

CITY COUNCIL MEETING

Tuesday, April 14, 2020 6:00 p.m.
Cedar Hills, Utah

NOTICE OF ELECTRONIC PARTICIPATION

This meeting was held electronically pursuant to Utah Code 52-4-20, and pursuant to Governor Herbert’s March 18, 2020 Executive Order. All participants took part in this meeting via Zoom video and audio conferencing.

Participants: Jenney Rees, Mayor, Presiding
Councilmembers: Denise Andersen, Ben Ellsworth, Mike Geddes, Brian Miller, Kelly Smith
Chandler Goodwin, City Manager
Charl Louw, Finance Director
Greg Gordon, Recreation Director
Jeff Maag, Public Works Director
Craig Hall, City Attorney
Hyrum Bosserman, City Attorney
Colleen Mulvey, City Recorder
Others: Lt. Josh Christensen, Aaron Smith, Brooklyn Stepan, Blake Leonelli, Cheri Condie

1. Call to Order

Mayor Rees called the meeting to order at 6:00 p.m.

2. Approval of the Meeting’s Agenda

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

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.

CONSENT AGENDA

4. Approval of the Minutes from the February 18, March 3, and March 17, 2020 Work Sessions and City Council Meetings

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

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

Motion passes.

CITY REPORTS AND BUSINESS

5. City Manager

Mr. Goodwin stated that the golf course had been open and was doing well through the interesting time the City was going through; they were expecting good numbers for April. He commented that recreation and events had been shut down for the last month and anticipated them to be shut down through April. They would be evaluating the feasibility of conducting the programs given any future directives from the State or County.

Mr. Goodwin explained that staffing had been moved to two shifts at the office building and Public Works had been divided into two separate shifts. He said that other staff members had been trying to split their time between the office and home and that all the essential functions of the City were continuing to be performed. He said that the PI system was going to be energized and that building inspections for existing homes and properties were being moved to remote inspections using Facetime or similar applications. He stated the Planning Commission met via Zoom to recommend the preliminary approval of the Swig project which was being presented tonight. He commented that there was a great amount of uncertainty in the economic climate, and that Staff was revisiting some items on the budget. He commented that by State law they were to present a preliminary budget next month. They would not have any information on the impact that the coronavirus had had on sales tax revenues or any Class C road funds, so they would be required to pass budgets with a great deal of uncertainty.

6. Mayor and Council

C. Andersen stated that she attended the Central Utah 911 meeting last week. She said the Utah Communications Authority had given Central Utah 911 \$150,000 to cover costs related to Covid-19 expenses. She reported that domestic calls had increased by 75% during the pandemic. She stated they are still losing employees because of how much they were being paid and the board was discussing raising the wages in order to keep trained dispatchers.

Mayor Rees stated that they had a call with the Utah League of Cities and Towns (ULCT). Lieutenant Governor Cox had given an update indicating that while they were talking about moving into the stabilization and recovery phase for Utah, mass gatherings would be the last thing to come back. Mayor Rees said Lieutenant Governor Cox also discussed part of the legislative session for later that week where they will discuss spending and making modifications to budgets.

MOTION: C. Ellsworth—To modify the agenda and move item #13 to be heard after item #7. Seconded by C. Smith.

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

7. Review/Action and Public Hearing on Preliminary Plan for Swig in the Cedar Hills Gateway Commercial Project, located at approximately 9980 North & 4700 West in the SC-1 Commercial Zone

PUBLIC HEARING

Cheri Condie, 4221 Oak Road North stated she was looking at the landscape plans for Swig and she wanted to remind the Council that last December they had passed a resolution to support the improvement of Monarch butterfly habitat and she wanted to follow up on that to see if the petitioners would want to participate in that by planting milkweed on their property.

The Public Hearing was closed.

Mr. Goodwin said the Planning Commission had a special meeting last week and met with Four Food Groups to give a positive recommendation on the site plan that was being proposed for the Swig. He stated that they had provided several site plans from around the State that they had used to illustrate the flow of traffic. He referenced the site plan from St. George to discuss car stacking. He referenced the Cedar Hills site plan and pointed out the road to the right side of the building which would be 4700 West that would allow access on 4700 West from Cedar Hills Drive or coming in from 9900 heading North. Alternatively, it could be accessed from North County Boulevard. Stacking allowed for seven cars but there was room for an eighth which would be important when discussing the Swig traffic. Swig focuses on drink and not food preparation, the service rate was high and created less queue times than at typical fast food restaurants.

Mr. Goodwin moved onto proposed elevations and said the one condition that the Planning Commission had made was they wanted to see the bottom portion of the building more in line with the earth tones seen throughout the commercial zone. He commented that on the initial proposal the color looked more of a light green color but the green on the revised proposal was more in line with the rest of the commercial zone. He said the material was a thin brick, it was a small building of around 500 square feet, and the Planning Commission requested that they add some windows to give the building a more open feel rather than just a solid brick veneer. Additionally, they expanded the drive-thru window in the revised proposal.

C. Geddes asked if they had any eating or drinking inside. Mr. Goodwin replied no, it was 100% drive-up or walk-up. He referenced the site plan and pointed out an outside area in the middle where there would be tables for people to sit down and drink.

Mr. Goodwin commended Swig for their landscaping plan, saying it complied with the landscape requirements in that zone. He stated if the Council wanted them to plant milkweed, he was not sure how it would do in that area given it was next to roads.

C. Geddes asked if there would be enough parking for employees to which Mr. Goodwin replied yes. Mr. Goodwin asked Swig representative Aaron Smith how many employees they typically had on a shift. Mr. Smith replied that they typically had four to six, but that during the initial opening they would have more. He explained that at Swig, instead of having a traditional menu board they had employees outside with iPads that did line bussing similar to what Chick-Fil-A does. He commented that it was interesting to see how the pandemic was affecting restaurants and that most were down in sales, but Swig was up about 25% in sales. He added they had just celebrated their ten-year anniversary, so they had a good following.

There was additional discussion regarding the planting of milkweed on the property.

MOTION: C. Andersen—To table the portion regarding the creation of Lot 9 in the Cedar Hills Gateway, and to approve the preliminary plans for Swig, located at approximately 9980 North 4700 West in the SC-1 Commercial Zone. Seconded by C. Smith.

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

13. Discussion on a Green Waste Program

Mr. Goodwin stated that there had been questions of operating a Green Waste program in the City, and invited Waste Management representative Blake Leonelli to present and answer questions.

Mr. Leonelli stated that he would talk about the advantages of and what the price would look like for a Green Waste program. A lot of cities in the area were looking into Green Waste programs and that the Timpanogos Special Sewer District would no longer be offering Green Waste options. He stated that when he was made aware that the City was looking into a Green Waste program he reached out to Rodger Harper at North Pointe Solid Waste who told him there was capacity for Cedar Hills to allow for a Green Waste program. There were several different avenues they could pursue as a City: an opt-in program, an opt-out program, and a mandated program which ran from March-November. He had put together numbers for all three programs but wanted to hear from Council on their thoughts of what would be most advantageous for the City.

Mayor Rees commented that she would be interested in an opt-in program which was the same program they had set up for their recycling. She struggled with mandating residents to participate in the program but there had been some residents in the community who had asked Council to explore the program.

C. Geddes asked if there would be a weekly pick up to which Mr. Leonelli responded that yes. He added that most cities go to an opt-in or opt-out program and utilization was the key to a specific Green Waste program.

Mayor Rees asked if he had pricing information for the Council at that time to which Mr. Leonelli responded that he did. He stated that even though the program ran from March through November that at 75% utilization the program ran around \$6.20 per month whereas at 50% utilization it went to \$6.50 per month.

C. Geddes asked if there was an initial can charge for the opt-in program. Mr. Leonelli replied that they would provide the cans for the community.

Mayor Rees asked if they would need at least a 50% participation take rate for the program to be worth doing. Mr. Leonelli responded that normally you would have at least a 50% utilization rate but that he would explore this and get back to Council on the matter. Mayor Rees stated that she did not think their recycling rate was that high. Mr. Leonelli commented that Cedar Hills had a good participation with recycling and that he would explore it to see what options made sense.

C. Andersen asked if North Pointe was going to turn the Green Waste into mulch like they had been doing in Pleasant Grove. City Attorney, Craig Hall stated that he represented North Pointe and that the Green Waste is chipped and then hauled out to a landfill in Bayview on the west side of Utah Lake. There it would be composted and then a portion would be hauled back and made available for residents to purchase.

C. Andersen commented that she would love to pursue a Green Waste program. She thought that conducting a survey to gauge residents' interest was a good idea. Mr. Leonelli stated that he would find out what the threshold was for the City.

8. Review/Action and Public Hearing on a Resolution adopting amendments to the Fiscal Year 2019-2020 Budget

PUBLIC HEARING

There were no public comments.

Mr. Louw stated that a couple weeks ago he started discussing the volatility and uncertainty of the economy with Mr. Goodwin and that it would be best to have a rainy-day fund as large as possible. He stated that on the expenditure side they had looked at how they were doing through March. He stated there would be some refining in June based on unanticipated expenses, but this gave departments goals to shoot for with regards to saving for the next few months for essential services to be maintained.

Mr. Louw stated that the biggest changes on the revenue side were the franchise fees. Between Dominion Energy, Rocky Mountain Power, and Comcast they would end up at around \$350,000 instead of \$395,000 because they had much lower winter numbers that year. Mr. Louw then discussed miscellaneous inspection fees, recreation programs, and event center rentals.

Mr. Goodwin commented that there were a lot of big unknowns which they would not have more clarity on for another week/week and a half. The Family Festival and the Creekside Theater were scheduled for the first week of June. However, based on what they had heard from the Lieutenant Governor about mass gatherings being the last thing to come back, it was likely that these events would be postponed and in the case of Creekside, possibly cancelled. Regarding planning next year's budget, staff felt that they were flying blind because they were unsure of what the impact would be on sales tax and class C road funds. Therefore, they were trying to save as much money as they could by pinching pennies to transfer as much as they could at the end of the year into the unrestricted fund. The larger the unrestricted fund balance the less painful next year would be. He stated that staff really needed to evaluate the differences between wants and needs.

Mayor Rees added that she recognized there were several decreases in expenditures. They were trying hard to budget conservatively because it was a lot easier to have money leftover at the end of the year to allocate to things.

Mr. Louw commented that one of the adjustments for class C roads was that they were fortunate enough to get highway sales tax distributions that year which were projected at \$100,000. They had taken the actual time that public works employees worked on the roads and split the time that was allocated between the general fund and the roads based on actual hours. He stated that currently class C roads had \$400,000 or more that they would not spend that year plus the additional money they would get next year. He stated that they were projecting \$170,000 lower than the current year's projection.

Mr. Louw stated that the projections for the current fiscal year were \$500,000 less for the general fund. In 2007, 2008, or 2009 it would have been conservative enough but for this time he was unsure.

Mr. Goodwin stated that this was a painful budget cut and that there was a great deal of uncertainty, so they were approaching it with a pessimistic but realistic outlook. He commented they had been working on creating metrics internally where they could track revenues in comparison to past years so they could know where they were at month by month. He added that there were going to be multiple budget amendments early in the year as the impacts of the Coronavirus came into focus.

Mr. Louw stated that some of the other big adjustments that had been proposed were not transferring money to the capital projects fund and not transferring as much into the golf fund or the water and sewer fund. He stated that they wanted to make sure the budget was balanced, and that people were safe.

C. Ellsworth commented that he thought the work they had done was phenomenal and he thanked staff for their efforts. C. Andersen and Mayor Rees reiterated similar sentiments. Mr. Louw said staff would keep refining the budget as they got more information.

MOTION: C. Andersen—To approve Resolution No. 04-14-2020A, a resolution adopting the amended 2019-2020 Fiscal Year Budget for the City of Cedar Hills, Utah. Seconded by C. Geddes.

Yes - C. Andersen

C. Ellsworth
C. Geddes
C. Miller
C. Smith Motion passes.

9. Review/Action on a Resolution of the City Council of the City of Cedar Hills, Utah, adopting an Emergency Declaration

Mr. Goodwin stated that Mayor Rees signed an emergency declaration on March 16 for a 30-day period with any extension requiring approval. He stated that due to the ongoing threat of the Coronavirus, Mayor Rees and staff were asking Council to adopt a resolution to extend that declaration as the conditions of the emergency still in exist. He noted that Mayor Rees drafted the referendum detailing the measures that were being taken. By declaring this state of emergency, it allowed the City to seek state and federal resources for reimbursements and aide should the need arise. He said that additionally this declaration followed the directives given by Governor Herbert and it was based on recommendations outlined by the Covid-19 task force led by Lieutenant Governor Spencer Cox. Additionally, staff was working to track all expenses and estimated lost revenues rising from the Covid-19 outbreak. He said they knew necessary expenses would be reimbursed but there still was not a clear explanation of what necessary expenses were. Further, it was still unclear if lost revenue would qualify for reimbursement. He stated that the State legislature and the State task force were seeking to give aide to communities, Utah was to receive \$1.25 billion, of that \$562 million was allocated to local government for reimbursements.

MOTION: C. Ellsworth—To approve Resolution No. 04-14-2020B, a resolution declaring that a state of emergency exists in the City of Cedar Hills, Utah. Seconded by C. Miller.

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

10. Review/Action on a Resolution authorizing the Mayor to Execute an amended Interlocal Agreement for Joint and Cooperative Action of Central Utah 911

Mr. Goodwin stated that Pleasant Grove was looking to cover their own budget shortfalls. Therefore, they had ceased operations in their independent dispatch center and had joined Central Utah 911. The Interlocal agreement was being updated to reflect that change.

MOTION: C. Smith—To approve Resolution No. 04-14-2020C, a resolution authorizing the Mayor to sign a second amended Interlocal Agreement for Joint and Cooperative Action of Central Utah 911. Seconded by C. Andersen.

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

11. Review/Action on a Resolution authorizing the Mayor to Execute an Interlocal Agreement with Pleasant Grove City for Valley Vista Trail Phase III

Mr. Goodwin stated this item had been presented to Council a little over a year ago and it had come back after the completion of Phase 2. He said they were looking to move onto Phase 3 which included a piece of ground owned by Cedar Hills. He said this land was designated to open space and the agreement that Pleasant Grove was proposing would create temporary construction access. This would allow them to construct the trail. Pleasant Grove would be paying for all the costs associated with the trail. Usage of the trail would include no motorized vehicles being allowed on the trail excluding maintenance vehicles. Access would be from 6am-10pm which could be changed at the discretion of the City by posting signs.

C. Geddes asked if e-bikes would be eliminated since motorized vehicles were prohibited. Mr. Goodwin replied that he did not know but he doubted that they would because they typically were classified as non-motorized vehicles.

MOTION: C. Andersen—To approve Resolution No. 04-14-2020D, a resolution authorizing the Mayor to enter an Interlocal Agreement with Pleasant Grove City regarding the Valley Vista Trail, Phase III. Seconded by C. Geddes.

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

12. Discussion on the Family Festival

Mr. Goodwin stated that they had met with the festival chairs Jerianne Conroy and Rob Olsen and there was a lot of uncertainty about what they could do with the Family Festival. He stated that as they looked for the Governor to start allowing mass gatherings back into daily life, that the date was still unknown. He said that many cities had gone ahead and cancelled festivals.

C. Ellsworth commented that if they were not going to be doing large gatherings then maybe they just plan on a fireworks display. This would still add value to the community and give citizens something to look forward to even it had to be extremely scaled back. Mayor Rees agreed it would be nice to do something for the community over the summer. C. Geddes agreed and said he would love to see a little neighborhood or community parade to get people out. Several other smaller scale activities were then discussed. One idea that garnered a lot of support from the Mayor and Council was the idea of holding a children's parade and keeping the event local to Cedar Hills.

14. Review/ Action on a Resolution adopting Specified Restrictions of Fireworks and Open Fires

Mr. Goodwin stated that each year they were required by State law to adopt a map and publish it by end of April which showed areas that were restricted to fireworks. He stated that everything

east of Canyon Road was designated as an area where fireworks were not permitted within 100 feet of highlighted areas on the map. Trails, parks, schools, churches, and what were open fields were designated as areas where fireworks were prohibited.

Mayor Rees asked if it excluded the City for the Family Festival fireworks show. Mr. Goodwin replied that was not in the resolution; however, we could add that language to the resolution.

MOTION: C. Ellsworth—To approve Resolution No. 04-14-2020E, a resolution of the City Council of the City of Cedar Hills, Utah, adopting specified restrictions of fireworks and open fires in portions of the City, adding the provision that the City of Cedar Hills is excluded from the provisions in this resolution for all fireworks associated with the Family Festival.

Seconded by C. Miller.

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

ADJOURNMENT

This meeting was adjourned 7:33 pm on a motion by C. Geddes, seconded by C. Smith, and unanimously approved.

Approved by Council:
May 19, 2020

/s/ Colleen A. Mulvey, MMC
City Recorder