork City. They had an interlocal cooperative agreement. They had asked Cedar Hills to join as non-pledging member which was similar to Utopia. The challenge here was that the Utopia agreement really spelled out what it was, and in this version of the Lighthub agreement it was not as clear as to what a non-pledging member was or was not. He discussed this for a while with American Fork and came up with a sixty-day notice for leaving the agreement. In this case it was one year. He noted that Mayor Rees's concerns were relayed to Lighthub.

Mayor Rees said there were two versions and the one passed by American Fork that they were now asking Cedar Hills to consider did not have a definition for non-contributing members at all. This made her hesitant to sign anything where there was no explicit discussion of what a non-pledging member would be. It also discussed annual dues they would pay, and as a non-pledging

member they would not be open to paying any dues. She had the understanding from American Fork that they could no longer do version two, but without those changes she could not see that it made sense for the City especially because there was no discussion with non-pledging members.

Mayor Goodwin said it had to work for them and he was happy to sit down with American Fork and go through this and explain their reservation and understand how this would work with Cedar Hills. He saw the importance of fiber in City infrastructure and felt that Cedar Hills would be a great candidate for fiber. Their current internet options are terrible, and they needed to do this right.

Mayor Rees did not necessarily have concerns with being a non-pledging member, but in that version of the agreement this was not an option.

C. Ellsworth asked why the City would go with Utopia over Lighthub or vice versa. Mr. Goodwin said it depended on how they wanted to run their fiber. If they turn it over to Utopia, really the revenues went to Utopia. With Lighthub it was called a utility model, so everyone had a stake in it and the fee went on the utility bill. It was the first item on a utility bill, which meant that when you had a debt service that paid this bill, that was the first item that got paid, so that that the bond got paid before everything else. It became the City's infrastructure.

Mayor Rees clarified that American Fork was looking at moving away from the utility model to a subscription model, so it was only the people who signed up that actually paid for it. The other difference was that if a person owned their own infrastructure, the City would keep more money than Utopia. American Fork was also bigger than Cedar Hills, so this looked financially different.

C. Andersen asked if they had to bond. Mr. Goodwin said Lighthub bonded for it and it was the City's obligation to pay that bond.

Mayor Rees said this was not a voting item; it was discussion only so they would table it and wait for more information.

**13. Motion: C. Andersen - To go into Closed Session Pursuant to Utah State Code 52-4-205(1) (e) to discuss the Sale of Real Property, closed session held in the Community Recreation Center.** Seconded by C. Geddes. Vote taken by roll call. (8:08 p.m.)

Yes - C. Andersen  
C. Ellsworth  
C. Geddes  
C. Miller Motion passes.

**Motion: C. Ellsworth - To adjourn the Closed Session and reconvene the Council Meeting.**

Seconded by C. Miller. (8:19 p.m.)

Yes - C. Andersen  
C. Ellsworth  
C. Geddes  
C. Miller Motion passes.

ADJOURNMENT

This meeting was adjourned 8:20 p.m. on a motion by C. Geddes, seconded by C. Ellsworth, and unanimously approved.

Approved by Council:  
March 3, 2020

/s/ Colleen A. Mulvey, MMC  
City Recorder