

CITY COUNCIL WORK SESSION
Tuesday, July 21, 2020 6:00 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

This work session of the City Council of the City of Cedar Hills, having been properly noticed, was called to order at 6:03 p.m. by Mayor Rees.

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

Chandler Goodwin showed an aerial image of hole 16 and stated there were two hot spots on the golf course where they expected high incidents of golf balls exiting the range. He said that most problems were avoided until hole 11 which was a par 3 where there were homes that were 50 to 60 feet from the green. He presented images of the golf range and explained there were incidents where windows were broken. He stated he was not proposing to waive all responsibility of the homeowners living adjacent to the driving range, especially if they were adjacent to the fairway, but he thought that as a City they could do something to help these residents in these types of situations. He explained the City would set up a golf fund with an initial \$5,000 that would go towards these types of damages. If they ran out of the \$5,000, they would be able to gauge the problem. He read from the code and mentioned it would not be Staff who reviewed the claims it would be the City Attorney who reviewed them. He discussed the criteria for reimbursement and commented just because there was an incident did not necessarily mean there would be reimbursement; it may be covered completely by private insurance. He said in order to pay for this program staff was suggesting implementing a fee. Initially they would not be asking for anything to change as far as course prices but as they approached the following year, they could discuss increasing green fees which he thought would bring in more money than a base \$5,000 allotment.

Mr. Goodwin stated they were proposing to set up a system where instead of continuing to pay out claims they could set up systems with the homeowners in the hotspots. Over time they could mitigate problems to the point where they would stop having incidents. If a person got hit by a golf ball they would be in a completely different realm of legality.

C. Smith asked if other golf courses had similar programs in place. Mr. Goodwin replied that the code under discussion had come from Murray City. He said it was hard to gauge how much to

set aside because they had never done this before so they would set it at \$5,000 and see what happened. If it was shown to be a sufficient amount they could adjust as necessary. C. Smith asked about what they would do if \$5,000 ended up not being enough. Mr. Goodwin replied they could look at raising it in the future and that was why he thought raising the green fees would be a good idea. C. Smith asked if attorney fees would come out of the \$5,000 allotment to which Mr. Goodwin answered affirmatively.

C. Smith asked if they would be limiting their exposure if they ran out of money. Mr. Goodwin replied that he did not think that it made them liable; this was simply a good neighbor policy. When the money was gone the money was gone and they were not obligated to dig deep into the coffers to rectify every wrong that occurred especially when the City was not the one liable. City Attorney Hyrum Bosserman stated that the experience in other cities had been that this was a good neighbor policy and that it would not add to liability.

C. Smith asked if it would be a flat fee to which Mr. Goodwin answered affirmatively. He stated in the code it was written that it would be up to \$300 per vehicle and \$1,000 per incident and he thought that \$5,000 would cover their claims. C. Geddes commented that given their history they would probably have a hard time using up \$5,000. Charl Louw said he felt that if someone came to a meeting then Council would pay for it. If it was a reasonable request, he felt like they should pay out even if they exceeded \$5,000. Mayor Rees agreed and commented that green fees would bring in a lot more money if they had a bad year.

C. Ellsworth commented he thought \$5,000 was a great starting point. C. Andersen added she liked how the attorneys were the deciding factor. C. Smith asked if there would be a timeline to let them know. Mr. Goodwin replied 30 days. C. Miller said he thought that people would check with their homeowner's insurance first which might take a little bit of time.

C. Smith asked about the \$1,000 and if they were going to just give \$1,000 or if they were going to look at each cost or look at homeowner's insurance deductibles. Mr. Goodwin replied the payment would not exceed what was being paid for and the City would not pay for an upgrade. Mayor Rees said this was spelled out in the proposed ordinance. C. Andersen asked if they could specify that they would not be paying for upgrades. C. Smith asked if the City or the homeowner would be getting the bid. Mr. Goodwin replied the City would likely solicit multiple bids. Mayor Rees commented they could not require homeowners to use the contractor the City chose because there was not a contract in place. Mr. Bosserman said they did not typically pay the vendor they just gave the payout to the homeowner. Mr. Goodwin clarified that the homeowner would be contracting with the vendor and the City would be paying the homeowner. C. Geddes stated they should keep a picture of the actual damage in the file. He said if they had consistent incidents on hole 16, they might consider putting up 20-foot sections of fence. Mr. Goodwin commented they had donated fence netting to the neighbors. There was then a discussion on planting trees.

2. Review/Action on extending the deadline for registering Accessory Dwelling Units (Accessory Apartments)

Mr. Goodwin stated in 2018 they had passed an accessory dwelling unit code that reduced the number of hurdles residents had to jump through to register accessory apartments. He said it made it easier to register their apartments, and it helped the City to comply with the affordable housing plan. He stated current code had a two-year registration period, and given everything that had been going on, staff was recommending an extension of another year be added to give people additional time to register their apartments.

C. Andersen commented she tried to register her apartment and was not able to; she thought some of the qualifications were a little too stringent. Mr. Goodwin asked which ones. C. Anderson replied there were a lot of ADUs in the City that were not going to pass and wondered if there was a way to get some things grandfathered in in order to make it easier for people to register their ADUs. Mr. Goodwin replied this depended on their willingness to draw the line. They wanted to make sure that the ADUs they were renting out to people were safe which was why they had to jump through so many building code requirements to ensure the work was done properly. The Council further discussed rights that would be grandfathered in, inspection requirements, permit renewal fees, and affordable housing. It was noted that the fee to register an accessory building was \$35.

This meeting was adjourned at 6:53 p.m. on a motion by C. Andersen, seconded by C. Ellsworth, and unanimously approved.

Approved by Council:
September 15, 2020

/s/ Colleen A. Mulvey, MMC
City Recorder