

CITY COUNCIL MEETING
Tuesday, February 4, 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,
Kelly Smith
Chandler Goodwin, City Manager
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 7:02 p.m. by Mayor Rees. The Pledge of Allegiance was led by Mayor Rees and the invocation was given by C. Smith.

2. Approval of Meeting's Agenda.

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

Yes	-	C. Andersen	
		C. Ellsworth	
		C. Geddes	
		C. Miller	
		C. Smith	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 public comments.

CITY REPORTS AND BUSINESS

4. City Manager

Mr. Goodwin reported on the following: 1) Ski bus had started on Saturday evenings; 2) the Junior Jazz Program was well under way with 1,068 participants; 3) Tot soccer and other youth programs were now open for registration; 4) A chemistry 101 class on Tuesday nights was going on until early March; 5) the golf course was getting a new fleet of golf carts delivered this month; and 6) staff was still seeing a lot of on-street parking during snow events. Mr. Goodwin stated that tickets would be issued for on-street parking this year.

5. Mayor and Council

C. Smith reported having attended the ULCT Local Officials Day at the Capital. It was a great opportunity to learn more about local legislation.

Mayor Rees reported having attended a suicide prevention meeting. This was the first meeting wherein they reviewed data and statistics for the State and various age groups. The group would be developing intervention strategies.

Mayor Rees also reported on a recent legislative policy committee meeting, where there was discussion on pending bills that impacted cities. She noted that there had been some talk about prohibiting cities from having specific design guidelines on buildings. The legislature was also discussing the assessment of impact fees. It was being proposed that council members be held personally liable for voting against city code. There were two water bills that ULCT was opposed to: 1) the group was opposed to the PI metering due to funding issues; and 2) SB 84 was requiring cities to put together a conservation plan for water use at public facilities. Mayor Rees discussed traffic issues and noted that Pleasant Grove implemented a road fee and was sued by Libertas Institute. The judge hadn't made a ruling yet, but one was expected to be made within the next couple of weeks. Currently, it looked like the ruling would be favorable to Pleasant Grove. This was something ULCT was watching closely in terms of precedence set for future fees of a similar nature. The fee itself was discussed, noting that it varied based on whether it was residential or commercial, assessed on the utility bill.

C. Geddes reported having attended the Sustainability Coalition Committee meeting. They discussed recycling and other common-sense practical ideas for sustaining the area's resources.

6. Review/Action and Public Hearing on Amendments to Plat K Canyon Heights at Cedar Hills Subdivision

Mayor Rees opened the public hearing. No comments were made, so she closed the public hearing.

Mr. Goodwin presented the staff report. He explained that Canyon Heights Plat G, Lot 14 was amended, creating Canyon Heights Plat K, Lot 1. The amended plat jointed two parcels of land. However, a non-standard front setback remained. The property owner, Nate Miller, was requesting an adjustment to the non-standard setback line. The non-standard setback line was put in place to mitigate concerns over a steep slope and the potential of the slope to collapse. The plat was amended, addressing concerns related to maintaining the integrity of the drainage easement, and identifying areas that were to be excluded from the buildable area of the lot. From the time the plat was recorded, the landowner of record requested that the non-standard front setback line be adjusted. In order to do this, the item would need to come before the Planning Commission and the City Council. There were no City Code requirements or building requirements that mandated the non-standard setback. The applicant had provided an engineer's statement on the stability of the slope in question. This proposal, with all supporting

documentation had been sent to the engineer for review. The homeowner had provided a geotechnical report to support the findings of altering the front setback.

Mr. Goodwin added that the City's engineer was not satisfied with current proposal and therefore approval of this item should be conditioned upon a positive recommendation of the geotechnical report from the City's engineer. There was some discussion regarding an appropriate motion to make.

MOTION: C. Andersen—To approve the vacation of Canyon Heights Plat K, and the adoption of the amended Canyon Heights Plat K, showing the new non-standard setback line, subject to the condition of the city engineer's positive recommendation to the geotechnical report. Seconded by C. Geddes.

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

7. Review/Action on a Resolution Adopting Amendments to the Fiscal Year 2019-2020 Budget

Mr. Goodwin presented the staff report. He explained that the City was required to keep expenditures within budget. Based on the Lone Peak Public Safety (LPPSD) buyout and significant building repairs anticipated, some budget amendments might be necessary to comply with State requirements.

The LPPSD buyout would require approximately \$75,000 more than was set aside in the prior year for account 10-55-300 Fire Services, which would be paid for with existing fund balance in the General Fund. The City would like to set aside \$50,000 in account 40-95-225 Building Improvements for anticipated repairs related to building improvements that would exceed \$10,000 and should be capitalized. It was anticipated for the next year that some roofing, HVAC, and flooring updates may utilize this funding. A complete budget breakdown was included with the staff report.

Staff and Council discussed the LPPSD purchase of a new vehicle and the legitimacy of the expense. Mayor Rees asked if the associated expense created an asset for the City, to which Mr. Goodwin responded not likely; however, he said he would look into the manner in which the vehicle was purchased. In response to a question from C. Geddes, Mr. Goodwin explained that if the vehicle was purchased with cash then the City should still have 26% value of the asset. There was further deliberation on the matter.

A public hearing on this item was held at the January 21, 2020 City Council meeting.

MOTION: C. Ellsworth—To adopt Resolution No. 02-04-2020A, a resolution of the City Council of the City of Cedar Hills, Utah, adopting the amended 2020 Fiscal Year Budget

for the City of Cedar Hills, with the verification of the adjustment to the Lone Peak buyout.

Seconded by C. Andersen.

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

8. **Review/Action on a Resolution Indicating the Intent of the City of Cedar Hills to Adjust the Common Boundary with Pleasant Grove City (Rubert Property)**

Mr. Goodwin explained that the City had received a request to initiate an adjustment of common municipal boundary from David and Molly Rupert. The Rupert property was located at 4354 North 900 West in Pleasant Grove. The Ruperts were requesting that their property be transferred from the municipal jurisdiction of Pleasant Grove City to the City of Cedar Hills. The Ruperts also filed a request to initiate this change with Pleasant Grove.

MOTION: C. Andersen—To approve Resolution No. 02-04-2020B, a resolution indicating the intent of the City Council of the City of Cedar Hills, Utah, to adjust the common boundary with Pleasant Grove City, Utah, authorizing a public hearing and providing for notice of said hearing. Seconded by C. Smith.

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

9. **Discussion on Community Fiber Survey**

Mr. Goodwin explained that in the last City Council meeting, presentations were given from UTOPIA as well as the interlocal agreement with LightHub. In order to better understand the community interest in a fiber system in Cedar Hills, a survey needed to be conducted. The survey would obtain better information on what residents were currently using for internet providers as well as gauge interest in subscribing to a fiber connection. As non-pledging founding members of UTOPIA, they had offered to conduct the survey on behalf of the City, at no cost to the City. In order to better understand fiber options and evaluate next steps in building a fiber network, staff recommended that the City Council allow UTOPIA to conduct a community survey.

Mayor Rees stated there were currently five cities that were built out with Utopia and she listed each of their respective take rates which averaged between 34% to 55%. Utopia also had six cities that were not built out and they were all at less than 32%. Mr. Goodwin said this information may work to the City's advantage.

C. Ellsworth asked about the type of service, specifically referencing question #9 in the proposed survey. The question was "*Are you supportive of the city building a fiber-to-home network if it*

can be paid for only by those that voluntarily sign up for services (no taxes or fees for non-subscribers)?”

C. Ellsworth said he would like to see one or two other options presented to residents. Mr. Goodwin said staff could look at adding an option with a utility rate. Mayor Rees said Utopia had been adamant about not doing that, so she didn't believe a utility rate would be an option. There was subsequent discussion on potential options available and the survey that would be distributed to the residents.

10. Discussion on A Deer Mitigation Plan

Mr. Goodwin presented the staff report. He explained that a resident had requested that the City Council consider a deer mitigation program. Deer mitigation programs were used to control deer populations in urban areas. A few cities in Utah valley had instituted a deer mitigation program by working with the Utah Division of Wildlife Resources as well as local professional archers using trapping and euthanizing methods. Cities contracted with Humphries Archery at a flat fee of \$10,000, plus \$2,500 per approved site, as well as \$75 per deer. Cities had moved away from the trap and relocation methods for deer control. Staff evaluated the deer mitigation program and how it would operate in Cedar Hills. Due to natural interface area on the hillside, this area would be exempt from the program. However, there were still three other areas that could possibly qualify to be part of the deer mitigation program. These areas were along the Forest Creek Trail, Oak Road open space, and in areas adjacent to the Cottonwood Well area. Despite identifying multiple areas that could possibly qualify for this program, staff did not feel that the current deer population warranted this type of action and would advise against adopting this type of program in Cedar Hills.

Lt. Josh Christensen stated that the deer population was a risk for traffic accidents. He wanted the Council to understand that this plan would be in reference to the urban not mountain population. They would not be able to touch any deer east of Canyon Road.

Mr. Goodwin stated that some residents were encouraging the deer population by feeding them. After some discussion, the Council agreed that there was insufficient reason to implement a program. They advised staff to assess the City's code and potentially start drafting a no feeding deer ordinance.

ADJOURNMENT

This meeting was adjourned 7:46 pm on a motion by C. Ellsworth, seconded by C. Geddes, and unanimously approved.

Approved by Council:
March 3, 2020

/s/ Colleen A. Mulvey, MMC
City Recorder