

CITY COUNCIL MEETING
Tuesday, October 1, 2019 7:00 p.m.
Community Recreation Center
10640 N Clubhouse Drive, Cedar Hills, Utah

Present: Jenney Rees, Mayor, Presiding
Councilmembers: Denise Andersen, Ben Bailey, Ben Ellsworth, Mike Geddes,
Brian Miller
Chandler Goodwin, City Manager
Charl Louw, Finance Director
Greg Gordon, Recreation Director
Jeff Maag, Public Works Director
Kevin Anderson, Assistant Public Works Director
Joel Wright, City Attorney
Colleen Mulvey, City Recorder
Others: Lt. Josh Christensen, Kelly Smith

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 C. Bailey, and the invocation was given by Mayor Rees.

2. Approval of Meeting Agenda

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

Yes - C. Andersen
C. Bailey
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. Minutes from the August 27, 2019 Work Session & City Council Meeting and the September 10, 2019 City Council Meeting

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

Yes - C. Andersen
C. Bailey

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

CITY REPORTS AND BUSINESS

5. City Manager

Mr. Goodwin discussed recreation programs: the City offered flag football, teen flag football, soccer, and toddler soccer. Junior Jazz registration was also open. Ski buses were also open. The ski bus program changed their route to Brighten for four Saturday nights, rather than three Saturday mornings at Snowbird.

American Fork Canyon construction was ongoing. There was a fiber project added up the canyon, so delays were expected through November. The American Fork Fire Department will host an open house on October 16. This was an opportunity for the public to better understand firefighters and the services they offer.

The development of Harvey Park has come a long way. Mr. Goodwin suggested visiting the site.

6. Mayor and Council

C. Geddes appreciated the work on Harvey Park.

C. Andersen said regarding the homes on Morgan Boulevard that had flooded basements, she went to the neighborhood and knocked on doors, and discovered that those she talked to were grateful to the city for assistance they provided.

Mayor Rees mentioned the ULCT conference. She said that for discussion in the near future, the State pushed for more water conservation. Part of this was important in regards to the City's plans for landscaping. A simple fix was "flip your strip" - change the park strip near homes from grass to bark or rocks; she added that the City's current ordinances did not allow residents to do this. There were other similar small issues that required updates. In the City's commercial zones, they required businesses to put in 30% landscaping, which required a lot of water use. Mayor Reese proposed discussing a modified commercial landscape ordinance to happen sooner than later.

Mr. Goodwin mentioned that Title 10 needed to start with the Planning Commission. He said it was worth hearing some of the Council's thoughts and feedback and ideas. The Planning Commission may not completely understand where the state was moving in terms of water conservation, and they wanted to have a clear direction from the City Council, which would then result in starting this process.

Mayor Rees added that the division of water resources had come out with a preliminary plan for statewide conservation goals and that Utah County had the highest percentage of conservation requirements; it was the greatest community for conservation.

The Council indicated that they agreed with having the Planning Commission recommend the best move for the future. The Council wanted to work on this issue sooner rather than later.

C. Geddes said there were a lot of neighborhoods with curb adjacent sidewalks. He would like to see the City require a tree or two in every front yard, so in twenty years there will be a planted neighborhood.

Mr. Goodwin responded that there was a specific list of trees that could be planted in park strips based on root growth and sidewalk damage.

Mayor Rees explained that ULCT warned the City about this. The City was compliant with SB34, but there was a general feeling that cities were not doing enough.

Mr. Goodwin's final comments were about the City having issues at Timpanogos Cove Park. American Fork Police locked the gate at night because of the issues that had occurred.

SCHEDULED ITEMS & PUBLIC HEARINGS

7. Review/Action on Amendments to the Personnel Policies and Procedures Manual

Mr. Goodwin said City staff had policies and procedures that governed the administration and set rules for work. In the past, there were updates to the policies and procedures manual, and felt it was important for the Council to understand the policies and procedures. As the City Manager, Mr. Goodwin was tasked with carrying out policy with this institution, and wanted to take into account the various affected parties. He put together a staff committee that worked to develop the proposed changes.

There was no policy for a residency requirement regarding hiring new employees. There was an internal informal policy requiring workers to live within thirty minutes of the city, but this was becoming increasingly difficult for them to maintain.

Another component discussed was sexual harassment. There was a policy added regarding relationships, which prohibited relationships of uneven power. The second change was to formalize the language used in the policy. Sexual harassment and personal files were kept separate, which was advised by the attorney.

Another issue discussed was employee conduct. Some employees who wanted people to dress with a more workplace appearance, for example, the visibility of tattoos. There were three things that took dress code into account: personal safety, performance expectations such as preventing other coworkers from carrying out their jobs, and legal protection of identities.

The employee code of conduct also addressed authorized use of public property. This responded to HB163. This bill was problematic in that the state could prosecute someone who was to accidentally take an item home from work (such as a pen for example). It was a fairly drastic code that has since been revised.

Next on the list was privilege of employment. In the past the City had let employees use the Vista Room meeting space. The Vista Room was now issued only to permanent employees. C. Andersen asked if election officials were not considered permanent employees because of their time limit and term. Mr. Goodwin responded yes.

Mr. Goodwin moved on to the next policy on continuing education. This policy was in reference to staff members interested in pursuing degrees, which the Council wanted to encourage. Only two employees had taken advantage of this program last year. The new limits set included the City reimbursement to not exceed more than 50% of the person's tuition, not more than \$2,500 of funds per fiscal year per employee. This is because the program puts stress on the City funds. They may also require a document indicating the person employed would continue to work with the City for a longer term.

The following issue was the policy on cyber security and information detection for the City. This policy set guidelines for how to protect personal and private information as recognized by the state of Utah, which included SSNs, driver's license numbers, etc. They wanted to save this information safely.

The next item discussed was the procurement policy. The City needed to have this policy in case of emergency. It would allow the City the ability to procure goods and services up to a certain dollar amount. In this case, the City said first they would address the City Manager and Mayor to declare a state of emergency, and then authorized staff would bypass the procurement rules outlined in the city code. Funding up to \$100,000 would be given to alleviate the emergency. Past that amount, the City would work with State and Federal officials.

MOTION: C. Andersen—To approve the proposed changes to the City of Cedar Hills Personnel Policies and Procedures Manual. Seconded by C. Ellsworth.

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

8. Discussion on Fiscal Year 2020 Budget and Budgeting Projections into Fiscal Year 2021

Mayor Rees stated she asked to put this issue on the meeting's agenda to discuss the next few years, and work to identify possible issues that may arise in the future.

Mr. Goodwin added that the City was doing ok, but could be in a better position. The city budget was growing tighter, but was not in debt.

The city was in a community of limited growth. There were eighty new home developments, which was significant growth, but there were also projected revenue increases to make up for this. The City was excited about the new Harvey Park, but it added to a financial challenge

facing the City. Added costs to think about such as maintaining the splash pad and pickle ball courts were important to discuss and think about in the future.

Additionally, part of this discussion was how to maintain parks and public spaces in general. For the last fifteen to sixteen years, the City has contracted with Wilkinson maintenance. Based on the City's projections, it was easier and cheaper for the City to maintain these areas themselves. The City had roughly 59.5 acres to maintain. The last year the City budgeted for contracted maintenance to end the first of January. Past that, the City would then take over. Mr. Goodwin said that he and Mr. Louw sat down and developed a proposal that works regarding these issues.

The discussion then moved back to the topic of budget trends. In 2018 the City paid \$420,591 for American Fork Police and paid the Fire Department \$680,496. The total funds for public safety were \$1,137,000. Next year this was projected to increase. This money was paid out of the City's general fund. This was also a financial increase from the previous year. The city did increase public safety revenue to help pay for these new costs.

The next budget, the City switched from Lone Peak Public Safety to American Fork Fire. The Fire Department money went from \$783,000 down to \$699,000, which illustrated savings. However, Police costs went from \$423,000 to \$542,000, so the savings the City had from fire was immediately taken up to pay for the Police Department. But, this was still the most cost effective plan to provide public safety for the community.

Mr. Goodwin estimated about \$85,000 in new general fund money. Half of that was from money allocated to pay for increases in recycling. Charl Louw added that there was an additional ten thousand dollars in utility costs to the Fire Department.

Mr. Goodwin recognized an increase of \$81,000 in sales tax, but also decreased revenue of \$58,000. So he felt the City needed to discuss funds for public safety. The State had set a precedent for the City's ability income. For example, this could be applied to homeless shelters. There were about \$20-25,000 allocated for issues like this, and the budget had all economic indicators of the greater economy, which showed a potential downturn bordering on recession.

Mr. Louw said that sales tax in the last four months had been up and down and "just a wash" overall. Last January the City was up \$40,000 at their retreat and that this had maintained, but never went above that amount. They found a solution for maintenance, but the City was still structurally deficient, adding that instead of \$100,000 to start with, the City will have \$20,000 to start next year without any inflation. Mr. Goodwin added that \$20,000 structural deficit was an easier work through than \$100,000. Finding ways to get \$20,000 out of the City budget was easier.

Mr. Goodwin discussed general fund revenues. Motor vehicle taxes had seen a large decrease. Telecom taxes had also decreased. Property taxes were telling; in 2016 the City had \$992,277 which included the golf course taxes. In 2019, property taxes were \$1,033,009 indicating that in four years the City property taxes would increase. Sales taxes had about a \$200,000 growth. There was an increase in franchise taxes as well. Overall, this went from \$2.88 million to \$3.04 million dollars. That was an increase, indicating the right direction. However, the issue was that

at the same time the City was also working to absorb funds where it could, such as changing and eliminated positions. Mr. Goodwin reiterated that it would take creative thinking and cooperation to manage this as staff in the future. He suggested taking extra revenues and transferring it into the capital projects fund.

Mr. Goodwin said that he and the Mayor met with the Harr's regarding the golf course and the number of golf balls they had collected (2,000) outside of the fence. Mayor Rees added they said they found these in their yard and outside the driving range fence.

Mr. Goodwin tried to figure out how many balls were going over the fence. The group did some estimations as for how many people compared to golf balls are getting through the course fence. They guessed that the range was losing about 1% of golf balls over the fence. The city needed to look at the possibility of raising the net again. He was unsure of the cost.

Mayor Rees said that another person in the neighborhood was concerned about the residents walking on trails and on the road, and drivers near the course. Based on the information provided to the City, the neighborhood was documenting how many times golf balls went over the fence and determining that this was an unsafe problem. C. Andersen added that if someone got hurt the City was liable. C. Geddes responded that he believed that the person who hits the ball is liable, not the City.

Mr. Goodwin pointed out that there was also a broken kitchen window. He wanted the Council to know that the staff at the golf course were trying to put numbers together to give the City an idea of the scale of concern.

C. Bailey was against putting any more money on the driving range fence/netting. He said that residents built houses knowing the golf course was there. He suggested maybe relocating the driving range. Mayor Rees added that she felt Mr. Goodwin's point was that this project was going to cost the City something. Mr. Goodwin said unfortunately the City feels they did do something to solve this, but the resident however felt like the problem did not get fixed. C. Bailey reiterated that the City did what the course suggested, and C. Ellsworth said the City should reevaluate the issue. Mr. Goodwin ended this by stating that this was something the City needed to look into and figure out the most cost effective solution.

Mr. Goodwin moved on to the development of the Cedar Canyon Subdivision and Cedar Hills Gateway. He said both were adjacent to Hart's property. In order to get traffic to flow in and out of Cedar Canyon fully, it was necessary to have a road completed on both sides. Part of the original settlement agreement was that the City would work to complete road. The City was working on this, and it would be reimbursed.

He added that the Lone Peak Public Safety buyout was still estimated at \$180,000 and then the City would still have the Harvey Park budget. The City was working to get the best prices for these projects. Mayor Rees added that there was a street master plan. She said that because the City grew rapidly all at once, most of the streets were part of the original service life. The City would need to replace some of these roads. Mr. Goodwin added that five to eight years was the projection on fixing roads.

Mayor Rees said that Public Works had taken on a lot of work throughout the City, so regular maintenance projects not been completed as per usual. They City would still somehow have to get those projects back on Public Works.

Mr. Goodwin added that part of the solution for park maintenance really went to helping Public Works free up some of their staff so they were not splitting time between parks, water, and roads etc. So they have more time to help with these projects.

Mayor Rees explained that the State was going to mandate PI meters, and that they needed to rebuild their savings. She said in order to keep key people employed with the City, for those who have the experience the City needed, this would be competitive. The City saw several cities this year go through property tax increases to help with this issue. It was important if the City went through the process of raising taxes, to reach out to the residents first.

C. Geddes agreed, adding that this didn't preclude the City from looking at hard facts. The City costs to protect their citizens and provide roads, police, and fire had gone up and that was just a fact of life. Mr. Goodwin said the items that were the most critical were public safety and utilities, which included roads. If the roads were not maintained, they could become a larger problem.

C. Geddes asked how many positions were open currently with the City. Mr. Goodwin said there was a full staff position, from one retirement coming in January. That was it. C. Geddes stated he believed the City was not competitive in terms of hiring. Mr. Goodwin said the City was more competitive now than it was two or three years ago. There had been a lot of turnover in Public Works and that is because the city asked a lot of them. Public Works did a lot for the City and as a result it put stress on their employees. Mr. Goodwin said there was a fine balance every city had to face when they experienced growth. Each growth required maintenance. He went on and explained the difficulties Public Works has had recently

Mr. Goodwin said the formulas for water/sewer funds; general funds were different and were not as clear cut as something like a specific utility. The only general fund revenue the City had control over was property tax or implementing fees. Mayor Rees added that this would be a discussion at legislature this coming year as to whether or not the State could allow the implementation of fees (they likely would). Mr. Goodwin also said that lots of cities had special fees that were charged to the residents.

Mr. Goodwin said regarding revenues, it was good that Mr. Louw had taken a conservative approach. It has benefited the City. Mayor Rees said the City would not have good policy planning in future if the Council did not have balance and awareness. She said the City was not growing, so the City needed to do something about this issue.

C. Andersen asked if the City was set up for Public Works to take over the parks. Mr. Goodwin responded that at this moment the City was not ready. To staff it the City needed to look at a new full-time employee and a part-time employee, and then also allocate one of their current City employees over to parks.

Mr. Louw said for motor pool specifically, the City had a savings of \$600,000 put away so they could handle these movements.

9. Discussion on City Park Curfews and Rules Governing the Use of City Trails

Mr. Goodwin said a resident near Timpanogos Cove Park was concerned with activities going on in the park. The complaint was that there was some salty language, weird behavior in the park, which the City cannot control. But the one thing the City could control was closing parks after a certain time. He wanted to discuss the possibility of changing parks curfew from Labor Day to Memorial to 10:00 p.m. instead of 11:00 p.m., and include a locked gate.

Mayor Rees said the reason why Labor Day to Memorial Day was because this applies to all parks, and all parks are currently closed between 11 p.m. and 5 a.m., but there was also a section in the code on amplified sound which was not permitted between “8:30 Sun-Thurs, and 9:00 p.m. Fri-Sat” and Memorial Day to Labor Day, which went from 9:30 p.m. Sun-Thurs and 10:30 p.m. Fri-Sat. So the City allowed for longer periods of amplified sound through the summer months. It made sense to shorten the time this way.

C. Bailey asked why not 9:00 p.m. Mr. Goodwin said if we started changing that drastically he felt the City would end up with sound ordinance problems. Lt. Christensen said American Fork park hours are 10:30 p.m. year-round. C. Bailey asked if the City could just close the one problem park or if it was necessary to close all parks. Lt. Christensen recommended picking an actual time, which made enforcement and legal cases easier. Mayor Rees asked to have a temporary time that the park would close at 9:00 p.m. Labor Day through Memorial Day. C. Andersen responded by stating the trail runs right next to the park, so the gate idea might not be effective. Mr. Goodwin said the people who were using the trail can access the park from the trail.

Mayor Rees said the main issue was with those who drive to the park. Maybe just keeping the parking lot gate closed would work best. The rest of the park can be accessed from the trail. The City would still want an ordinance stating the park was closed so police could enforce it. C. Bailey said he was okay with dog walkers in the morning and was less okay with late hours.

Mr. Goodwin asked if the City was interested in just Timpanogos Cove Park. Lt. Christensen said the other parks were not as much of a problem. The more secluded the more problems depending on park. Mayor Rees said it was the one park where residents could see something going on from residences near it.

Lt. Christensen said crime prevention from environmental design was due to the park placement being the worst location in the City. The darkness did not allow natural surveillance.

C. Geddes said if the curfew was lowered to be sure to include a sign. Lt. Christensen said most parks have signs that state what the curfew is. Mayor Rees said the group did discuss specifically the locked gate a possible warning to residents about its closure.

C. Bailey asked what time the happenings occurred. Lt. Christensen said throughout the day but that they were typically 10:00 p.m. and later at night. Mr. Goodwin suggested another time, such as 9:00 p.m. to close the parks. C. Geddes said the trails went through almost every park. Lt. Christensen said that for officer consistency to consider an all or nothing change compared to changing the hours of each park. C. Bailey said for right now the Council would work with one park.

C. Andersen said to do an experiment. Mr. Goodwin said the connections with the City trails and the rise of e-bikes might be an issue. C. Geddes thought those vehicles should be allowed.

Mr. Goodwin said the City wanted to allow these vehicles, and would carve out code rules for the e-bikes (transportation with sound, etc.). Mayor Rees said they had to include bikes and electric scooters.

Mr. Goodwin said they would bring this code back to the next meeting.

ADJOURNMENT

This meeting was adjourned 8:24 pm on a motion by C. Ellsworth, seconded by C. Miller, and unanimously approved.

Approved by Council:
November 19, 2019

/s/ Colleen A. Mulvey, MMC
City Recorder