

**CITY COUNCIL MEETING OF THE
CITY OF CEDAR HILLS
Tuesday, December 7, 2021 – 7:00 p.m.
Community Recreation Center
10640 N 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
Kevin Anderson, Public Works Director
Greg Gordon, Recreation Director
Jeff Maag, Building Official
Charl Louw, Finance Director
Craig Hall, City Attorney
Gretchen Gordon, Deputy City Recorder

Others: Lieutenant Josh Christensen

CITY COUNCIL MEETING

1. Call to Order, Pledge, and Invocation.

The City Council Meeting of the City of Cedar Hills, having been properly noticed, was called to order at 7:11 p.m. by Mayor Andersen.

The Pledge of Allegiance was led by Council Member Ellison.

The Invocation was offered by Mayor Andersen.

2. Approval of Meeting Agenda.

MOTION: Council Member Smith moved to APPROVE the Meeting Agenda. 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.

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

Jacob Rees gave his address as 4458 West Redwood Drive. He referenced the speed levels on Redwood Drive and was curious about the speed table numbers. He commented that if speed

tables worked, then the average speed levels would be reduced. However, he wondered if it would be possible to obtain information about the highest speed levels as opposed to just the average speed levels. Regardless of the numbers, it was essential that residents felt safe in the area. Many of the residents believed the road was unsafe for their children. Mr. Rees was offended that they were told that Redwood Drive residents were responsible for the speeding when it is actually vehicles that pass through the street that were causing problems. He believed that 25 MPH may be too fast given the number of children in the area and the elevation.

Keith Irwin gave his address as 8881 North Pine Hollow Drive and stated that this was a historic evening because the City was awarding the UTOPIA Fiber contract. The City Council was making the decision to bring a fiber network into the City. He could not think of a decision that the Council had made previously that would positively impact the residents of Cedar Hills in such a widespread way. It would also benefit future residents. He commended the City Council.

Mark Nelson gave his address as 4075 West Eucalyptus Court and thanked the City for the great “Night With Santa” event. He appreciated that these types of community events were held. Mr. Nelson found a lot of local information on the Cedar Hills chat page and hoped the City Council would find a better way to communicate with residents in the future. The rebrand was mentioned and Mr. Nelson stressed that the City needs to consider fiscal responsibility. He did not believe the rebrand would benefit Cedar Hills residents and felt that the funds could be spent on something with a more direct benefit.

Greg Nield gave his address as 4111 West Red Pine Cove and explained that he had posted a comment on social media that morning about the rebrand. He did not like the fact that the City had spent approximately \$8,000 on rebranding so far. Mr. Nield noted that he received nearly 50 comments related to the post and most residents agreed that the rebrand was not necessary. He hoped the City would be more transparent in the future and receive additional public feedback.

Mayor Andersen asked those concerned about the rebrand to attend the next City Council Meeting, where the rebranding proposal would be discussed further. She felt it would be beneficial for residents to see the entire design book and understand how the new logo could be used throughout the City. There would be information shared on social media ahead of that meeting.

There were no further public comments. The public comment period was closed.

CONSENT AGENDA

4. Approval of the Minutes from the November 16, 2021, Work Session and City Council Meeting.

MOTION: Council Member Miller moved to APPROVE the Consent 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.

CITY REPORTS AND BUSINESS

5. City Manager.

City Manager, Chandler Goodwin shared updates with the City Council. He reported that the golf course renovation was well underway. The work was planned to take place until December 17, 2021 and would continue in Spring 2022. Mr. Goodwin noted that events had been busy and expressed appreciation for all of their efforts. Recreation-related updates were shared. Mr. Goodwin stated that Recreation Coordinator, Natalie Proctor had done an outstanding job managing the Jr. Jazz program. There are normally 1,000 children registered in the program, but there were slightly fewer this year.

Mr. Goodwin asked residents not to park on the street if there is snowfall, as it makes it difficult for snowplows to access the roads. Additionally, he reported that Staff was working on a Water Study with Hansen, Allen & Luce and anticipated that in January 2022, there would be information to help guide the City through the budget discussions as well as various priorities for the water system.

6. Mayor and Council.

Council Member Miller reported that there was a great turnout at the “Night With Santa” event. The Youth City Council did a wonderful job and was very helpful. He noted that the idea to have organized groups for the Santa visit was fantastic because the result was less time waiting in line. He hoped that some type of treat or snack could be factored into the budget next year.

Council Member Smith stated that this year was the first time that the Youth City Council had coordinated the “Night With Santa” event. The Youth City Council worked hard to create stations and numbers so everyone at the event knew when it was time for them to get in line. Council Member Smith also wanted to acknowledge that December 7, 2021, was the 80th anniversary of Pearl Harbor. She thanked all of the veterans for their service.

Mayor Andersen thanked all of the residents who were present at the City Council Meeting. She was grateful for their participation and involvement in the community. Council Member Ellsworth noted that this was his last City Council Meeting. He expressed his gratitude for all of the hard work done by City Staff and for the resident participation. He felt the City was run well and believed that everyone worked well together. His position on the City Council had given him a new perspective on Cedar Hills.

Council Member Ellison stated that she would miss Council Member Ellsworth. She also thanked the Council for covering for her while she was away. Council Member Geddes thanked Council Member Ellsworth for the last four years of service. Additionally, he appreciated all of the input shared by Cedar Hills residents. Mayor Andersen stated that Council Member Ellsworth had been a wonderful voice of reason on the Council. Those who were elected would be sworn in at the Cedar Hills Work Session in January 2022.

SCHEDULED ITEMS AND PUBLIC HEARINGS

7. Review/Action on Final Plan for Cedar Hills Gateway Phase 4 Lot 3, Located in the SC-1 Commercial Zone.

Mr. Goodwin shared a site plan for Cedar Hills Gateway Phase 4, Lot 3. He reported that the proposal was for the construction of a commercial pad with two units. The larger unit would be occupied by Café Rio but there had not been contracts signed for the second unit. From the beginning, one of the main concerns had to do with traffic. He explained that most brick-and-mortar locations now want to include a drive-thru. Drive-thrus were becoming a critical component of many businesses and there were concerns about how the different drive-thrus would interact with one another. It was important that queues not back into one another. As a result, the City asked the developer to conduct a traffic study.

The idea was that the traffic study would look at the level of service at the nearby intersections. Mr. Goodwin explained that based on the traffic study, there would be some long-term degradation in the level of service. There was not a lot that the City could do to address this issue at the current time as they were not able to approach The Utah Department of Transportation (“UDOT”) about an issue that did not yet exist. However, two cutouts had been widened from the original design to accommodate a left-hand and right-hand merge onto North County Boulevard. As the levels of service were observed, it would be possible to approach UDOT to discuss the possibility of another light in the area.

Mr. Goodwin reviewed the building elevations. He reported that the look of the building will be similar to Taco Bell in terms of design. He explained that samples of the brick and exterior colors would be shared with Staff beforehand. The landscaping was discussed. Mr. Goodwin explained that per City Code, the landscaping could be reduced to 23% to maintain aesthetics and minimize the amount of non-useable green space. While it was important for the site to look nice, it was also important to conserve water where possible.

Mr. Goodwin stated that the use was a Conditional Use, and no conditions were recommended for the site. Discussions were had about the drive-thru queueing process. Mr. Goodwin stated that eight to nine vehicles could be stacked in the drive-thru area. He noted that there would be rare occasions where the drive-thru may have overflow if there is a promotion running. That issue was not unique and happens in many drive-thrus from time to time. The Council discussed the possibility of an additional access point on the south of the property. It was noted that the Fire Chief discussed an access to the south that was for emergency access only. Mr. Goodwin noted that a condition of approval related to access could be added to the motion.

Lot 4 was discussed. It was noted that the lot appeared to be narrow and there were questions about whether it would be used for retail space in the future. Mr. Goodwin explained the lot size was approximately one-half acre. It was a decent size, but smaller than the commercial piece to the north. The Council Members did not believe that Lot 4 could handle another drive-thru in addition to the Café Rio location on Lot 3. Mr. Goodwin stated that the Council could determine that another drive-thru was unable to be accommodated in that location. However, it would

largely depend on future use. For instance, there may be an application for a drive-thru that would have offset demand times. Lot 4 was something to consider in the future.

Mayor Andersen opened the public hearing. There were no comments. The public hearing was closed.

Further discussions were had about the second access. Council Member Smith did not want to create a point of frustration and felt it was important to consider traffic and access. The Council determined that they would like to have a second access, preferably to the south. Mr. Goodwin stressed that it was important to have appropriate language for a condition of approval. It was also necessary to ensure that an unusable commercial space was not created as a result of the second access. Additionally, it was noted that the access that had been added to the Taco Bell at a later date was a temporary access because a sewer and water main needed to be added before it could be made permanent. The current lot would run into a similar situation. If access was added to the motion, it needed to be clear that it was a temporary access or that the utilities would be added at a later date. There was discussion about the motion language.

MOTION: Council Member Ellsworth moved to APPROVE the Final Plans for Cedar Hills Gateway Phase 4 Lot 3, Located in the SC-1 Commercial Zone, subject to the following conditions:

- 1. Final Engineering Review;**
- 2. Zoning Approval of Final Landscaping Plan and Site Plan;**
- 3. Verification of Water Rights;**
- 4. The addition of South Access onto 9930 N with a Right In/Right Out That Complies With Fire Apparatus Turning Radius.**

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.

8. Review/Action on a Resolution Authorizing the Mayor to Execute an Agreement with UTOPIA Fiber.

Mr. Goodwin reported that during the last City Council Meeting, the Mayor and Staff were authorized to work on the UTOPIA Fiber agreement. However, Staff wanted to make sure the City Council understood the financial implications to the General Fund and the City finances if the UTOPIA Fiber agreement was approved. As the City entered into the agreement, there would be a need for City Staff to coordinate with UTOPIA Fiber during the construction period. Mr. Goodwin explained that the construction period could take 12 to 24 months and Staff would need to inspect the work to ensure it was being done properly.

According to the initial contract, the annual debt service obligation was \$358,000 and required 995 end-users or subscribers. However, that had been changed to \$362,000 with an end-user count of 1,005. Council Member Ellsworth previously asked about reporting during the construction process. Staff added language to the agreement and UTOPIA Fiber did not have an issue with providing that kind of information to the City.

Mr. Goodwin reported that UTOPIA Fiber owns the bond, but the City was the backstop for the bond. The City was pledging \$182,000 in Franchise Tax revenues and \$180,000 in Sales Tax. Ideally, subscriber fees would cover that, and the City would not need to use the Franchise Tax and Sales Tax money, but in the event that there is a shortfall, the taxes would need to be used.

Mr. McGee, Zions Bank representative stated that the difference between having the Utah Infrastructure Agency (“UIA”) bond be a BBB-rated bond versus an A-rated bond was approximately \$30,000 yearly. It made sense to refinance as the City would not lose money but would save money on the UIA bond. He clarified that it would not extend the bond term or change the payment structure. It would look very similar but would utilize a different pledge. If there were future bonding needs, the restructure may restrict coverage. However, the City would still have excellent coverage and would be well within the acceptable margins. The different bonds were overviewed. Mr. McGee explained that they all had separate pledges and credits.

Mr. Goodwin informed the Council that timing was of the essence. Based on his recent conversations with UTOPIA Fiber, the intention was to have the bond out at the end of February 2022. If refinancing was something the Council wanted to pursue, it would need to be done shortly. Mr. McGee noted that the bond could be paid off or a portion of the bond could be paid off. There were many different options to consider. Mr. Goodwin understood that this was a big decision for the Council. He noted that if refinancing was of interest, a proposal would need to be added to the next City Council Meeting agenda. The Resolution that the Council would vote on during the current meeting was from the UIA Bond Council for their records.

MOTION: Council Member Geddes moved to ADOPT Resolution 12-07-2021A, Authorizing and Approving a Contract Between Cedar Hills, Utah (The “City”) and Utah Infrastructure Agency (“UIA”) for UIA to provide certain services to the City; authorizing the Mayor of the City or other designated officers of the City to execute and deliver the same; and related matters. 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.

9. Review/Action and Public Hearing on a Resolution Adopting the Fiscal Year 2022 Budget Amendments.

Mr. Louw reported that last year was the first year there was a cash rebate for credit card use. There used to be reward points, which were used to buy gift cards for employees. The budget adjustment related to seasonal cards was due to the fact that there was a little bit more than anticipated as a cash rebate. He noted that he always budgeted Building Permits slightly lower to start the year. However, he budgeted a bit higher for 2022. There was also an increase for the

branding that was previously approved, an increase for the holiday seasonal bonus, park maintenance, and Building Permit software. Mr. Louw noted that with the grant from the Federal Government, the Building Department was able to use new management software.

Building Official, Jeff Maag noted that the department had not been impressed with the software. There had been discussions about whether to renew the software for another year. However, due to the COVID-19 pandemic, it made sense to continue to use it for one more year and reevaluate its use in the future.

Mr. Louw overviewed additional budget amendments, including supplemental water, which had a \$20,000 adjustment. There was an item for Park Maintenance, where there was a change from 3G to 4G. All of the WaterSMART Programmers were in 3G, and it cost \$10,000 to do the upgrade and ensure that everything continued to work. There were additional costs every time technology changed. Mr. Louw also noted that there was a budget amendment for Engineering Services.

There was discussion regarding the \$1,000 budget for the “Night With Santa” event. Mr. Louw explained that the event was not originally budgeted but the money had been added.

It was reported that there had been discussions with a resident who lives on Canyon Heights Drive about a potential solution for some issues that faced the Canyon Heights Drive and Heiselts Hollow Drive area. Mr. Goodwin shared a map with the Council to illustrate the road that led to Heiselts Hollow Drive and went towards the water tank on the south end of town. Mr. Goodwin explained that the City-owned a strip of land on Heiselts Hollow Drive, which was a surface drainage system. The drainage swale collected drainage from the hillside, which went into a culvert, then onto a trail, reentered a culvert, and then entered the City storm drain system. The residents did not like the growth in the area as it was quite overgrown. The proposal was to obtain an estimate for the creation of a small parking area or trailhead. Staff and the resident had discussed a land swap to solve some of the drainage and parking issues.

Before Staff looked further into the proposal, it was important to gauge the interest of the Council. Mr. Goodwin wanted to know if Council Members were interested in pursuing the project and obtaining an estimate. He noted that if there was interest, there would likely need to be a future budget amendment. Discussions were had about the proposal. Mayor Andersen believed it would be beneficial to create an additional trailhead with parking in the area.

Mayor Andersen opened the public hearing. There were no comments. The public hearing was closed.

MOTION: Council Member Ellsworth moved to ADOPT Resolution 12-07-2021B, a Resolution Adopting the Amended 2021-2022 Fiscal Year Budget for the City of Cedar Hills, Utah, and include funding for a study for the proposed changes to the Heiselts Hollow Drive Lot. Council Member Smith 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 Heritage Park Design Elements.

Mr. Louw reported that the City was trying to work within the current budget and focus on key features for park improvements. For instance, they were looking into different pavilion options as well as a north playground and parking lot. He shared images with the Council and overviewed the potential pavilion options. Discussions were had about the different options and the parking lot format. Mr. Louw noted that there were several key components related to the north playground, such as swings, climbing nets, and slides. He recommended that based on the current level of funding, the accessory items be funded first. An example video was shared. It was noted that the green turf would be included in the first phase and there would be mulch for the 20x25 area next to the basketball court, where a tower could be added at a later date.

Heritage Park was an important park in Cedar Hills, and it was necessary to reinvest in the park and make sure it was updated appropriately. Council Members discussed the importance of the park. There had been some resident comments related to the desire for park updates. Mr. Louw reported that a park survey had been conducted and information had been considered during the design element discussions.

The Council stressed the importance of reaching out to all members of the community to understand what they wanted to see in the park. This would ensure that residents would be heard. Mr. Louw pointed out that the Council discussed Heritage Park for the last year and a half. However, he noted that it would be possible for residents to vote on a focal point for the park. It was suggested that an email be sent out or information be posted to the City website.

Mr. Goodwin reported that the survey was ready to be distributed and was done every three years. The survey would ask participants to measure City performance on a number of issues. There were questions included in the survey related to different amenities. Additionally, it was noted that Mr. Louw had spent a lot of time on the Park Master Plan and the survey. Staff had a good idea of what residents wanted to see in the park. Due to supply chain issues, it was important to move forward with the Heritage Park project, rather than spend additional time asking for more feedback.

Council Member Miller pointed out that there was a difference between publicizing something and asking for public feedback. The City could inform residents about the Heritage Park revamp and those interested in reaching out could contact the Mayor or City Manager. He noted that there had been a lot more involvement lately within the community and it was important to inform residents about any proposed changes. Mr. Goodwin noted that the City could inform residents that there would be an update to Heritage Park in 2022.

Mr. Louw reported that all of the items that he was discussing with the Council were at least four months out due to supply chain issues. As a result, there would be plenty of time to make announcements and inform residents about the Heritage Park project

Possible parking lot layouts were discussed. Mr. Louw noted there were pros and cons to the various parking lot layouts. For example, the layout that extended lengthwise was the least expensive, but it would eliminate 65 feet to the south, which could be used for other purposes in

the future. The wider parking lot option would require that some trees be replanted. If the Council wanted to add additional spots to that configuration, the design could be extended slightly to make the parking lot wider and slightly longer.

The Council stressed the importance of adequate parking. Mr. Louw stated that the wider layout would provide more possibilities for future park amenities, but it might take more work due to the trail alignment and trees. If the Council wanted there to be additional parking spots, the Engineer could look into extending the parking lot layout an additional 18 feet south. However, this would need to be decided by Council during the current meeting, because the Engineer's work would need to start that month in order for the bid to be ready for January and work to begin in the summer. It was noted that between the school parking lot, the Heritage Park parking lot, and street parking, there would likely be an adequate amount. Council Members agreed.

Mr. Louw overviewed the pending Heritage Park elements, such as the concrete flatwork for paths and tables. He reported that there should be a landscape plan in March or April 2022. There were many different planning elements to consider in the future. At the moment, he was focused on the pavilion, parking lot, and playground. All future updates would be shared with City Council as they were ready. Discussions were had about appropriate language for a motion.

MOTION: Council Member Ellsworth moved to APPROVE the Proposed Design Element for the Heritage Park Renovation, Subject to the Following Changes:

- 1. Looking at the Wider Parking Lot Format;**
- 2. Hammer Truss Design and Style for the Structures.**

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.

11. Review/Action on a Resolution Adopting the Voter Participation Area Map as Prepared by the Utah County Elections Office.

Mr. Goodwin reported that the City adopted the Voter Participation Area Map in 2019 but the County had done a census and the maps needed to be readopted. However, the County had not provided the updated maps. Mr. Goodwin explained there had not been a lot of change in Cedar Hills. It was anticipated that the voter participation areas would remain the same or be relatively similar. The map divided the City into four quadrants so that if someone wanted to do a referendum and put it on the ballot, a certain number of signatures would be required from each quadrant. Staff proposed that a Resolution be passed to adopt the Voter Participation Area Map. The adoption needed to be done by January 1, 2022. It was noted that Council Member Ellison was excused from the City Council Meeting at 9:28 p.m.

MOTION: Council Member Ellsworth moved to APPROVE Resolution 12-07-2021C Adopting the Voter Participation Areas. Council Member Geddes seconded the motion. Vote on motion: Council Member Ellsworth-Aye, Council Member Geddes-Aye, Council

Member Miller-Aye, Council Member Smith-Aye. The motion passed unanimously. Council Member Ellison was not present for the vote.

12. Review/Action on Bond Release for the Lakeshore Trails Subdivision.

Mr. Goodwin reported that Lakeshore Trails is the subdivision south of the Cedar Hills City Office Building. It had been in durability for a number of years. At this point, the City wanted to release the hold on any of the outstanding durability bonds.

MOTION: Council Member Ellsworth moved to ACCEPT the Public Improvements for the Lakeshore Trails Subdivision and release the associated Durability Bond. Council Member Smith seconded the motion. Vote on motion: Council Member Ellsworth-Aye, Council Member Geddes-Recuse, Council Member Miller-Aye, Council Member Smith-Aye. The motion passed with a majority vote. Council Member Ellison was not present for the vote.

13. Review/Action on an Ordinance Setting the Time and Place of the Regular City Council Meetings for 2022.

Mr. Goodwin stated that the Cedar Hills City Council Meeting Schedule for 2022 included meetings on the first and third Tuesdays of the month at 7:00 p.m. There were some exceptions, and it was noted that April, June, and December would have one meeting each.

MOTION: Council Member Ellsworth moved to ACCEPT the Schedule for next years' City Council Meetings. Council Member Smith seconded the motion. Vote on motion: Council Member Ellsworth-Aye, Council Member Geddes-Aye, Council Member Miller-Aye, Council Member Smith-Aye. The motion passed unanimously. Council Member Ellison was not present for the vote.

ADJOURNMENT

14. Adjourn.

MOTION: Commissioner Ellsworth moved to adjourn. Council Member Miller seconded the motion. The motion passed with the unanimous consent of the Council.

The meeting adjourned at 9:32 p.m.

Approved by Council:
January 18, 2022

/s/ Colleen A. Mulvey, MMC
City Recorder