

CITY COUNCIL MEETING

Tuesday, May 19, 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
Absent/Excused: Kelly Smith
Chandler Goodwin, City Manager
Charl Louw, Finance Director
Greg Gordon, Recreation Director
Jeff Maag, Public Works Director
Craig Hall, City Attorney
Colleen Mulvey, City Recorder
Others: Lt. Josh Christensen, Brooklyn Stepan, Laura Blanco

1. Call to Order

Mayor Rees called the meeting to order at 6:01 p.m.

2. Approval of the Meeting’s Agenda

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

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 public comments.

CONSENT AGENDA

4. Approval of the Minutes from the April 14 and May 5, 2020 City Council Meetings

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 the golf course has been open through this pandemic and has been doing very well, he commended the staff for their efforts. The following recreation programs will be opening up as the city transitions to the “yellow” low-risk phase: tee-ball, golf clinics, high fitness, and karate. These programs will be following the social distancing guidelines set forth by the state. The events staff is working with clients who currently have reservations to help hold those events in compliance with the state guidelines.

6. Mayor and Council

C. Andersen reported that neighborhoods are organizing graduation parades to celebrate high school and college graduates.

Mayor Rees reported UDOT is resurfacing SR-92 from 5800 West in Highland to Tibble Fork which will probably cause some traffic delays. She stated the county now has a process in place for cities to submit reimbursements for COVID-19 related expenses; these reimbursements have to be expenses that are allowed for through the CARES Act, which does not allow for any shortfall in revenue, but for expenses directly related to dealing with the crisis.

Mayor Rees said the date for opening Harvey Park is getting closer and expects that being in the “yellow” phase things will be open and available to residents.

She reported about Canal Boulevard in Highland, which is the road that connects Harvey Boulevard to Alpine Highway, Highland City announced they have awarded the bid to start in June and be completed in October; the project includes a signal at Harvey Boulevard and North County Boulevard.

She said she meets monthly with the Forest Service in relation to American Fork Canyon, and they are preparing to get rid of dock at Tibble Fork because of the vandalism and cost to repair and maintain it.

MOTION: C. Andersen—To modify the agenda and move item #13 to be heard after item #9. Seconded by C. Miller.

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

7. Review/Action on Acceptance of the Subdivision Improvements, Beginning of Durability, and Recording of the Plat for Cedar Hills Gateway Phase 2

Mr. Goodwin explained there are a few issues tied together in the recording of the Gateway plat, the filing of their bond and the approval of Swig. When we approved the storage facility and Taco Bell, we allowed them to do public improvements and the building at same time. The developers have been working to get improvements in compliance with city standards. In the inspections and the review of the as-builts there are two items that do need to be bonded for. One area is a section of road with a diesel spill which will not meet city standards and needs to be replaced, the other item is a 220 foot sewer line which is not sloped enough to get the flows moving through the line without preventing a backup, that line needs to be replaced.

Mr. Goodwin stated there are some conditions we are asking to be applied to this approval: 1) the city engineer recommends to staff all performance obligations have been met, or a performance bond has been filed for outstanding items; 2) a durability bond of the correct amount has been filed with the city; 3) once the durability bond has been filed with the city, staff may record the plat.

C. Geddes asked about the slope of sewer if it was between manholes. Mr. Goodwin stated it is a lateral for future development, and it was installed much shallower than it should have been. C. Geddes asked where Bowen Collins was on the inspection on this. Mr. Goodwin said they were there and there is only a difference of a couple of inches. He added that the engineers cannot jump into every trench and measure every pipe throughout the process, in this case the contractor recognizes there is a deficiency and that we cannot accept this sewer line. C. Geddes asked if it clearly shows on the plans what the correct slope is. Mr. Goodwin stated the plans that were approved were the correct slope, what was installed was the incorrect slope.

Jeff Maag stated to clarify, the line is between two manholes, one of the manholes will need to be raised. On the sewer line the inspector confirmed with installers that the laser was set properly, it was so it could have been the equipment out of adjustment. He said there is a record of the inspection being done and the proper questions asked. C. Geddes expressed his concern about seeing the brand-new street cut up when things can be avoided. Mr. Maag stated they are looking at options, the slope issue and diesel spill damage are in the same vicinity, this area could be overlaid or a top coating put on so it does not look like a patch in the road.

MOTION: C. Andersen—To approve acceptance of subdivision improvements for the Cedar Hills Gateway Phase 2 improvements and the submission of the performance and durability bonds and approve the plat for recording, and to direct staff to record the approved subdivision, subject to the following conditions: 1) city engineer recommends to staff all performance obligations have been met, or a performance bond has been filed for outstanding items; 2) a durability bond of the correct amount has been filed with the city; 3) once the durability bond has been filed, staff may record the plat. Seconded by C. Ellsworth.

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

Motion passes.

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

PUBLIC HEARING

There were no public comments.

Mr. Goodwin said the Planning Commission reviewed these final plans and made a positive recommendation. He stated he appreciates the efforts of Swig (Four Foods Group) they have been able to comply with the requirements of the SC-1 commercial zone.

Mr. Goodwin reviewed the landscaping plan, the site plan layout and pointed out there is a minor change where they have flipped the trash enclosure area so the truck can drive in without obstructing traffic. They have submitted traffic plans and the queue they show stacks about 7 – 8 cars, they can service each car in about one to two minutes; the turnaround time is very fast. He next reviewed the building elevations pointing out that it was initially a solid brick building, they have added windows, widened the drive thru window, and added a lower layer of wainscot which is similar to other structures in the zone.

C. Geddes asked if there will be a walk-up window. Mr. Goodwin answered affirmatively.

Mayor Rees asked when they anticipate being open. Swig representative Brooklyn Stepan stated that from the time they have approval to start it is a 60-day build; they anticipate being open around August 25h.

Mr. Goodwin asked that the motion include being subject to the engineer's final approval.

MOTION: C. Andersen—To approve the final plans for the Swig, located at approximately 9980 North 4700 West in the SC-1 Commercial Zone, subject to the engineer's final approval.

Seconded by C. Miller.

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

9. Review/Action and Public Hearing on approval of amending the Cedar Hills Gateway Subdivision Plat, Lot 6

PUBLIC HEARING

There were no public comments.

Mr. Goodwin said this is the plat that was approved as part of Phase 2, they are proposing to split/subdivide Lot 6 to create Lot 9 where the Swig will be located. The remaining portion of Lot 6 would be for future development.

MOTION: C. Ellsworth—To approve the proposed amendments to the Cedar Hills Gateway Plat A, by adopting the amended plat to show the creation of Lot 9. Seconded by C. Geddes.

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

13. Discussion on the Grill Space at the Community Recreation Center

Mr. Goodwin said he had met with Laura Blanco to review her proposal to operate a restaurant/catering business from the grill area. He mentioned she has put a lot of thought into this proposal, envisioning it being a community gathering place with service for events and service for golfers. Her mission is to serve healthy food in a casual style atmosphere where customers can relax and unwind.

Mr. Goodwin pointed out that in the past there have been several other purveyors in the grill space who have failed for a variety of reasons. He stated for some it was a lack of advertising, service and/or quality was inconsistent, other times they did not take advantage of the events room and the catering possibilities. He said he appreciates this proposal because Ms. Blanco's background is in catering and part of being successful in this location is working with the events staff and taking advantage of the catering opportunities.

Laura Blanco said she is a Cedar Hills resident and has often wondered why more people do not enjoy or gather around the community center. She commented that she respects her former colleges who tried to run a business here, but the only way to be successful is to have more choices such as catering options and offering local deliveries.

Mr. Goodwin stated staff has reviewed the proposal, and in the past, we have approached this as a lease agreement which has not worked. He said he would like to approach this as more of a partnership rather than a lease. The golf course would still be able to sell packaged goods, and staff would work with Ms. Blanco, push events to her and eventually have her as a preferred caterer.

C. Geddes asked about how this would work as a partnership. Mr. Goodwin replied it would be more about what each side is obligated to do; if the city would be willing to partner with the owner to help advertise, offer them the golf tournaments and event center catering opportunities. Rather than just leasing the space, looking at what the obligations of each side are.

C. Andersen inquired about the catering menu, if it was different then what is in the proposal. Ms. Blanco replied that it is different with options that are tailored to the customer.

Mr. Goodwin explained that in the past the lease we have said that the rent is a certain amount of dollars each month year round, he feels that we need to recognize the limitations of the building in terms of the time when golf ends because the traffic decreases. He suggested discussing the possibility of revenue sharing, and the relationship with the events, working more in partnership. C. Geddes asked if he would propose Ms. Blanco becoming an employee. Mr. Goodwin replied

no, stating he is not comfortable with the perception of the city running the grill space. He added it has got to be a private/public enterprise and is not sure exactly what those terms look like yet.

C. Andersen commented she thinks this is a great idea and would like to see it pursued. C. Miller remarked this seems like there are more nutritious options, adding its important Ms. Blanco knows of the challenges of the location.

Mayor Rees stated all our experiences in the past have been with people who want to run restaurants and consider doing catering on the side, with Ms. Blanco, hers is opposite, she has a catering business with clientele and will now work to create an inside restaurant.

Mr. Goodwin concluded by reiterating in the past we have tried to partner with various individuals, we have tried advertising and doing what we can for them. He said there has got to be a real sense of urgency for this to get up and running and we will do what we can as a city to help, but there has to be a sense of ownership to whoever is running the grill space, which is the part that has been missing in the past. Mr. Goodwin said that staff will work with the Mayor and Ms. Blanco and come back to the council with a proposal.

10. Review/Action on authorizing the Mayor to Execute an agreement with Utah Broadband

Mr. Goodwin explained that we lease some of our areas throughout the city to various internet providers to host equipment on or near our facilities. We have had an agreement with Vivant Wireless to house their equipment on top of the community center, and in exchange they provided internet service. Vivant has notified us they are no longer going to offer internet services. He commented that there have not been many good options for commercial type internet connection at our city buildings.

Mr. Goodwin explained that in searching for another provider Utah Broadband (UBB) is interested in hosting some of their equipment on top of the community center similar to what Vivint was doing, and they can offer the type of internet connectivity we need at that facility. The community center and pro shop phones, sales transactions, and connection to the city's server is all internet based. When those go down the ability to function deteriorates quickly. Mr. Goodwin added that this situation is similar with the city office building where we need to have a reliable connection for everyone to be able to do their work.

Mr. Goodwin said staff has worked with UBB on a lease agreement that allows them to host their equipment on the community center building. He added that making money on a lease is not the highest priority here, the highest priority is getting a stable high-speed internet connection. Mr. Goodwin said the city attorney has reviewed the agreement and we have expressed concern on the term of the agreement (10 years) and the fact it is one-sided and would allow them to pull out of the agreement quickly. There is also a paragraph in the agreement regarding methods of broadcasting and wavelengths, and we want to make sure we are not violating any other agreement we have with another wireless provider. He stated we would like to be able to host their equipment, in turn we would like to make sure we have a high-speed dedicated connection to three buildings; the community center, the golf maintenance building, and the city office building. This feedback has been given to UBB and we are awaiting their response and revised contract. He concluded by

saying this is something we feel we need to move fast on and we would like to have the council authorize the mayor to execute the agreement once we feel like the terms are equitable for the city.

C. Geddes asked if we needed this internet connection at the fire station. Mr. Goodwin replied that they have a direct connection with Comcast which is part of our franchise agreement.

MOTION: C. Andersen—To approve Resolution No. 05-19-2020A, a resolution authorizing the Mayor to execute an agreement with Utah Broadband, subject to the completion of negotiations with the City. Seconded by C. Ellsworth.

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

Motion passes.

11. Review/Action on a Resolution-Ordinance adopting a Flood Damage Prevention Plan

Mr. Goodwin explained this comes from the federal government, they want the city to participate in the National Flood Insurance Program (NFIP). This program designates an area of the city that falls within a flood plain. By participating Cedar Hills can participate with FEMA in mitigation projects in that flood plain area, and it allows for residents to purchase FEMA backed flood insurance. If Cedar Hills joins NFIP we must designate a flood plain administrator and have a permit for activity. The permit activity is not limited to just construction but also for upkeep of the debris basin.

Mr. Goodwin pointed out it is still unclear how this affects golf course activities. He said staff and the city attorney are having discussions with FEMA, and there is a resolution and an eighteen-page ordinance that must be adopted. He explained that the city's flood plain encompasses a portion of the golf course and there are zero structures within the flood plain, and no plans to build any within this area, so the ordinance seems a bit onerous. He added that you do not have to be in a flood plain to purchase the FEMA backed flood insurance. Mr. Goodwin stated that he wants to make sure we are adopting this in the proper way and is asking the council to table this item to allow time to review the proposed ordinance and make any necessary changes.

C. Geddes expressed that he is in favor of tabling this, adding he feels this is an overreach of the federal government, we have no buildings within the city's flood plain area. Mr. Goodwin stated to clarify that the golf maintenance building sits within the flood plain, but in the municipal jurisdiction of Highland City. C. Andersen agreed to tabling the item, stating it is wrong putting federal code into our city code.

Mayor Rees reported the only thing the FEMA representative has said would be a justification for doing this is if we had residents who wanted to participate in their particular flood plan and they are not able to because our city does not participate. She added that we have not had any residents requesting this.

Mr. Goodwin stated he will schedule a meeting with the FEMA representative and the city attorney to discuss the scope of this code and ordinance and report back to the council.

MOTION: C. Geddes—To table this item. Seconded by C. Miller.

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

12. Review/Action on a Resolution Creating an Internal Audit Committee

Mr. Goodwin said the Utah State Auditor’s Office has issued a directive that public entities will be evaluated starting this year to determine the risk of fraud in the organization. As part of this fraud risk assessment entities are evaluated and scored based on adherence to certain criteria. One of the criteria is for the organization to have an internal audit function, and staff is proposing that an Internal Audit Committee be formed to comply with this directive.

Mr. Goodwin said this is an independent committee that would review the internal audits, it would be comprised of the mayor, two councilmembers, and a member of the public that has a background in government finance or government operations. We are proposing the committee go through a checklist of what the city is already doing in terms of internal audits such as a review of the bank reconciliations, some of the checks and balances and policies we have in place. Additionally, the fraud risk assessment does require that the city establish a hotline where suspected fraud can be reported. Mr. Goodwin said the audit committee will meet at least once a year but will be based on need, and this sets the framework for being able to comply with those directives from the state.

C. Geddes offered to volunteer to be on the committee. C. Andersen inquired if there were any ideas for the fourth committee member from the public. Mr. Goodwin replied that we do not have any at this time, and ideally it will be someone who has some government background. Mr. Goodwin said they would like to move forward without the fourth member so that they can meet and present what practices and measures are currently used. He added that this is a valuable tool the city has to ensure compliance with financial best practices.

MOTION: C. Andersen—To approve Resolution No. 05-19-2020B, a resolution establishing a Fraud Risk Assessment Committee. Seconded by C. Geddes.

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

14. Discussion and Direction on moving to Utah’s Low Risk “Yellow” Phase

Mr. Goodwin explained that the state has put out a plan for health and economic recovery with phased guidelines for the public and businesses regarding the COVID-19 situation. The latest iteration came out Friday and staff has worked to put together a plan for the city’s transition from the “orange” moderate risk phase to the “yellow” low risk phase.

Mr. Goodwin stated the following measures are being proposed beginning May 26, for staff and for opening the buildings to the public on a regular basis:

Face Coverings:

- Where social distancing guidelines cannot be met, employees are advised to wear a face covering.
- When guidelines cannot be met with the general public, employees are required to wear a face covering.
- General public will be required to wear a face covering when entering the city office building for meetings. If a partition is present, a mask is not required, although still recommended.

Cleaning:

- We will continue to follow increased hygiene/cleaning standards established in the “orange” moderate risk phase.
- Post hand washing signs.
- Continue to disinfect areas after appointments and meetings.
- Playgrounds, parks, pavilions, post signs stating facilities are not regularly sanitized.

Mr. Goodwin stated that in discussions with the mayor and staff today based on the directives put out by the county and the state, it may be best practice to hire a couple of people who are completely dedicated to sanitizing playground and park equipment. He read from the phased guidelines the following: “increased cleaning and hygiene regimen is followed at playgrounds.” He said we have to do something to show that we are increasing cleaning and sanitation at those playground areas. Mayor Rees added if we decide to do this that would be an expense, we will seek reimbursement from the county with the CARES Act funding.

Mr. Goodwin continued with the proposed measures:

Schedules:

- Staff will resume normal in-office hours effective May 26.
- Employees are asked to notify a supervisor via phone or text should they or anyone in their household have any COVID-19 symptoms.
- Post symptom signs.
- If a high-risk employee requires accommodation, contact HR or the city manager.

Business Hours:

- Office will resume normal operating hours; requesting appointments be made to meet with specific staff members.
- Passport services will expand limited hours and require appointments.
- Parks reservation will resume following the updated public guidelines.

Mr. Goodwin commended the staff for their efforts in complying with these directives during the last two months.

Mayor Rees mentioned that because it is allowed through the state’s directive, we are planning on holding electronic council meetings through June 30th. Mr. Goodwin said that will also apply to the June Planning Commission meeting.

C. Andersen asked if the county was going to reimburse on COVID-19 expenses until the money runs out. Mayor Rees replied that the county has received \$111 million dollars, which was

allocated by the federal government at \$175 per person. She said the county is estimating that around \$18 million will be used for local government, but the CARES Act allows for that money to be used for economic recovery for private businesses. The county is excepting to reimburse cities and use the remaining money to put together a program to help businesses in the county that are struggling. She added whatever money is not used by the end of the year must be returned to the treasury.

ADJOURNMENT

This meeting was adjourned 7:31 p.m. on a motion by C. Geddes, seconded by C. Miller , and unanimously approved.

Approved by Council:
June 16, 2020

/s/ Colleen A. Mulvey, MMC
City Recorder