

CITY COUNCIL MEETING
Tuesday, June 16, 2020 7:00 p.m.
Community Recreation Center
10640 N Clubhouse Drive, Cedar Hills, Utah

Present: Jenney Rees, Mayor, Presiding
 Councilmembers: Ben Ellsworth, Mike Geddes, Brian Miller,
 Kelly Smith (7:32 p.m.)
 Absent/Excused: Denise Andersen
 Chandler Goodwin, City Manager
 Greg Gordon, Recreation Director
 Charl Louw, Finance Director
 Jeff Maag, Public Works Director
 Craig Hall, City Attorney
 Colleen Mulvey, City Recorder
 Others: Lt. Josh Christensen, Laura Blanco

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. Geddes and the invocation was given by C. Miller.

2. Approval of Meeting's Agenda.

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

Yes	-	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 May 19, 2020 City Council Meeting

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

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

CITY REPORTS AND BUSINESS

5. City Manager

Mr. Goodwin thanked the golf staff for working under interesting conditions for the prior three months and stated that they had managed to have a successful spring. Mr. Goodwin said events had started to pick back up and they had been working with the Utah County Health Department on guidelines that had been set forth from the State. Some events scheduled in April, May and June were getting rescheduled for July, August, and September. Tee ball and coach pitch would begin on Tuesday and they were following social distance guidelines required by the State. He reported that High-fit and karate classes have started as well. Mr. Goodwin thanked the fire and police departments for their help at the Family Festival. Staff received a lot of positive feedback on the event. Lastly, he stated that Harvey Park was open. He asked for everyone's patience as they troubleshooted items relating to the splash pad.

6. Mayor and Council

Mayor Rees thanked the golf staff for all their hard work this year. She thanked Staff for all the work that had gone into Harvey Park and said that she had heard great things about the park from area residents. She reported that the east-west connector road construction had started and was anticipated to be completed in October. She had heard back from UDOT after sending them pictures and video footage of the intersection of Canyon Road and SR92. UDOT had indicated that as they resurfaced SR92 they were going to restripe the intersection so that when people turned west from Canyon Road onto SR92, there would be an accelerator lane so there wouldn't be competition with traffic coming out of the canyon.

C. Ellsworth added to the Harvey Park praise and stated that he had heard nothing but good things and asked why the splash pad had not run on Sundays. Mayor Rees replied that they did not have public works staff working on Sundays.

C. Geddes clarified that the water at the splash pad was recycled culinary water. He praised everyone for their work the past few months. Lastly, he commented that he was deeply moved by the death of David Shaw and said he would be missed.

C. Miller reiterated the positive feedback about the park and commented on the loss of David Shaw. He went on to say the parade and fireworks were awesome and a lot of people enjoyed it even with social distancing. He was happy that they were able to do something for residents.

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

Mr. Goodwin said there had been several complaints about the number of balls leaving the range and the safety hazards that that posed to passerby's and cars. He said that Council and staff had worked through ten items they had felt could possibly help resolve the problems they had been having. Mr. Goodwin referenced an area near the driving range from the presentation which contained an intersection that he referred to as a critical junction.

Option 1 was to increase the height in the middle section of the netting. Mr. Goodwin showed where the netting was on the presentation and said they had identified seven sections of poles

that they could raise. They had reached out to the company that had designed the netting and asked how high they could take the poles and the answer was that the poles were not engineered to go any higher than ten more feet. The cost to add the ten feet to the poles would be roughly \$30,000 to \$40,000. Mr. Goodwin stated there were radar studies to see where the balls were flying. However, without doing something that specific they would not be able to determine how effective raising the poles would actually be.

Option 2 was to increase the height of all the netting. If the City paid to raise the entire net it would be a complete rebuild, which would cost \$450,000 based on the bid from the same company that had done the original net.

Option 3 was to angle the tee boxes away from the nets which would cost approximately \$100,000.

Option 4 was to move the range to using irons only. He referenced the trajectory study and said that, as of that day, the blue section was irons only in front of the lower tee box. There was subsequent discussion regarding the effectiveness of this potential strategy.

Mayor Rees asked for clarification on the numbers collected from the study to which Mr. Goodwin replied that the total number of balls that had gone off property was 119 for irons only and 164 when drivers were added. Mr. Goodwin stated the study should be done over time because of all the variables involved and said that moving the range to irons only would not prevent the problem because there would still be balls that went over the fence. There would be some financial repercussions for the course because most golfers went to the driving range to use a driver. Since people would not use the driving range as much, it was anticipated that there would be negative financial effects.

Option 5 was to switch the direction of the driving range from driving from west to east to east to west. Mr. Goodwin stated this was an interesting idea, but it was a more expensive plan. They would have to build a trail for golf carts to get to the far east side, put in netting to protect the 18th hole, put in protective fencing to protect the users of the driving range from errant balls above the tee boxes, as well as the grading that would have to be done.

Option 6 was to shut down the range except for tournaments. Mr. Goodwin commented that often golfers liked to hit a bucket of balls before they got onto the course for a tournament.

Option 7 was to add a golf fee for repairs while leaving the course as it was, as well as having a good neighbor policy. His main concern was damage to homes, not automobiles, and this was something they could discuss further. There was discussion on how many windows had been broken by golf balls to which the number 5 was determined. Mr. Goodwin stated they had moved the targets to the north so that they were not centered on the driving range. He did not think adding targets would be an effective way of dealing with the problem.

Mr. Goodwin said another interesting idea was to drop the elevation of the tee boxes. He referenced an image that showed the tee boxes to provide perspective on the current elevations of

the tee boxes. He said the cost of excavation, irrigation, and re-sodding for this was unknown and they would need to get a bid from an excavator to determine the cost.

Mr. Goodwin said one of the final options was to move the tee box area to the north away from the nets, but he thought this would have only a marginal effect. He stated another idea was to put a safety net along the jogging path. He then discussed pole length.

Mr. Goodwin said one of the proposals from the residents was that the City should look into a golf course trajectory study. He reposted that he spoke with Greg Tanner of Tanner Consulting Group who had worked with the PGA and golf courses around the world designing golf courses. Mr. Tanner evaluated data that was available based on a number of variables and creates a 3D model of the potential number of balls that would leave the course; recommendations were made based on this information. Mr. Goodwin said a lot of the options that had been discussed were expensive and his recommendation to Council would be to look into a trajectory study before they decided on any major changes to the golf course. The cost of the trajectory study would be \$3,550.00 and it could be done in ten days.

Mayor Rees read the following statement from C. Andersen: “Mayor and City Council, I regret that I am not able to attend tonight’s city council meeting but wanted to be able to voice my opinion in favor of going forward with the trajectory study proposed by staff tonight. I feel it is in the city’s best interest to go forward with the study even knowing that it will cost \$3,500 in these budget strained times. I know that we have poured a lot of money into the driving range nets recently and we have done what we have felt necessary to mitigate the errant balls flying over the net but apparently balls are still going over. I know that it is 1-2% of all balls hit on the range but they add up. I am aware that staff has come up with some feasible solutions that are low cost and easier to implement than raising the nets and I am in favor of trying these as well. Having the trajectory study done will help us find other solutions and confirm to us that we are on the right track. Either way I think it is important that we do our own due diligence and seek professional advice moving forward that way we can in all certainty say we have made every effort to solve this ongoing problem. I want to lay this issue to rest as much as anyone else and I feel that having the study done will help to reach a conclusion that will be satisfactory to all.”

Mayor Rees reported she had met with HARRIS and NIELSENS and it was clear from conversations with them that the City’s intention with the fence was originally to mitigate the number of balls going over the fence. The projected one to two percent of balls had been accurate but depending on the number of golfers and the number of balls that were hit, that number added up quickly for the people who lived and recreated on the other side of the driving range. She stated she supported the study and the professionalism that went into collecting its results.

C. Kelly arrived at 7:32 p.m.

C. Geddes felt the City was covered in a legal sense and that protecting the residents was the main priority. He said that in 18 years no one had been hit by a ball and he understood the push to do the study, but he thought it was a waste of money. He said he had asked the HARRIS if they had considered putting up a fence, but they had told him it was too expensive. He had golfed around the country and when people who lived on golf courses had chosen to live on a golf

course they should expect balls on their property; if they wanted to protect their property they could put up a fence.

C. Ellsworth stated that the numbers from the study between irons and drivers seemed biased and to him a trajectory study would be \$3,600 to fix a perception issue. He was concerned about the budget and was not sure how useful the study would be.

C. Miller said they had tried the free solutions and that in consideration of what they were trying to mitigate it was a low risk but high impact situation with the possibility of someone being hit. He commented that it had not happened over the 18 years that the range had been there, but they wanted to make sure they were prudent in case it ever did happen. He supported the study.

Mr. Goodwin said that in talking to Mr. Tanner from the Tanner Consulting Group, golf was a sport that evolved over time and people’s abilities were enhanced by the equipment they used. He thought the trajectory study gave the City the opportunity to explore options that they had not considered, such as adding a tree in a strategic location or angling tee boxes downward. He commented they had discussed budget issues the previous July that were coming to fruition, and he could not justify a half million-dollar solution but that \$3,500 for a trajectory study would put the City in a defensible position about what they were going to do with the driving range.

C. Smith agreed with everyone which made her feel conflicted. She said that the perception could be that they were doing nothing; if the study mitigated this concern, then she supported it.

C. Ellsworth stated in response to the technology advancing, that would always be a situation which told him that the study would only be valuable for a certain amount of time.

MOTION: C. Ellsworth—To approve staff to engage an agreement with Tanner Consulting Group to perform a trajectory study of the driving range. Seconded by C. Miller.

Yes	-	C. Ellsworth	
		C. Miller	
		C. Smith	
No	-	C. Geddes	Motion passes.

8. Review/Action on a Resolution Authorizing the Mayor to Execute a Lease Agreement for the Grill Space at the Community Recreation Center

Mr. Goodwin explained this was a lease agreement with Laura Blanco who had looked at the kitchen space at the Community Recreation Center. He reviewed some of the provisions of the kitchen agreement. He said the agreement outlined a basic understanding of the space that was going to be leased and defined the grill space area and the common areas to which both parties had access. The agreement listed the equipment in the lease space area and outlined a flexible rent schedule which was \$500-550 a month during the busy months. In April-October, rent was reduced to \$100. Mr. Goodwin subsequently reviewed taxes and shared revenues as outlined in the agreement.

C. Geddes asked what the timeframe to start would be. Mr. Goodwin replied he would like to execute the agreement as quickly as possible. This would give her access to the space immediately so she could get the health and fire inspections underway. Mr. Goodwin continued that he thought they could get the agreement ironed out by the end of the week.

MOTION: C. Geddes—To approve Resolution No. 06-16-2020A, a resolution authorizing the Mayor to execute a lease agreement for the grill space/kitchen facilities and equipment located at the Community Recreation Center, subject to the agreement being substantially in the form as the proposed draft agreement. Seconded by C. Smith.

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

9. Review/Action and Public Hearing on a Resolution Adopting Fiscal Year 2020 Budget Amendments

PUBLIC HEARING

No comments.

Finance Director Charl Louw stated the first item he would discuss was budget amendments for Fiscal Year 2020. He discussed the CARES Act grant allocation related to COVID-19.

Mr. Louw reviewed the reductions made to the Family Festival because of COVID-19. He said there were some repairs to the roof of the public safety building which were supposed to be around \$6,000. He stated that the departments had been very careful with spending since March and because of that, if they were careful for the next two weeks, they could max out the balance in the General Fund and could transfer some money into capital projects. The State indicated there had been a lot of internet sales made from people being indoors and while they had initially said it was going to be flat, March was a record month. Mayor Rees added that everyone was shopping at Walmart. Mr. Louw agreed and stated that Walmart, Taco Bell, and McDonalds all had good months. C. Ellsworth asked how Harts had done to which Mr. Goodwin replied there had been a few things that they could not keep in stock because of high demand.

Mr. Louw stated they could have eliminated the golf subsidy, but they wanted to let them use the money for equipment and future investments into the course. He then explained decreases to the Water & Sewer Fund balance were due to adjustments made in April.

MOTION: C. Ellsworth—To approve Resolution No. 06-16-2020B, a resolution adopting the amended 2019-2020 Fiscal Year Budget for the City of Cedar Hill, Utah. Seconded by C. Miller.

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

10. Review/Action and Public Hearing on a Resolution Adopting the Fiscal Year 2021 Budget (July 1, 2020 to June 30, 2021)

PUBLIC HEARING

No comments.

Mr. Louw explained on the tax revenue side, he had initially proposed a sales tax drop of \$250,000, but based on the news he had brought back from ULCT he thought it would go up \$75,000. He said that most of the cuts for the following year had to be done due to COVID-19. He referenced a slide from the presentation and said that the certified property tax amount was around \$720,000, but some people paid taxes late so it could be less than the current year. He pointed out the biggest difference in expenditures was they were minimizing any cost that they could think of. He mentioned events and passports and the effects COVID-19 had on them.

Mr. Louw commented on Public Works and stated that half of what they allocated went into Class C roads and road maintenance. Supplies and maintenance had gone down because it was part of the contract that was eliminated. There was a reduction in part time hours in the recreation department because of programs getting cancelled. He stated that compared to last year, golf was doing well, and they were being conservative with the golf budget. He then discussed figures relating to the golf budget. He said they were being very conservative with Class C roads, but they could change it in a couple of months if they needed to. He talked about taxes relating to the roads and said they would watch it over the next couple of months.

Mr. Goodwin commended staff on coping with a difficult budget year. When they had met for their budget retreat in January, they could not have predicted what was going to happen this year and the City as a whole had had to do belt tightening to reduce spending. He said it has been challenging for all departments but that it would have a good effect on the City overall.

MOTION: C. Ellsworth—To approve Resolution No. 06-16-2020C, a resolution adopting the 2020-2021 Fiscal Year Budget for the City of Cedar Hills, Utah. Seconded by C. Smith.

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

11. Review/Action on a Resolution Certifying the Calculated 2020-2021 Real and Personal Property Tax Levy

Mr. Louw presented some background information about census numbers. He stated that they had peaked in 2017 and tax rates went down in the last few years, which offset the rising property values. He reported the County Auditor's certified property tax rate for 2020 is .001646 and the total levy amount is \$1,036,621.

MOTION: C. Ellsworth—To approve Resolution No. 06-16-2020D, a resolution setting the total Property Tax Levy assessed upon real and personal property for general

governmental purposes for the 2020-2021 tax year for the City of Cedar Hills, Utah.

Seconded by C. Geddes.

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

12. Review/Action on a Resolution Adding, Amending, or Deleting Certain Fees to the Official Fees, Bonds and Fines Schedule of the City of Cedar Hills

Mr. Goodwin referenced the fee schedule and stated they were proposing utility rate changes to be in line with increased fees from Waste Management. He stated they are proposing a change to credit card transactions over \$300 that would include a 3% surcharge to cover the transaction fees charged by the credit card companies. This surcharge would not apply to utility payments.

MOTION: C. Smith—To approve Resolution No. 06-16-2020E, a resolution adding, amending, or deleting certain fees to the official fees, bonds and fines schedule for the City of Cedar Hills, Utah. Seconded by C. Miller.

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

13. Review/Action on a Resolution Authorizing the Mayor to Execute an Agreement with Utah County regarding the Receipt and Expenditure of the CARES Act Funding Grant

Mr. Goodwin stated that the CARES Act allocated money to states to help with unexpected expenses related to the Coronavirus. He stated that the State of Utah received \$507 million and that Utah County was allocated \$111 million. When Utah County commissioners met with mayors to agree on a way for that money to be distributed they had allocated \$20 million to non-profit efforts in the County, and with the remaining money the Council of Governments had decided it would be distributed to cities based on population. He said they were receiving that money directly from the County and the County was asking cities to enter into an agreement with them which specifies if the money is improperly spent by the cities, then the cities would be responsible for paying it back to the treasury not the County. He said this CARES Act money allows them to cover the cost of the resources they needed such as PPE, sanitation, and unemployment.

Mr. Goodwin stated the agreement had been called into question in that some of the lawyers in Utah County had expressed concerns with the language used. The two concerns that were most important to Cedar Hills were: any money not used had to be sent back to the County to stimulate local economy, and they wanted to make sure that encumbrance would be treated as an expense that would not have to be paid back past the November 1 deadline. The second concern was they wanted to clean up the language to better match the intent of the mayors and the County in that if a city improperly used money, they were responsible for their own money.

Mayor Rees stated that that is what she thought the intention of the Council was, and she did not anticipate them having a problem with the language changes. She said she knew if the money was not allocated by November 1, they did not want to have to send it back. However, they also had to make sure that they also followed the treasury rules.

Mr. Goodwin stated there had not been any contracts that had come up in their discussions on how the money would be spent, so he thought it was of small importance to the City. However, it was tough to determine if there would be a second wave of the virus with the possibility, they would have to start shutting things down again.

MOTION: C. Ellsworth—To approve Resolution No. 06-16-2020F, a resolution authorizing the Mayor to execute an agreement with Utah County regarding the receipt and expenditure of the CARES Act Funding Grant, subject to including what was discussed tonight. Seconded by C. Smith.

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

Motion passes.

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

Mr. Goodwin stated this was from FEMA, and it had been on the agenda about a month prior. He said there were a few follow up questions that he wanted clarification on in terms of how the National Flood Insurance Policy (NFIP) affected the City. If they joined NFIP then residents could purchase FEMA flood insurance, but if they did not join then they could not purchase flood insurance. However, this was not true; residents could still go to the private insurance market and purchase flood insurance. He said that to date he had never had a resident ask why they could not purchase FEMA flood insurance. He pointed out there were not any structures in the flood plain except for the golf maintenance building which was not actually in Cedar Hills but in Highland.

Mr. Goodwin expressed his concern that if they adopted the code, they would have to adopt the entire 18-page code that they could not modify, and some of it did not apply to Cedar Hills. He stated that if the City did not decide to participate, the State would not allow the City to apply for mitigation projects. There was a stipulation about mortgages, but they did not have any mortgages in the flood plain, so they did not have to worry about that. The City was in a low to moderate risk and residents could get flood insurance that covered personal property and possessions. He stated there was no requirement from the City for training, there was no cost to the community to join, and no annual report. However, they would be required to create a flood plain development permit which they would have to issue to themselves every year to do any activity in the floodplain. He commented that activity in the floodplain was a nebulous term and was unsure of what exactly it meant.

Staff and Council subsequently discussed an appropriate motion to make on this item.

MOTION: C. Geddes—To not approve the proposed resolution and ordinance related to flood damage and prevention, and to direct Cedar Hills staff to not join the National Flood Insurance Program. Seconded by C. Ellsworth.

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

15. Review/Action on a Resolution Designating the City of Cedar Hills as a 2020 Utah HERitage City

Mr. Goodwin thanked Mayor Rees for her efforts in getting this designation for Cedar Hills. He stated that the Better Days 2020 was about the women’s suffrage movement and he knew they had had big plans this year to celebrate. Unfortunately, however, all those plans had been cancelled because of COVID-19. He commended the Better Days 2020 group for looking for ways to recognize the historic role Utah had had in women’s suffrage and thought this was great for the community. He stated they were the only Utah County city that was chosen to be a HERitage city, and they were proud to recognize Utah’s role in the women’s suffrage movement.

C. Smith commended the Mayor and said she knew this had been a passion of hers.

MOTION: C. Smith—To approve Resolution No. 06-16-2020G, a resolution designating Cedar Hills as a HERitage City for the year 2020. Seconded by C. Miller.

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

ADJOURNMENT

This meeting was adjourned 8:50 pm on a motion by C. Smith, seconded by C. Geddes, and unanimously approved.

Approved by Council:
July 21, 2020

/s/ Colleen A. Mulvey, MMC
City Recorder