

CITY COUNCIL MEETING
Tuesday, October 5, 2021 – 7:00 p.m.
Community Recreation Center
10640 North Clubhouse Drive, Cedar Hills, Utah

Present: Mayor Denise Andersen, Presiding
Council Member Laura Ellison
Council Member Ben Ellsworth
Council Member Mike Geddes
Council Member Brian Miller
Council Member Kelly Smith

Staff: Chandler Goodwin, City Manager
Jeff Maag, Building Official
Charl Louw, Finance Director
Kevin Anderson, Public Works Director
Craig Hall, City Attorney
Colleen Mulvey, City Recorder

Others: Lieutenant Josh Christensen

CITY COUNCIL MEETING

The City Council Meeting of the City of Cedar Hills, having been properly noticed, was called to order at 7:04 p.m. by Mayor Andersen.

1. Call to Order, Pledge, and Invocation.

The Pledge was led by Council Member Miller and the invocation was offered by Mayor Andersen.

2. Approval of Meeting Agenda.

MOTION: Council Member Smith moved to approve the meeting agenda. Council Member Geddes seconded the motion. Vote on motion: Council Member Ellison-Aye, Council Member Ellsworth-Aye, Council Member Geddes-Aye, Council Member Miller-Aye, Council Member Smith-Aye. The motion passed unanimously.

3. Public Comment: Time has been set aside for the public to express their ideas, concerns, and comments.

Nathan Stocks gave his address as 9451 North 3830 West and stated that he has been a resident since 2010 after moving to Cedar Hills from Provo. He expressed his support for the fiber issue. While he needed more information on the financing options, he was excited about the prospect of having a high-speed fiber connection. He stated that he requires a high-speed internet connection for his job, and he currently pays over \$400 per month to Comcast to get higher upload speeds. When he moved to Cedar Hills, one of the things he missed the most were the high internet speeds.

There were no further public comments.

REPORTS/PRESENTATIONS/RECOGNITIONS

4. Community in Action Award Presentation to Linda Hutchings.

Mayor Andersen recognized Linda Hutchings who provides a great service to the City. Ms. Hutchings goes to Harvey Park every day and collects what is left behind. Ms. Hutchings explained that it began as a result of her walks around the neighborhood. Harvey Park is about one-half mile from her home, and she goes out early and was surprised to see how much was left at the park. Items did not include just trash but personal items as well that were left behind. At first, she gathered it up so that it would not be thrown away. She put it in one place thinking that the owners would come back, which most did not. She placed it in the donation box at the Boys and Girls Club and has continued to do so ever since. She hoped that her efforts have made people more aware.

Mayor Andersen presented Ms. Hutchings with the *Community in Action Award* and thanked her for her efforts.

CITY REPORTS AND BUSINESS

5. City Manager.

City Manager, Chandler Goodwin, commended the Cedar Hills Golf Club and Vista Room who have had continued success. The golf course has remained extremely busy with several tournaments this month. The Vista Room has had one of its busiest months since opening nearly 10 years ago. Staff was commended for their efforts.

Mr. Goodwin reported that a few recreation programs were open for sign-ups, including Junior Jazz and Ski Bus. Both programs typically fill up, so residents were encouraged to sign up immediately. It was clarified that the ski bus goes to Brighton.

Mr. Goodwin indicated that Pressurized Irrigation (“PI”) water has been shut off for the season. City residents were commended for their conservation efforts as a drop in usage was seen. He stated that the golf course continues to water as there is still some water coming in from the American Fork Canyon Ditch that the City owns. Rather than let it bypass the City they are using it at the golf course. That would be ongoing for the next 10 days.

Mr. Goodwin reported that the Fire Station will be open to the public on October 13 for an Open House from 6:00 p.m. to 8:00 p.m. At that time, residents can inspect the apparatus and meet the firefighters. Hot dogs will be served.

The City was hosting a Wellness and Mental Health Town Hall on Monday, October 18 with Dr. Kristi King who will address mental health strategies. The event was free to the public.

Mr. Goodwin reported that ballots for the election were to be mailed out the following Tuesday. There will be a drop-off location at the Cedar Hills Fire Station next to the utility drop-off box.

6. Mayor and Council.

Council Member Ellison thanked Council Member Smith for her efforts working with the Youth City Council (“YCC”). She stated that she is doing great things.

Council Member Ellison reported on the recent Utah League of Cities and Towns (“ULCT”) conference and stated that she attended some excellent seminars. Captain Scott Kelly spoke and described his experience spending over 500 days in space. She enjoyed it immensely and the opportunity to visit with others involved in city leadership from throughout the State. She enjoyed hearing the goals and aspirations of each municipality.

Council Member Smith attended the ULCT conference as well and appreciated the collaboration with other cities. She also enjoyed meeting with the ULCT leadership and let them know how they feel about things in the City. The next YCC Meeting was scheduled for the following evening. They volunteered to help the American Fork Chamber of Commerce with its Meet and Greet and Candidate Debate the following evening from 6:30 p.m. to 8:00 p.m. at the Community Recreation Center.

SCHEDULED ITEMS AND PUBLIC HEARINGS

7. Review/Action on Awarding the Golf Course Construction Redesign Bid.

Mr. Goodwin reported that the Request for Proposals (“RFP”) for the Golf Course Construction Redesign Bid went out last month and three bids were received. The project consists of two phases. The decision was made to move away from the driving range after discussing how much of it is utilized at the last meeting. Consistently, there have been twenty rounds of golf to one bucket of balls, and it has not been used as much as it could be. In addition, several balls have been hit over the nets. The Council provided ideas and potential solutions. It was determined that the best option would be not spending money to raise the nets. A better option was thought to be to do something new, exciting, fun, and that opens the game of golf to those who may otherwise not be golfing. The course is very difficult and not the best to learn on. What was proposed was a short course consisting of six holes that can be completed in 45 minutes and allows a player to take a child. It was thought to be an opportunity to teach beginners to golf.

Mr. Goodwin stated the six-hole configuration would require the relocation of the Hole 18 tee-boxes to the northwest. This would change Hole 18 from a Par 5 to a Par 4 making it a 71-hole course rather than 72. Additionally, the putting green on the northwest side of the building would be extended and reshaped to be more in line with what professional designs call for. The tee boxes on Hole 1 would be reoriented to face toward the fairway on Hole 1. The City Council set aside \$950,000 for the project with the lowest bid being \$951,000 from Duininck, Inc. who has done landscape and golf course work in Utah. Duininck has also worked with the architect on another golf project and has over 20 years of experience. They are a certified golf builder and have bonding

capacity. The bid amount was slightly over budget and does not include what was spent on the course design. As a result, a budget amendment would be needed.

Mr. Goodwin asked that the Council award the bid to Duininck and authorize the Mayor to enter into a contract with them. The hope was to get the project underway as soon as possible and utilize the winter months to complete the work. The intent was to have the short course open for the next golf season. Mr. Goodwin reported that the City budgets \$25,000 annually for range revenues. They feel that by booking tee times on this type of course they can exceed what the range makes.

Council Geddes considered himself an avid golfer and considered what is proposed to be a positive improvement after speaking with other golfers. He recognized that it is not an easy golf course and expressed his support for the proposed change. He stated that the City will gain community support as a result.

Mr. Goodwin stated that the intent is to minimize maintenance costs and staff will work with the builder to that end. Golfers will be given five balls to warm up. Finance Director, Charl Louw suggested that it be adjusted and refined over time based on demand. With regard to balls on the course, there have been issues with balls being hit over the nets and balls hitting windshields and windows. On the course, if balls are going over the fence, Mr. Goodwin stated that they are being hit maliciously. It was noted that the net will remain as-is.

Council Member Ellison asked about staffing. Mr. Goodwin stated it will have to be addressed. He anticipates that check-ins will take place at the clubhouse with a tee time after which there will be a place for cart parking

Mr. Goodwin stated that for a long time they explored raising the nets. Two independent studies showed that the range is too narrow. The goal was to approach the problem in a manner that moves the City in a positive direction. It was noted that if the bid were awarded tonight, construction would begin most likely in November but will depend on the weather.

Mayor Andersen opened the public hearing.

Rob Lieberman gave his address as 10283 North Forest Creek and asked how the project will be funded. Mr. Goodwin stated they will be using City reserves. Over the years, the City has budgeted very conservatively and minimized expenses and revenues. This year the golf course cleared just over \$1 million. Mr. Louw stated that in last year's budget they were anticipating poor numbers because of the pandemic. They were surprised when there were record numbers and sales taxes. Usually, reserves take time to build up, but they grew much faster than anticipated over the past two years. The City anticipated a downturn, made a lot of cuts and were able to put that money into savings. Mr. Goodwin added the City had seen a big increase in the amount of money received through sales tax.

Council Member Ellsworth stated that the golf course is an amenity to the City like roads, trails, and parks and they want it to remain usable. He thanked staff for making amenities a priority. Mr. Goodwin stated that if they include the engineering and design work for which funds have already been expended, the cost is more than was set aside. As a result, staff will come back to the Council

with a budget amendment. Funds were set aside for building improvements for when they eventually take over the fire station. It was recommended that the Council reclassify the funds from the building improvements to the golf course. Over the next year, as they move into the new fire station, they will replenish that fund with additional reserves.

MOTION: Council Member Geddes moved to approve the Duinck bid for the improvements to the golf course and to authorize the Mayor and City Staff to negotiate and sign a contract based on the provisions outlined in the bid proposal. Council Member Ellsworth seconded the motion. Vote on motion: Council Member Ellison-Aye, Council Member Ellsworth-Aye, Council Member Geddes-Aye, Council Member Miller-Aye, Council Member Smith-Aye. The motion passed unanimously.

8. Review/Action on Awarding the Metering Software Bid.

Public Works Director, Kevin Anderson reported that in discussions regarding the metering structure, they have studied various potential improvements and ways to conserve water. They have looked at two different vendors and upgrading to a new, more accurate system. The project went out to bid through the State's website and Mueller was the only business that met the requirements. Mueller involves a radio technology that is not cellular and will save money as they are less costly and are proven meters. Their references were contacted, and positive feedback was received regarding their customer service.

Mayor Andersen asked if the existing 155 meters will be done randomly. Mr. Anderson stated they plan to place most of the meters in Cedar Canyon Subdivision, which is already plumbed, and place the others randomly throughout the City. Mayor Andersen stated that the bid includes all of the meter reading software and 155 meters. The boxes will have been set and the City simply needs to put the meters in.

Mr. Anderson said the annual cost is \$11,000 to monitor the system. They will eventually combine the culinary and PI meter reads. Mayor Andersen indicated that the State is getting ready to mandate meters, so they are trying to get ahead. She commented the only thing that changes water use is the weather. She stressed the need to find new ways to conserve water.

Mr. Anderson recommended the City Council approve the bid amount for the Meter Reading System with training to be provided. The system was expected to be set up within the next six months. Grants were also being pursued to help defray the cost. It was noted that the meters will be installed as funding becomes available. It was clarified that Ferguson Waterworks is the supplier and Mueller builds the meters.

Mr. Louw commented that when they went out to bid, they already knew that Mueller had the lowest price and the best service. The Mueller system can work with other meters including Badger meters if the decision is made to switch them out at some point.

Building Official, Jeff Maag commented that with regard to the size of the meter, there is a design for the secondary water meters. There is a standard in place, and they are similar to a standard culinary water meter.

MOTION: Council Member Ellsworth moved to approve the Ferguson Waterworks bid for the improvements to the meter system and to authorize the Mayor and City Staff to negotiate and sign a contract based on the provisions outlined in the bid proposal. Council Member Geddes seconded the motion. Vote on motion: Council Member Ellison-Aye, Council Member Ellsworth-Aye, Council Member Geddes-Aye, Council Member Miller-Aye, Council Member Smith-Aye. The motion passed unanimously.

9. Review/Action on City Branding.

Mr. Goodwin reported that the representative from Chase Media was not present. He recommended that the matter be tabled.

MOTION: Council Member Smith moved to table the above item regarding City branding. Council Member Ellison seconded the motion. Vote on motion: Council Member Ellison-Aye, Council Member Ellsworth-Aye, Council Member Geddes-Aye, Council Member Miller-Aye, Council Member Smith-Aye. The motion passed unanimously.

10. Review/Action on the Vista Room Resident Night Policy.

Mr. Goodwin reported that staff was requesting the City Council consider amending the policies for the use of the Community Recreation Center Building and specifically the Vista Room. Currently, the resident cost is \$50 to \$100 per hour to rent it on Mondays and Wednesdays. It costs \$50 for half the room or \$100 for the entire room. The proposed changes were as follows:

- Limit resident rentals to one per calendar year per household.
- Require a minimum one-hour rental.
- Increase the rate for the use of basement areas by \$10 per hour to cover staffing costs and increase the rate to \$30 and \$40 per hour.
- Determine whether to allow use of the Vista Room for for-profit or commercial events.
- Credit card systems should be used to place payment holds to cover any damage.

Council Member Smith supported the idea of limiting the resident rate as she would like to see as many residents as possible use the Vista Room. She was opposed to imposing the resident rate on for-profit events.

Mr. Goodwin stated that resident rentals require a lot of work since renters do not always clean up after themselves. The rate remains low with the understanding that residents will clean up, which does not always occur. He reported that last year they had eighteen reservations on Mondays and Wednesdays. He suggested allowing the room to be rented only on Mondays.

Mayor Andersen supported the idea of opening up Tuesday nights and limiting use to residents on Mondays only. There was discussion of the pros and cons of restricting resident rentals to one night per week.

Council Member Geddes did not object to the flexibility of allowing extra days as long as it does not exclude others from using it. He did not object to opening up Tuesdays and did not object to the Council meeting downstairs.

Minimum hour requirements and the possibility of imposing a cleaning fee were discussed. Council Member Ellsworth supported charging a cleaning fee. The amount of cleaning that needs to take place depends on the type and length of the event. Council Member Geddes suggested that a \$50 cleaning fee be charged. He did not think it was unreasonable to ask for a two-hour minimum. It was noted that currently there is no minimum.

City Attorney, Craig Hall asked if the cleaning fee would be collected upfront. Mr. Goodwin stated that they could collect a deposit upfront so that the City has leverage if damage is done.

Council Member Miller was opposed to the use of the Vista Room at a resident rate for for-profit events. The purpose of the resident rate is to provide access to families. Those wishing to profit from it should pay the full rate.

Mr. Goodwin stated that the City Council needs to set the rate where they feel comfortable. Whether it is the resident or non-resident rate, it is important that all Council Members agree with the fact that the room will be used. There was discussion regarding the proposed one-hour minimum. Council Member Geddes did not want to exclude book clubs and similar types of meetings. Mr. Goodwin explained that other rooms will still be available. The Vista Room was not necessarily needed for something like a book club. Council Member Geddes agreed with comments shared earlier by Council Member Miller. If someone wants to hold a for-profit event, they should not expect to pay the resident rate.

Council Member Ellison wondered how the City would determine if something were a legitimate 501(c)(3) or if there is a legitimate fundraiser. Mr. Goodwin stated that the City would not require documentation to prove it is a 501(c)(3). Staff would need to use their judgment and be tuned in to what the requests are for. Council Member Ellison suggested that language be added to specify that decisions will be made at the discretion of staff. Mr. Goodwin believed that would require some contract language. Council Member Ellsworth felt the City Council should revisit the matter after more thought has been put into it.

Mr. Goodwin stated that the City Council was currently in support of the following:

- Limiting resident rentals to one per calendar year per household;
- Increasing the rate for the use of basement areas by \$10 per hour to cover staffing costs; and
- Credit card systems shall be used to place payment holds to cover any damages.

The for-profit contract conversation would be continued at a later date. Mr. Goodwin explained that staff would prepare appropriate language and bring it back to City Council for discussion.

MOTION: Council Member Smith moved to approve the following policy changes to the Vista Room:

1. **Limit resident rate rentals to one per household per calendar year.**
2. **Increase rental rates for the use of basement areas by \$10 per hour.**
3. **Allow staff to use a credit card hold system.**
4. **Table to use of the Vista Room for for-profit events.**

Council Member Miller seconded the motion. Vote on motion: Council Member Ellison-Aye, Council Member Ellsworth-Aye, Council Member Geddes-Aye, Council Member Miller-Aye, Council Member Smith-Aye. The motion passed unanimously.

11. 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 reported that Timpanogos Special Service District (“TSSD”) amended its sewer impact fee in February 2021. The fee is different than what is currently indicated on the City Fee Schedule. Rather than stating \$1,708, the fee should now read \$1,785.55.

MOTION: Council Member Miller moved to approve Resolution No. 10-05-2021A, a resolution adding, amending, or deleting certain fees to the official Fees, Bonds, and Fines Schedule of the City of Cedar Hills, Utah. Council Member Geddes seconded the motion. Vote on motion: Council Member Ellison-Aye, Council Member Ellsworth-Aye, Council Member Geddes-Aye, Council Member Miller-Aye, Council Member Smith-Aye. The motion passed unanimously.

12. Discussion on Updating the Cedar Hills General Plan.

Mr. Goodwin reported that the update to the Cedar Hills General Plan was discussed extensively during the Work Session. Staff was requesting the City Council issue a formal notice that it intends to modify the General Plan by adopting a new Land Use Element. He explained that the current Land Use Element was written in the 1990s and it is now time for the City to revisit it and determine how the City is envisioned to look in the next 20 years and what redevelopment will look like. Mr. Goodwin felt that the General Plan was a guiding document that should be revised every five years or so.

Considering the drought facing the area, there needs to be a focus on incorporating integrated land use planning and water conservation efforts into the General Plan. Mr. Goodwin believed there would be additional pressure on communities to do more than they were currently doing. The population projections for Utah by 2050 were high and as a result, it was important to have a plan in place for water conservation. He stated that the City Council had taken the first step at the current meeting by approving the Ferguson Waterworks bid. In terms of water conservation, secondary metering is a priority. The State was mandating that cities have this in place by 2039. Cedar Hills was trying to have it in place ahead of time. Staff planned to bring the General Plan discussion back to the City Council on October 19, 2021 and request a public hearing. There would also be a declaration made that the City Council intended to update the General Plan. From there, the item would go to the Planning Commission before coming back to the Council.

Council Member Miller explained that seven years ago, he was involved with the Citizen Advisory Committee for the General Plan. Even seven years ago, the General Plan was outdated. He noted there ultimately were no changes made but there had been a lot of discussion over the years. Mr. Goodwin reported that there was already a draft prepared. Most of the ideas were from the old General Plan but the draft also incorporated some new ideas. It would be shared with the City Council Members in the future.

Council Member Ellsworth wondered what opportunities there would be for residents to share comments during the General Plan process. Mr. Goodwin explained that there would be many opportunities for the public to weigh in. For instance, land use questions could be added to the Citywide survey. Mr. Goodwin noted that a survey was conducted by the Citizen Advisory Committee seven years ago and there was some data available. While it was a few years old, he did not believe the sentiments had changed much in the community since then. He reiterated that it was important to give the public as many opportunities as possible to weigh in.

Council Member Smith stated that a lot of people had a misconception that the General Plan was set in stone, but it is a document that will continue to grow and change as the community continues to grow and change. Mr. Goodwin agreed. He added that the General Plan and City Code should work in harmony with one another. Council Member Geddes appreciated that the Council was flexible and there were discussions about making changes as needed.

13. Discussion on the Fiber Committee Report.

Mr. Goodwin noted that the City Council was not making a decision on fiber at the current meeting, but it was important for the Council to be informed. He anticipated that a decision would be made within the next month or so. He shared background information with the City Council. In April 2021, the City issued a call for proposals to construct a completed fiber network or Fiber to the Premises (“FTTP”) within the City. The City was open to exploring all options when it came to ownership, maintenance, operations, and financing. Five responses were received, but one was disqualified because it was not submitted by the deadline. As a result, there were four proposals in total for consideration.

The City Council then appointed a Fiber Committee to evaluate the proposals and make a recommendation. Mr. Goodwin reported that the Committee narrowed the four remaining proposals down to two options consisting of UTOPIA and STRATA. The Committee interviewed both and submitted questions to be answered. The Committee would soon draft a report and make a recommendation to the City Council. He explained that Council Members would receive the requests for proposal (“RFP”) in the next few weeks for review. As they read through the proposals, he asked Council Members to consider the following:

- Financing methods;
- PON versus AON;
- Construction methods;
- Utility model versus subscription model; and
- Ownership of network.

Mr. Goodwin discussed the difference between Passive Optical Network ("PON") and Active Optical Network ("AON"). PON is designed to allow a single fiber from a service provider the ability to maintain an efficient broadband connection for multiple end-users. It is efficient and cost-effective to install. Alternatively, AON is a point-to-point fiber access technology for delivering internet services to subscribers via a dedicated fiber connection. Mr. Goodwin reported that the STRATA model offered Gigabit Passive Optical Network ("GPON") and the UTOPIA proposal was for AON.

The utility model was outlined. It would construct a fiber connection to every home in the project area. The City would charge a minimal fee for basic services and users could upgrade their connection for an additional fee. Mr. Goodwin explained that one issue related to this model was that it required everyone to participate and there may be some residents that did not want to participate. On the other hand, the subscription model requires a certain percentage of potential users to be subscribed to the service. This was typically 35 to 40 percent. Each user pays a monthly fee that is split between the internet service provider and the debt service. If the take rate falls below the required threshold, the City must cover the shortfall with General Fund revenues. Under this model, only those who want the service pay for the service. Mr. Goodwin reported that both UTOPIA and STRATA offer the subscription model.

The construction methods were discussed. Mr. Goodwin reported that STRATA could do either micro-trenching or use public utility easements, but their proposal specifically discussed micro-trenching. Micro-trenching is a minimally invasive technology, which enhances the ability to place fiber optic cable quickly and cost-effectively in challenging construction environments. Mr. Goodwin stated that the process involves cutting a narrow trench in the existing surface. The conduit and fiber were placed, and it was then filled with flowable fill before being sealed on the road surface. This would be done in a way that keeps the water out of the subsurface. Another option was the use of public utility easements. It consists of an underground conduit being installed by directional boring and potholing. Mr. Goodwin explained that this particular method uses existing public utility easements and was generally slower than micro-trenching.

In terms of financing, the STRATA model requires the City to pay the capital costs of the network. Cedar Hills could choose to bond to cover the entire amount required or use a combination of existing cash reserves and bonding. Mr. Goodwin stated that there would be two bills associated with the STRATA model. One bill was to STRATA. Each month, a payment was set aside for a system refresh. Some of that would go towards the network operator, which would be for the operation and maintenance of the system. The other portion would go towards the City for the payment of the bonds. The second bill would be for the service of the internet and that would go directly to the internet service provider that the resident selected.

The UTOPIA model would finance the project through the Utah Infrastructure Agency ("UIA"). The financing would include the initial amount of \$5.8 million and the terms would initially include two years of capitalized interest and then 25 years of debt service repayments of approximately \$350,000 annually. Mr. Goodwin noted that Cedar Hills was one of the founding members when UTOPIA was formed in the early 2000s. As a result, they had a seat on the Board.

Mr. Goodwin overviewed ownership of the fiber network. Under the STRATA proposal, the City of Cedar Hills would own the network. That means the City would be responsible for either performing or contracting out the network operations and maintenance. However, any financial gain would stay with the City. He did not believe Cedar Hills was large enough with a large enough potential customer base that this would result in financial gain. The decision largely depends on how much the City wanted to be involved in the operations. Under the UTOPIA model, the City would not own the network, but the City would be responsible for all bond payments through UIA. UTOPIA would assume all responsibility for the network operations and maintenance as well as the network refresh. Any financial gain would stay with UTOPIA.

Council Member Geddes asked what Pleasant Grove decided to do. Mr. Goodwin reported that they decided to choose the UTOPIA subscription model. Council Member Smith pointed out that this was a big decision that required a lot of research. Residents have access to the PowerPoint presentation shared by Mr. Goodwin, and it would be available on the City website. She hoped members of the community would look through the presentation, ask questions and share feedback with Staff and Council Members. Mr. Goodwin was happy to sit down with residents and answer their questions. Mr. Goodwin noted that the Fiber Committee would draft a report and this issue would be discussed at future City Council Meetings.

ADJOURNMENT

14. Adjourn.

MOTION: Council Member Smith moved to adjourn. Council Member Ellison seconded the motion. The motion passed with the unanimous consent of the Council.

This meeting adjourned at 8:54 p.m.

Approved by Council:
November 16, 2021

/s/Colleen A. Mulvey, MMC
City Recorder