

CITY COUNCIL MEETING
Tuesday, July 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,
 Kelly Smith
 Chandler Goodwin, City Manager
 Jeff Maag, Public Works Director
 Greg Gordon, Recreation Director
 Charl Louw, Finance 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 7:03 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. Ellsworth—To approve the agenda. Seconded by C. Andersen.

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.

Jason Harr, 10483 North Mesquite Way, commented he appreciated the Council approving the trajectory study for the driving range. He suggested that not only do they go to irons only, but they ensure that the tee boxes were also angled north until a long-term decision was made.

CONSENT AGENDA

4. Approval of the Minutes from the June 16, 2020 Work Session and City Council Meeting

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

Yes	-	C. Andersen	
		C. Ellsworth	

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

CITY REPORTS AND BUSINESS

5. City Manager

Mr. Goodwin stated they had started a few recreation programs with a limited number of participants in light of the COVID pandemic. He noted that golf and pickleball were both successful. Several events were scheduled for August and proper social distancing procedures would be followed. As they approached July 24th, they were asking people to not light off fireworks at Harvey Park. Violations should be reported to the police.

6. Mayor and Council

Mayor Rees reported the Utah League of Cities and Towns (ULCT) had had a weekly web chat that provided information on the CARES Act funding and one of the things that had been clarified was the treasury had released an updated FAQs. The economic recovery committee had been reporting to her every week and there was \$15 million available from the County for small businesses.

7. Review/Action on an Ordinance adding a Golf Ball No-Fault Clause to City Code Title 1

Mr. Goodwin stated that golf was having a great year, but they had seen the number of incidents increase, particularly on hole 16. This had to do with the fact that they were seeing a larger number of golfers on the course so the probability of incidents had increased. On hole 16 the tee markers were set in a way to aim for the center of the fairway but there was a tree nearby that caused golfers to overcorrect their shots, thereby leading to several broken windows. In the past, the policy had been that the golfer was responsible for these incidents. However, staff and the legal team had since worked to create a plan that would better help residents in these situations. The plan set aside a line item in the budget for golf ball claims. It also set aside money in the golf fund that was to be used for these types of incidents. Staff was proposing that the following year Council increase green fees by \$0.50 on 9 holes and \$1.00 on 18 holes which would go towards this fund. He thought this would allow the City to develop a long-term strategy for the mitigation of golf ball incidents on the golf course. They had discussed solutions such as planting trees and angling the tee box, as well as trimming the existing trees to allow for easier driving down the fairway.

Mr. Goodwin stated he thought for the first year they should include a provision to include windshields and see how it went; if there was an issue, they could fix it. He commented there were three changes to the code that staff was suggesting as part of the motion. He reviewed those suggestions and discussed the criteria for reimbursement. He commented there were a few instances that would result in a denial for an application and the application would be reviewed by the City attorney, not by Staff. He read the criteria from the code. They had tried to look at experiences from the past to formulate a code that protected the City against instances where the

City felt was not its responsibility. There were maximum payments that limited the amount of \$300 per vehicle and \$1,000 per incident.

C. Ellsworth asked if they would be able to apply a schedule to these projects. Mr. Goodwin said that planting trees or angling tee boxes on hole 16 would be a relatively cheap fix. The driving range study had determined their current fencing was inadequate and needed to be addressed. The driving range study was based on PGA golfers, so the City was looking into how to mitigate golf balls for standard golfers. The plan was to put together a capital improvements plan but there were multiple steps that needed to be taken.

C. Smith stated she thought 30 days for windshield claims was too long. Mr. Goodwin agreed and said he was not sure how to substantiate windshield claims. C. Smith commented she was concerned that increasing green fees would give golfers the idea that their responsibility was absolved. Mr. Goodwin replied they would still make every effort to hold the golfer responsible for any errant golf balls. The same practice of pursuance would be followed in order to help residents determine damage. C. Smith commented there would be no way to substantiate a claim after a couple of weeks. Mr. Goodwin stated the language was modeled after Murray City which allowed for 60 days; however, Murray decided that was too long and set it at 30 days. C. Smith said she thought that that was still too long, and they should allow only for 14 days. C. Ellsworth commented he liked the idea of shortening the time frame as well. Mayor Rees commented it might take some time for the residents to become aware of this policy. She would like to be a little bit more flexible and stated they could reevaluate the policy later if need be. There was additional discussion on the matter.

MOTION: C. Andersen—To approve Ordinance No. 07-21-2020A, an ordinance creating Title 1-14, No Fault Golf Ball Claims subject to the following: the payment shall not exceed the value of the damaged property, and adding “loss to private property” in section 1-14-1.

Seconded by C. Ellsworth.

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

8. Review/Action on the Golf Course Driving Range Trajectory Study

Mr. Goodwin showed an image depicting the layout of the golf course as well as the shape and contour of the driving range. There were two different areas where golf balls were being hit from and the study considered both of these locations.

Mr. Goodwin said what they had learned from the study was that they could not hold any PGA events and the height and length of the fence was undersized. The current focus was on the south end of the range and there were two areas where the netting needed to be addressed. He referenced the image and showed where the current poles were. He commented when they looked at what average golfers were hitting it averaged between 30-32 yards high which was around 90 feet and even for that the current netting was short. The City had recognized they had

an issue and they were proposing that the driving range go to irons only with special exceptions. As a City they had acknowledged there was an issue and they were going to develop a plan to adjust the tee boxes and look at the cost of netting. Mayor Rees asked if they had an estimate on costs to which Mr. Goodwin replied \$1.2 million. Mayor Rees expressed disappointment that the trajectory study had not provided more options.

C. Geddes stated he felt this was the biggest waste of money they had ever spent. He said the person who performed the study should be ashamed of what was presented to them and he owed the City a refund. They were not a PGA type of golf course; they were a municipal golf course for recreation not training. He did not think they needed to give the report much credibility. He added that any amount of money spent on this was useless, and he would rather spend money on other needs of the City than spend money on the driving range. He commented it was a credit to the staff that they were having such a phenomenal year with so few funds.

C. Ellsworth agreed that the study was useless to them because of the scope that was done basing it off the PGA. They could use their best effort to make a decision but they didn't have the necessary science because of the data set that was used.

Mr. Goodwin agreed with the Councilmembers' concerns. C. Ellsworth commented for \$1.2 million they could build an indoor range. There was brief discussion on this point. Mr. Goodwin stated they were looking into temporary options and that going to irons only was only a temporary solution. They had considered getting trackers to start recording data and building their own science in order to make a better decision on a long-term solution. C. Andersen asked what difference it made. C. Ellsworth explained the difference between woods and drivers and stated it was a different kind of stance and swing. C. Geddes said drivers hit a lot longer and the ball went a lot farther. Mr. Goodwin reviewed more of the study. Clarification on the data was then provided, and the Council determined that the best course of action tonight was to table this item.

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

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

9. Review/Action on extending the Deadline for Registering Accessory Dwelling Units (Accessory Apartments)

Mr. Goodwin stated two years prior they had adopted a code that recognized the existence of ADUs in the City. Part of the code had created a two-year deadline for people to register their existing apartments and after this a \$500 penalty would be imposed. They were approaching the July 31st deadline and given everything that had gone on that year staff was recommending extending the deadline to the end of that fiscal year (June 30, 2021).

C. Andersen asked about the moderate-income housing requirements and asked if the City would be penalized if people did not register their ADUs. Mr. Goodwin replied no, but as a part of the moderate-income housing plan there were policies that had been adopted that showed to the State, they were doing their part to help with housing prices.

Mayor Rees commented the moderate-income housing was in its infancy and the State had provided 18 options and said at least three needed to be followed in order to qualify. The housing coalition was saying the State legislature did not go far enough. There was a valid argument on both sides so at the time they were not penalized, but she would not be surprised that if some time in the future they were. Mr. Goodwin commended Mayor Rees for helping recognize that ‘one size fits all’ approach was not working for all.

C. Andersen agreed in extending the deadline. C. Smith asked what they required of people who rented out their entire homes. Mr. Goodwin stated they used to require a business license, but the legislature had changed that. C. Smith clarified they had a rule that a person had to be living in the home in order to rent it. C. Geddes asked if a person could rent to family members to which Mr. Goodwin replied that renting to family members was not considered a rental. Mr. Goodwin read the definition of family from the code and commented they had to be lenient in terms of how they defined family.

C. Smith said the current code stated that someone who legally owned the house had to live in it in order to rent out an ADU. C. Smith commented she did not think it was hard to register an ADU, and she was fine with the extension as long as it was the last extension. Mayor Rees added when it came to dealing with the State, the more the City can show they have done to make it easy for residents to apply strengthened their position.

C. Geddes agreed and felt like there weren’t too many things that couldn’t be safely remedied. Mayor Rees commented some people felt like it was none of the government’s business, so they were not going to register on principle. The Council discussed educational efforts to help the community better understand this matter.

MOTION: C. Geddes—To authorize staff to extend the deadline for registering accessory dwelling units through the end of the 2021 fiscal year. Seconded by C. Miller.

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

10. Discussion on a Citywide Fiber Project

Mr. Goodwin reviewed the presentation and financial model that had been given about this project and stated without seeing any financial documents they could not really see definitive results. The City had been given a figure of \$6.2 million for the project which did not include connections to the borders of Pleasant Grove. If they were to extend the project to the border, they would need to increase bonding. He commented that without some real finance numbers

they would not really know how to adjust the budget. Mayor Rees said she was concerned about having to have a 40% take rate within five years because if they did not make it to that point, they would need to be ready to commit to making up the difference. She did not think they could do it without a tax increase.

Mr. Goodwin said they had reached out to Morgan City and asked about their internet options before Utopia. Morgan City was a similar community in that their prior options had been limited and they had loved the new service. It did run a financial risk. There was further discussion on take rates. Mayor Rees commented that the Council had to recognize they would be committing to this for the next 20 years.

Mr. Goodwin said once 5G came they would want to be ready and the water meters could hook right up to 5G for real time readings. He stated they were seeing a decrease in their franchise fees and no internet provider had had to pay any franchise fees because they were not required to. Mayor Rees commented they would take on all the risk. C. Smith asked if there were any cities that had done this without a 40% take rate. Mr. Goodwin replied the take rate was dependent on the construction and were anticipating higher construction costs.

There was discussion about what other cities were doing. C. Ellsworth stated since this was all the information they had and suggested they go with an RFP. Mr. Goodwin said he could prepare an RFP and send it to Council. C. Andersen stated the City would have to vote on it and the survey had only contained 200 people out of the entire City. Mayor Rees stated her issue with surveys was that UTOPIA had given options but there was nothing in there about the City having to be liable to pay if they did not meet their take rate. C. Smith asked if they could negotiate the model. Mayor Rees stated the problem would be that the founding cities had taken a financial loss. There was further discussion on the take rate and other cities and Mr. Goodwin said that he would prepare an RFP.

11. Discussion on a Cemetery in Cedar Hills

Mayor Rees explained they had a resident reach out to them and ask why they did not have a cemetery. Mr. Goodwin stated it had been six years since they visited this issue and there were two issues to overcome: where to put a cemetery and how to pay for it. When they evaluated this six years ago, they identified possible areas, and one was the area behind Silver Lake Drive where the City owned open space. The figures they had were from 2014 and they estimated they would have to pay for grading, excavation, roads, retaining walls, irrigation, restrooms, survey plots, and a gate; the estimate was \$600-750,000. However, he thought they would be looking at closer to \$1 million. Another location under discussion was near St. Andrews Estates, and the issue there was golf balls. The other location was near the cottages.

Mr. Goodwin stated the Highland City cemetery was 16.5 acres and they needed a piece of land that was at least five acres. The second item that had to be overcome was paying for the cemetery, they would need to establish a fund for maintenance that went on in perpetuity. Maintenance costs were the biggest expense including landscaping and road repair. They would have to look to commit to \$500,000 to \$1 million for maintenance. When people bought plots it

would go into this fund but that didn't even begin to cover the maintenance obligation. The City would need to staff at least two to three employees for maintenance upkeep.

C. Smith asked how often they received this request. Mr. Goodwin replied it came up a couple of times a year. He said in American Fork in 2014 a plot was \$800 and now it was \$1300, and they did not distinguish between residents and non-residents. He commented that overall, prices had gone up everywhere.

C. Smith stated people needed to understand that residents received a lower rate because they were paying towards the cemetery with taxes. She did not love the idea or any of the locations and when people asked questions, they did not always have all the information. Mr. Goodwin stated it had been a while since they looked at it, and he would not recommend setting up a fund for this.

ADJOURNMENT

This meeting was adjourned 9:11 pm on a motion by C. Smith, seconded by C. Andersen, and unanimously approved.

Approved by Council:
September 15, 2020

/s/ Colleen A. Mulvey, MMC
City Recorder