

**CITY COUNCIL MEETING**

Tuesday, January 7, 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  
Charl Louw, Finance Director  
Jeff Maag, Public Works Director  
Craig Hall, City Attorney  
Colleen Mulvey, City Recorder  
Others: Lt. Josh Christensen, Hyrum Bosserman

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 7:00 p.m. by Mayor Rees. The Pledge of Allegiance was led by C. Geddes and the invocation was given by C. Ellsworth.

2. Approval of Meeting’s Agenda

**MOTION: C. Miller—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 thirty minutes for this item.

Les Nielsen, 4260 W White Pine Cove, wished to address the golf course driving range. They gave the Mayor copies of legal research they conducted on errant golf balls. These regarded legal liability and the effects of errant golf balls associated with the driving range. The research they conducted came primarily from the internet, so there could be some mistakes. If there were serious injuries to persons or property, it could result in both natural and punitive damages. He raised the punitive damage issue because if the City enabled or failed to act on this issue, there could be consequences.

Jeff Lindstrom, 10469 N Mesquite Way, lived by the driving range and was involved with it since he moved there three years ago. He had been dealing with the errant golf ball issue since then. He knew there had been new poles put in on the site, which he approved of, but felt they were not tall enough. The amount of golf balls he received had gone down, but the problem had

not gone away. A ball hit the side of his truck while he was driving. He recommended the City investigate what they really needed in terms of shaping the poles and nets to resolve the issue.

Cookie Harr, 10483 N Mesquite Way, read an email from Brad Miller, 4181 W Joshua Lane, on his behalf. The letter stated that the nets at the driving range were now the same height as old ones, which were compared to pictures he found on the internet through Google Earth from 2012. They seemed to have increased in height by a few feet after 2016. He wanted to know if there was a chart somewhere so he could access regarding the difference over time. He said another net closer to the open sidewalk would work better than extending the entire net. He also suggested conducting a study regarding where exactly the balls were going over the property lines, and then extending those specific areas, instead of extending the entire net.

Jeff Bosgraff, 10530 North Doral Drive, said he had three kids and coached soccer teams in the nearby park. On multiple occasions he found golf balls near the pavilion on the north soccer field, which was concerning to the point he had told his kids not to go near the pavilion during practice. He had a sister who lived on Cobble Drive that said she had an errant golf ball problem, and on multiple occasions had to dodge golf balls on the east side of her home. He did not believe putting in new fencing would solve the problem in north park. He said kids should be able to feel free and safe in parks, and he did not feel this was the case at this park.

### **CONSENT AGENDA**

4. Minutes from the November 19, 2019 & the December 3, 2019 City Council Meetings
5. Appointment of John Dredge, Jared Anderson, Eric Schloer and Lori Anne Spear to the Planning Commission

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

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

Motion passes.

### **CITY REPORTS AND BUSINESS**

6. City Manager

Mr. Goodwin reported that Junior Jazz started this week and they had 1,063 participants. This number was down by eighty from last year, but it should be a more manageable number given their limited court availability. The Ski Bus was full as well. They were making four ski nights on weekends instead of three. Karate classes kicked off this week with thirty-five registrants. He gave a reminder about snow removal and said last week they had a snow event and they had over 112 citations issued to cars parked on the streets. He asked that residents not park on the street; it made it very difficult to plow and created a safety hazard.

## 7. Mayor and Council

Mayor Rees said that Charlie Smith, who lived at The Charleston, was turning 100 years old. The Charleston was celebrating his birthday on Saturday from 2-4 p.m.

C. Andersen and C. Smith reported on having attended elected officials training offered by the Utah League of Cities and Towns (ULCT).

## 8. Review/Action on Cedar Hills Subdivision Plat I (Oak Road) Common Area Parcel

### *Public Comments:*

Cherie Condie, 4221 Oak Road, explained that she wanted to rely on the government and its documents. When Lot 26 was declared common area, she felt compelled to seek out legal information. She met representatives recently who understood her frustration and were willing and able to get a spokesperson for the issue. However, when she met recently with land consultant in Utah County, she found that there was no definition of “open space” written into the law. She said there was “no teeth” in the general plan because everything was in the politics of here and now. It came down to influence and how the people of the City Council voted. She explained that City budgets were the hardest; the debt was large, and taxes were insufficient to cover the land, services, and law enforcement. Some things had to be abandoned. She said she was trying to understand what was going on and said that the City was doing the best it could. An opportunity came out of nowhere, and the City Council and plat owners wanted to get the most but of it they could. Since she advocated for holding onto principles, she was there asking the Council to keep the parcel intact and available for future public space. She said the people present were the people for their next generation.

Ken Hazelbaker, 10253 Oak Road, said he lived right across the west end of the green space/open space. He was grateful there would not be any buildings. He supported sharing and keeping the plat as open space, but he did not know what would happen in ten or fifteen years to the plat. He did not want it to be taken away, because the group did not have the option to do something with the space. He was concerned about the property space and advocated for homes to move part of their properties back to preserve the space, so it could be used for something more in the future. He named support for the Laynes’ and Gardeners’ proposed boundaries, and said if the Cattermoles’ proposal was approved, it could destroy any future options for the location.

*The public comment section was closed.*

Mr. Goodwin said the request for this meeting was to formalize four separate encroachments onto this common area. State code did provide a mechanism whereby common area that was normally held as a HOA could be modified. That was important because it factored into what a common area was. This area had been long identified as open space (since the late 70s). The last private owner failed to pay property taxes on the land, and subsequently, it reverted to tax sale. A Utah County attorney flagged it and said it was designated as open space and could not be held privately, so it then reverted back to common area. His conversation with the County

was that he had a number of questions he wanted addressed. At that time, he wanted to know if there was a distinction between open space and common area, and the County said no, they treat them as community areas. The County had many names for the same land, so for the purposes of the County they were all treated as one. Another issue brought up were the taxes on this parcel. The taxes were very little, about \$18 to \$20 last year. That assessment was spread between every owner on that plat, which if the County was adjusting property tax anyway, would be very hard to differentiate between the adjustment to normal property tax versus what was the new tax at this location. The last thing he mentioned regarding the petition that was submitted was a question as to how the Council would handle properties that were no longer part of that parcel. He explained that the original plat by Cedar Hills was a larger area originally. From the time this size was recorded until present, the lot areas had been moved to a separate plat. The four lots under consideration were listed and numbered compared to the image. Some of the modification restrictions came from State Code 10-9a-606 Section 5, which said a person may modify the size or location of or separately convey a common area or common area facility following an approval by: a) local government, b) for a common area and facility if 67% of the owners of the plat were subject to a declaration (this was where the petition came in, which showed about 75% of the property owners).

At this meeting, they were to discuss the modifications to the plat. The chokepoint that Mr. Hazelbaker referred to was between lot 20 and lot 3. Mr. Goodwin referred to individual projects and images from the meeting packet. The Gardner modification, the Cattermole modification, and others had a different design for how to readjust the plat. The Capital project plan at one point included this land as a future park but the land was later sold privately. A potential problem with developing this area was the chokehold. They had imagined it as a nature preserve or trail; not a park in the traditional sense. But there was a problem getting from one section to the other because of the chokehold. The other two encroachments were lots owned by the Laynes. It was noted that Mr. Layne had said in an effort to prevent a portion of the lot from being developed, they requested that it be added to another area of the lot so that it did not create enough space for building a lot. Mr. Goodwin requested the entire plat to be re-platted to reflect the desires of the owners and make it functional space.

C. Miller asked what the process for re-platting was.

Mr. Goodwin said the group would contract a surveyor to take these survey points and then move these plot points and incorporate them. They would come to the City Council for approval.

Mayor Rees asked if there would be a way to make a trail through that section if this one section was approved. Mr. Goodwin said he did not believe so. The problem was that there was a significant elevation change that was found all through the area.

C. Geddes asked if there was an existing rock wall, to which he was given an affirmative answer.

C. Andersen said even if the encroachments were not there, there would still be a steep slope which would be in the path. Mr. Goodwin said when the City designed paths, they were

designing them to be ADA compliant. Even if the encroachments did not exist it would still be a challenge.

C. Andersen asked who would put the path in. Mr. Goodwin clarified that “privately held” meant everyone on the plat. C. Geddes asked if collectively the owners were technically responsible for renovating the area, to which he was given an affirmative answer.

C. Andersen asked if the owners of this area had signed the petition and decided that this proposal was what they wanted. Mr. Goodwin said yes, and they tried to process the application as best as they could to verify the signatures in a time-sensitive manner. They then presented that application to Council, followed by a legal review. The State code laid out the process clearly.

C. Geddes asked if the Council approved the subject to re-plat. He said it seemed as though they should just eliminate the chokehold and create two separate open spaces, so they never had to see this plat again. Mr. Goodwin said the problem with that action was that 67% of people had signed off on this one, and not the proposal for the modification C. Geddes suggested.

Mayor Rees said there was no discussion that has occurred about the City ever taking ownership of this. The information from the County was that the plat was not something that could be on the Capital Projects Plan. The Council could not make them move the encroachments because that was a civil issue.

Mr. Goodwin said they did do a zone change with this piece because it was intended to be a City park at some point. It was zoned in 2015 to the Public Facility zone. The City had a number of commonly held areas that were held by HOAs in the City and none of them were in a Public Facilities zone, so due to that, he felt this was now in a wrong zoning allocation; it should be in the residential zone. His proposal was that the Council direct staff to put the plat back in a residential zone.

C. Andersen asked if this would apply to the other open space next door as well. Mr. Goodwin said yes, as there was another adjacent lot. He further explained that years ago, the City discussed with the owners about purchasing this lot, and it was privately owned by one individual and the cost was astronomical. For this reason, the City never became owners of this land.

C. Andersen said in her opinion, general plans and capital projects did not have the force of law. They could and should be changed frequently, just as the City changes. She felt the petitioners had fulfilled their responsibility by getting signatures and distributing this information and were filling their end of the bargain. Therefore, her inclination was to approve this proposal.

**MOTION: C. Andersen—To approve the proposed adjustments to the common area open space on Cedar Hills Subdivision Plat I, adjacent to Lots 19, 4 and 20 according to Utah State Code 10-9a-606.**

C. Geddes suggested amending the motion to add “to direct staff to start the rezone process and to re-plot the entire plat.” C. Geddes then seconded the motion.

**MOTION: C. Andersen—To amend the motion to include “to direct staff to start the rezone process and re-plot the entire plat.** Seconded by C. Geddes.

Mr. Hazelbaker asked if the Cattamole issue could be put on hold for further discussion. Mayor Rees said they could put items on hold for discussion but could not modify an agenda item. After some continued deliberation, a vote on the motion was made.

Vote on the motion:

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

9. Review/Action on Acceptance of the 2019 Fiscal Year Audit

Steven Rowley, CPA from Keddington & Christensen gave an audit debrief about his team’s findings over the last fiscal year. He explained that a few things his team was required to do as auditors were to report to those who oversaw all the day-to-day operations of the City, the financial reporting of the City, and there were many people hired to take care of these finances and function of the City. There were many people ensuring funds of the City were safeguarded. It was noted that everyone in the room had a copy of the report.

The first thing he did was address the Auditor’s opinion: During this fiscal year, the City had improvements on cash receipting. This was a positive move because it helped ensure more accurate reporting and proper safety of those funds. Page 10 had the auditor’s opinion, which said the City was in the expected and accurate range for financial record keeping and was in accordance with the law.

This report discussed what was referred to as Required Supplementary Information. This included the financial schedules that showed the system liability, included a ten-year timeline to give the City an idea of how that changed year to year. There was also an actual budget schedule and these items were given as a whole and were not expected to be tested independently. The last paragraph of the report said there was another report on Government Auditing Standards. This did not identify any weaknesses within the current financial record. Mr. Rowley discussed some details about the report, but overall, the audit came back without identifying any issues. Compliance and other matters were looked at and did not identify any issues. State Compliance did not identify deficiencies or weaknesses.

Mayor Rees thanked Mr. Rowley for his flexibility, and thanked Mr. Louw and City staff for their cooperation and efforts. Members of Council echoed these same remarks.

**MOTION: C. Ellsworth—To accept the Fiscal Year 2019 financial report.** Seconded by C. Andersen.

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

10. Review/Action on Appointment of Mayor Pro Tempore

Mr. Goodwin explained that it was time to appoint a new Mayor Pro Tempore. There was a proposal to make C. Ellsworth the new Mayor Pro Tempore.

**MOTION: C. Miller—To appoint Councilmember Ellsworth as Mayor Pro Tempore, who shall have all the powers and duties of the mayor during her absence, or refusal to act according to State and City Codes.** Seconded by C. Geddes.

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

11. Review/Action on a Resolution making Assignments to Members of the City Council, Staff and Residents to Certain Boards, Committees and Entities

Mayor Rees asked if there were changes. She heard back from a few Councilmembers but not everyone.

C. Andersen said they had discussed her serving on Family Festival.

Mayor Rees said she had her listed as serving on the Utah Planning Commission and on Family Festival. If the City needed to switch people around, they could because they had not had a chance to speak prior to this.

C. Geddes said he would rotate to the Finance Committee if necessary.

Mayor Rees said the Utah Lake Commission needed an alternate for once a quarter. C. Miller said he could do it.

**MOTION: C. Andersen—To approve Resolution 01-07-2020A, a resolution assigning members of the city council, staff and residents of the City of Cedar Hills to certain boards, committees and entities, and adding Councilmember Miller as the city’s alternate representative to the Utah Lake Commission.** Seconded by C. Andersen.

Yes - C. Andersen  
C. Ellsworth  
C. Geddes

C. Miller  
C. Smith                      Motion passes.

12. Review/Action on Authorizing a Cooperative Agreement between the Utah Division of Forestry, Fire and State Lands and the City of Cedar Hills

This item was tabled because it required an approval by resolution.

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

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

**MOTION: C. Andersen—To amend the agenda to hear agenda item #14 before item #13.**  
Seconded by C. Geddes.

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

14. Discussion on Fencing along the Cottonwood Drive Trail, in lieu of raising the Driving Range Nets

*Public Comments*

David White, 4198 West Sandalwood Drive, said he was a resident of Cedar Hills for the last twelve years, and had not been active in attending City Council meetings. There was something that triggered his arrival that night; it concerned the fencing along Cottonwood in lieu of driving range nets. He frequently saw problems with the driving range and balls going over the nets. When the poles came down, he thought the City would take action to do the right thing and get it right this time by raising the nets. He was really disappointed in how it was handled. It was money inappropriately spent. Now the City was looking to fix that problem and throw more money at it and create fencing that really did not address the issue; the issue was that golf balls were hitting homes, including his. This was a major issue and he was upset that the funds were misrepresented.

Jason Harr, 10483 North Mesquite Way, lived across from the park. He too wanted to speak out about the fencing. He wanted to comment on a recommendation regarding the issue of errant golf balls. The proposed fencing may protect those who were walking on portions of the City trail, but it still did not solve the problem. He listed several reasons as to why this was the case. First, the fencing would not protect those who were crossing the intersection of the boulevard. Secondly, it would not protect people in the summer nor their properties. Third, it would not protect vehicles driving by. Fourth, there was a chance the fencing might make things worse by

blocking incoming balls and having them bounce back on Cottonwood drive into oncoming traffic. Fifth, it was his opinion the fencing would be an eyesore. Sixth, according to the agenda, this would cost more than what was proposed last spring than raising the middle sections of the poles. Raising the middle poles would cost \$24,000 and the proposal was rejected. The proposed recommendation would be a waste of money and time. The solution was simple: raise the nets.

*The public comment period was closed.*

Mr. Goodwin said the final design of the poles was now forty-five feet apart and were taller than fifty feet. He wished that the City could raise the nets, but he went on to explain why this would be challenging. The City raised the nets initially in 2014 or 2015, based on neighbor feedback, to fifty feet. When the City raised them to fifty feet at that time, staff felt this solved the problem. They knew the nets would not catch every ball. He estimated that about only 2% of balls left the range. He and the Mayor met over the concerns for safety. He said people golfing assume some degree of risk while golfing that they may hit someone. They did not feel that people using the trail on Cottonwood assumed same risk as golfers. There was a suggestion to add fencing like what was on hole #1. This fence did work and was a cost-effective way of addressing this concern. If safety was the primary concern this was the way to make a change. It would cost about \$106,000 to raise five to six sections at this time by ten feet.

Greg Gordon also added that this proposal would add two additional sections to the ends of the course.

Mr. Goodwin said the nets the course had now did not go as far as they used to. They had to be positioned to keep off a sewer mainline. His big concern at this time were the pedestrians who used the Cottonwood trail. Even if they raised the net ten more feet, balls would still get over it.

C. Geddes asked if there were any instances of pedestrians being seriously hurt by this problem. Mr. Gordon said there were none that he was aware of. Mr. Goodwin could think of a couple instances when cars were hit by errant golf balls.

Mr. Goodwin explained that the driving tee was set up perpendicular to the fence, and an idea they previously discussed was angling the driving range differently so the balls would land in a direction against the net. This allowed for drivers and irons only in certain areas which controlled some of this. They also suggested limited range golf balls, but they had those for a long time. The City wanted to know when cars were hit. He had tasked Mr. Gordon and staff with assessing this and they developed a proposal of this fence extension. He would like to know if and when golf balls were hitting cars, and if those who were hit could report it to the City. Another item they discussed was raising the green fee by one dollar and putting it in a fund to contribute to changing the netting. The cost of fixing broken windows was far less than raising the nets as the data showed. The current proposal they made for this night did not protect vehicles.

Mayor Rees met with Mr. Harr to discuss options and suggestions for how to address this issue. She was looking to implement and specify drivers, irons, etc. However, this was an action that needed to take place on another night.

C. Andersen said to change the orientation of the driving range seemed like the best option. Mayor Rees said they did have an estimate for the cost. Mr. Gordon said they would have to analyze a fair bit. Mr. Goodwin said they would need to get a car path and other features. C. Geddes said the no-cost solution would be to put down strings on an angle to keep people in check. He admitted it would look a little odd, but they could get used to it. C. Miller suggested moving flags. Mr. Goodwin discussed purchasing cheap targets away from the net to guide golfers.

Mr. Gordon said tee boxes were elevated and that they could bring in a bulldozer to drop them down about twenty to thirty feet. It would be a lot of work, but they could drop it instead of building an eighty-foot fence.

Mr. Goodwin said that during their October meeting, they discussed the challenges with budget. Their revenues were flat, and did not have much money coming in. Their costs were increasing. They tried to budget strategically and found that they needed to tip the budgeted expenses compared to the not budgeted expenses and take that money to put it into a fund where they could build the nets for example. The transfer that normally grew year to year was shrinking. He felt the \$300,000 to spend on nets was not the greatest need of the City. He felt this did not trump other concerns and costs of the City.

C. Ellsworth agreed that the next step in his mind was to see what options would cost before the City decided. Mayor Rees asked if C. Ellsworth would like to get financial information on the changes, and then possibly lowering the net. C. Ellsworth said yes, he wanted to see a price for each of the proposals. Mr. Goodwin said he will continue to work on that gathering that information.

C. Miller appreciated staff brainstorming and coming up with a solution for the fences. He felt it addressed part of the problem and hoped that they could find a solution that addressed all the problems. There was further deliberation on potential solutions.

### 13. Discussion on Alcohol in the Vista Room

Mr. Goodwin said that when they originally opened the Vista Room, it did not allow alcohol. That had been changed in 2013 for serving alcohol under certain conditions. The Council was asked to evaluate allowing alcohol at certain events at this location. It was noted that there was about \$5,000 in revenue from selling alcohol at this location.

Mayor Rees asked if there was any associated expense connected to that amount. Mr. Goodwin said event staff put together a cons list of what they decided to do for consequences of having alcohol. Extra staff needed to be scheduled. There was general wear and tear on the facility. There would be more clean-up requirements. Children were less attended to.

Mr. Gordon said this was the only site in the County that allowed alcohol to be served which would expand the customer base. Mr. Goodwin said he was uncomfortable with the way the City was handling alcohol at events. He did not want the staff confronting people who had been drinking either. He said there were two options: either completely forego the alcohol or make serving it under even stricter guidelines.

Mayor Rees was never a fan of allowing alcohol in this building. Her preference was to cut it. She did not love the fact this was the only facility in Utah County that allowed alcohol. This was their community recreation center. She had been there multiple times while a wedding was happening, and other events were happening downstairs. There were children present while alcohol was served in other areas of the building. C. Andersen agreed.

Mr. Gordon was concerned about the staff working nights. C. Miller said it sounded like a lot of extra hours and costs with clean up from these events, so he questioned what the actual revenue was. Mr. Goodwin said he could speak to gross revenue, noting that it depended on the nature of the event. He knew of one event where the entire floor was sticky, and so staff had to come in the next day and spent hours cleaning the floor.

C. Miller speculated that the net revenue was less. He said if the City was the only location to serve alcohol that there might be a great advantage and demand for this. He was thinking about what the market was dictating and he wanted the staff to consider changing the current policy.

Mayor Rees reiterated her concerns for safety of minors in the building during events where drinking was taking place. There was subsequent deliberation on the matter.

#### ADJOURNMENT

This meeting was adjourned 9:05 p.m. on a motion by C. Geddes, seconded by C. Smith, and unanimously approved.

Approved by Council:  
February 18, 2020

/s/ Colleen A. Mulvey, MMC  
City Recorder