

**CITY COUNCIL MEETING MINUTES OF THE
CITY OF CEDAR HILLS
Tuesday, July 19, 2022 – 6:00 p.m.
Community Recreation Center
10640 N. Clubhouse Drive, Cedar Hills, Utah**

Present: Mayor Denise Andersen, Presiding
Council Member Laura Ellison
Council Member Mike Geddes (6:15 p.m.)
Council Member Brian Miller
Council Member Alexandra McEwen
Council Member Kelly Smith

Staff: Chandler Goodwin, City Manager
Greg Gordon, Recreation Director
Kevin Anderson, Public Works Director
Jeff Maag, Building Official
Hyrum Bosserman, City Attorney
Colleen Mulvey, City Recorder

Others: Lieutenant Josh Christensen, Ray Layne, Jeff Wood, Tyler Dahl

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 6:02 p.m. by Mayor Andersen.

The Pledge of Allegiance was led by Mayor Andersen.

The Invocation was offered by Council Member Smith.

2. Approval of Meeting Agenda.

MOTION: Council Member Smith moved to APPROVE the meeting agenda with the change to move item #15 to be heard after Item #10. Council Member McEwen seconded the motion. Vote on motion: Council Member Ellison-Yes, Council Member McEwen-Yes, Council Member Miller-Yes, Council Member Smith-Yes. The motion passed unanimously. Council Member Geddes was not present for the vote.

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

Mark Nelson gave his address as 4075 West Eucalyptus and stated that he has attended several Council Meetings and sent several emails with concerns and questions to the Council and Staff. Staff has always responded to any concerns he has had. He could not say the same for the City

Council. He commented that Council Member Smith is the only one he has received a reply from. He hoped that the City Council would not ignore the comments and concerns from residents. Mr. Nelson stated that his most recent email to the City pertained to the costs of the Heritage Park renovations. He works in construction and realizes that the current economic climate is at record levels. He had never seen Mayor Andersen decline a spending item or asked for a decrease in spending since he has been attending meetings. He stated that his company could have saved the City \$35,000 on the Pavilion at the Park for a far superior product. If the City had searched Google for timber companies to do the project, his company would have come up as one of the top three companies and the longest standing. He asked that the City disseminate information to citizens for bids on projects they can participate in.

Bob Morgan gave his address as 4555 West Windsor Circle and stated that he walks on the paths from Harvey Park to Redwood Drive regularly. His concern was with e-bikes and scooters on the paths as they travel fast and have the potential to injure pedestrians walking on the paths. He was also concerned with Code Enforcement for violations throughout the City. He did not want to be a vigilante but stated that perhaps a Neighborhood Watch could be established.

There were no further public comments.

CONSENT AGENDA

4. **Approval of the Minutes from the June 14, 2022, City Council Meeting.**
5. **Resolution No. 07-19-2022A, the Appointment of Council Member Smith to the Legislative Policy Committee, appointment of Jane Brady as an Advisor to the Youth City Council, and appointment of TJ Aston to the North Utah County Aquifer Council**

Jane Brady, a 23-year resident, reported that she teaches English at Brigham Young University and Utah Valley University. She was excited to serve on the Youth City Council (“YCC”) with her daughter, Lilly. She looked forward to working with Council Member Ellison.

MOTION: Council Member Smith moved to APPROVE the Consent Agenda. Council Member Ellison seconded the motion. Vote on motion: Council Member Ellison-Yes, Council Member McEwen-Yes, Council Member Miller-Yes, Council Member Smith-Yes. The motion passed unanimously. Council Member Geddes was not present for the vote.

CITY REPORTS AND BUSINESS

6. **City Manager Report.**

City Manager, Chandler Goodwin, reported that the putting green at the golf course is growing in nicely and will be ready for use soon. The short course will not open this season as they have had difficulty growing grass.

The youth summer camps began last year and have been a great success. They have held six camps with 32 children in each. They were getting a lot of good feedback from participants.

Golf was off to a great start in July for the new fiscal year and staff was excited for that trend to continue.

Staff was scheduled to meet with the Landscape Designer for the building renovation as part of the overall improvement for weddings and events. A proposal was to be presented to the City Council at the next meeting.

Mr. Goodwin reported that the City was nearing its final weekend of fireworks. Residents have done a great job of following the restrictions set by the Fire Marshal.

UTOPIA was currently working on Redwood Drive. Those with questions were invited to call the City.

The Heritage Park Project was underway with the hardscape for the parking lot and trails going in.

Mr. Goodwin reported that the roundabout improvements were to be completed in the next few days after which work would begin on the median strip on 4600 West. For the roundabout, the Central Utah Water Project awarded a grant in the amount of approximately \$12,000.

7. Mayor and Council.

Council Member Ellison reported that applications for the Youth City Council were being accepted until July 31. If numerous applications are received, the numbers of participants will be limited to ensure that the group is functional. She was excited to work with Ms. Brady.

Council Member Smith thanked Ms. Brady for her willingness to serve on the YCC this year. She reported that they wrapped up the previous YCC at a swim party, great ideas and good feedback were received from those present.

Mayor Andersen reported that she serves on the MAG Council's Aging Committee. MAG encompasses Wasatch, Summit, and Utah counties and deals with issues that impact the aging community in all three counties. MAG administers the Meals on Wheels Program, which delivers meals to people who are housebound. Mayor Andersen reported that the meals are prepared by inmates at the Utah County Jail. It has been a wonderful and successful partnership between the jail and the Meals on Wheels Program. There have been plenty of volunteers and employees who are able to deliver meals whenever there is a need.

Mayor Andersen was organizing a Flag Raising Committee in the City to oversee flag ceremonies on Memorial Day, Veterans Day, and other applicable holidays. There is a flagpole at the roundabout at Harvey Park which would be an ideal place to hold flag ceremonies. Those interested in serving on the committee were invited to contact staff or a member of the City Council.

Council Member Miller was pleased to see all of the projects going on in the City including UTOPIA, the Roundabout Beautification Project, and Heritage Park.

Council Member McEwen commented that the Beautification Committee is looking for projects.

Council Member Geddes commented that the road will be closed going up American Fork Canyon while a fiber optics line is installed. They will also be working on the signal there.

SCHEDULED ITEMS AND PUBLIC HEARINGS

8. Review/Action and Public Hearing on adjustments to the Common Area on Cedar Hills Subdivision Plat I (Oak Road) Lot 5.

Mr. Goodwin reported that the Cedar Hills Subdivision was approved in 1976. A portion of the subdivision was approved by the County Commission and another portion was approved by the City Council. Typically, when an area is identified as open space during the approval process, the open space is deeded to the City for ownership and maintenance. This parcel was never deeded and has been held and maintained privately. As a result, the owner was required to pay taxes on it even though it held no value to the owner. Subsequently, the taxes were not paid, and it went up for a tax sale in 1983 at which time it was purchased by an individual who has repeatedly come before the Council to develop it. The City has denied the request on several occasions because the residents do not want development there. The City maintained the original intent of the parcel as open space. The owner then stopped paying taxes and it again reverted to a tax sale. The law has since changed, which prevents open space and common areas from being held privately. The Utah County Attorney's Office flagged the area as a common area, which means that it is owned jointly by all of the landowners on the recorded plat.

Over the years, several residents built beyond the property lines and encroached on the common area. State Code provides a mechanism whereby common area can be reverted to private land as long as 67% of the landowners sign a petition agreeing to the transfer of land. The local municipal body then needs to approve the transfer. Lots 4, 19, and 20 had their encroachments formalized about two years earlier. A clerical error in the petition listed Lot 4, but not Lot 5. As a result, when they went to record the new property lines for Lot 5, it was not included in the petition. This agenda item was to approve that property line transfer.

Council Member Smith asked about the future of the parcel and if there were any plans to improve it. She clarified that it currently belongs to the surrounding homeowners. Mr. Goodwin stated that the neighbors are jointly responsible for it and should be taking care of the weeds and creating a fire barrier.

Council Member Smith asked what the City's responsibilities are if a homeowner does not maintain the parcel. Mr. Goodwin responded that if it becomes a nuisance and they send someone out to take care of the weeds, they will bill the HOA. Council Member Smith clarified that normally the City is not in the habit of taking over common areas. Mr. Goodwin agreed but added that it follows the State Code, which states that it is jointly held as common area but that they can agree that a portion can be privately held.

Ray Layne gave his address as 4279 Oak Road, which is Lot 4, and reported that he is also the owner of Lot 5. The landowners discovered that they had acquired it a few years ago and were told that the County gave it to the surrounding landowners. They would like to have had a park there and the neighborhood met and discussed potential options. When he encroached onto the parcel, he planted some trees on it. He hoped to acquire the portion that he planted on. Every resident he met with signed the petition. In the spring he had the lot cleaned up but before doing so, he wanted to make sure that the property line adjustment had been recorded. It had not and had to be done again. Mr. Layne felt that the open space should be divided among the adjacent property owners and added to their parcels accordingly.

Mr. Goodwin stated that the neighbors would have to sign off on that option. The back side of the property is very steep, and it would be difficult to make it usable. It was noted that the encroachments have existed for over 20 years. In response to a question raised by Council Member Smith, it was noted that it could be done with the consent of the residents. She also asked if they could have deeded the land to the City. Mr. Goodwin stated that they could but in essence, they would be saying they just wanted it cleaned up in the summer months and the City does not want the property.

In response to a question raised by Council Member McEwen, it was confirmed that what is proposed is desired by the neighbors and was previously considered and approved by the City Council. The alternative to changing the property line would be to leave it as is. This would not have been up for discussion if the clerical error had not occurred two years ago.

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

MOTION: Council Member Ellison moved to APPROVE the proposed alteration to the Cedar Hills Subdivision Plat I common area subject to Utah State Code 10-9a-606. Council Member Geddes seconded the motion. Vote on motion: Council Member Ellison-Yes, Council Member Geddes-Yes, Council Member McEwen-Abstain, Council Member Miller-Yes, Council Member Smith-Yes. The motion passed unanimously with one abstention.

9. Review/Action and Public Hearing on an Ordinance amending City Code Title 10 Chapter 6A-2, related to the SC-1 Commercial Zone District Map.

Mr. Goodwin reported that the above proposal is for the rezone of the parcel directly east of Hart's gas station. An aerial view of the area was displayed. Coldwater Capital owns the subject property as well as the two parcels where the Valvoline and car wash are going in. The proposal was to add the parcel to the Mixed-Use Overlay Subdistrict in the SC-1 Commercial Zone. Mr. Goodwin explained that the SC-1 Commercial Zone includes three subdistricts. The Office Subdistrict is intended to be the least intense land use. The initial intention of the Commercial District was that the more intense uses would be on North County Boulevard with less intensity closer to the residential neighborhoods. It was noted that the Mixed-Use Overlay includes a residential component.

When the developers of the south nine acres were working to develop their portion, they found that it was easy to develop the properties adjacent to North County Boulevard. The lots further into the property without frontage, however, were not as enticing and it was more challenging to find a use that was compatible with the residential neighborhood. The storage facility is a quiet building that would be conducive to being adjacent to the residential.

The parcel in question is unique in that when it was originally rezoned to be in the Retail District, the surrounding portion was all Mixed-Use. Later, the Settlement Agreement to create Cedar Canyon moved the border where residential meets commercial. The Planning Commission considered the issue at the previous meeting and voted to not recommend the Council approve the zone change. The reasons they cited were that the City has limited land in the SC-1 zone. With that limited space, there is limited ability to generate sales tax. City Code Section 10-6A outlines the purpose of the SC-1 Zone, which is to generate sales tax, provide City services, and provide places to gather. It is a multi-faceted goal of the SC-1 zone, but the Planning Commission homed in on the sales tax portion and concluded that once they lose the ability to generate sales tax by changing the zoning from retail, sales tax can no longer be generated. In the Mixed-Use Zone, it can still be retail or office, but if it is changed to office only, it will likely not revert back.

The Planning Commission also found that the surrounding neighbors recognize that this is a commercial area and should not be surprised by the impact created by the retail zone. It was noted that the intention of the parcel was always retail. When the current owners purchased it, they understood the zoning and the location and were aware that it is in the Retail Zone.

Arguments for approval would include a goal to treat the residents with respect and attempt to create a buffer near the high-intensity retail despite the fact that they knew they were purchasing property adjacent to a commercial zone. Also, certain types of commercial uses have more traffic demand than others. Hart's gas station, for example, generates a lot of traffic as does the Valvoline, the car wash, Swig, and Taco Bell. As a result, allowing a use that does not create heavy traffic was preferable. Also, by making it mixed-use, it would allow for options between retail and office space and make it easier to pursue tenants.

Jeff Wood from Coldwater Capital expressed appreciation for the City's efforts throughout the process. He presented a history of the site and stated that the Valvoline and car wash are currently under construction. When they purchased the subject property they knew what they were purchasing but to acquire the other parcels, they are required to purchase this one as well. Mr. Wood displayed the Utah County Parcel Map and identified the different subdistricts in the area and the subject property. In addition to the uses identified by Mr. Goodwin, Café Rio signed a lease, and another was nearly finalized with Starbucks. Two additional parcels will likely generate heavy traffic as well.

Coldwater Capital has a vested interest in what goes into the site as they own the Valvoline and the car wash. The main access is through Hart's gas station to the car wash. They generate high traffic with their properties and would rather not add another high-traffic generator that will compete. However, financially, those are the types of users interested in the site and who will pay the most from a leasing standpoint. As they looked at the Code, they found that the SC-1 zone is divided into districts intended to differentiate between three levels of land use intensity. The most

intense land uses are planned along the frontage of 4800 West and North County Boulevard where there is the greatest separation between residential uses and the most significant commercial potential. The least intense land uses are to be located adjacent to the elementary school and in the neighboring residential area. Mr. Wood found it interesting that the property is a donut hole intended to be retail use. It was converted to a residential zone, which created an area without a buffer zone, even though the intent was always for a buffer zone along the residential area. It no longer exists here because of the previous changes.

Coldwater Capital met with the neighbors within 1,000 feet to get input. The turnout was poor, so they went door-to-door to talk with the neighbors. They found that the majority did not want more traffic abutting the residential neighborhood.

Mr. Wood explained that the main focus of the Retail District is to provide an area for sales tax-generating commercial entities that benefit from the frontage of major collectors, including 4800 West. They were asking for more flexibility in the Mixed-Use Retail Overlay, which is intended to create a buffer zone between the residential and commercial. They have been in search of tenants and have users interested in the property, however, they do not feel that the potential tenants would be a good fit for Cedar Hills. Other potential users are office-type businesses that do not produce a lot of traffic, especially after 6:00 p.m.

The residential areas and the elementary school were outlined in the plan and the buffer zones were shown. Mr. Wood stated that if a New Master Plan were being implemented today, they would have the buffer zone in place. There had been interest from coffee shops and other similar users, however, when they physically see the site, they lose interest due to the lack of visibility. He identified on the plat where the seven drive-thru businesses are proposed, with each creating substantial traffic. Other sites have been on the market for a long time, but because there is no visibility, most tenants are not interested.

Mr. Wood reported that they are seeking a Mixed-Use District designation within the SC-1 zone similar to the surrounding area. It is consistent with the SC-1 zone goals and provides a buffer zone for the residents. The primary issue was described as sales tax revenue for the City. He gathered information regarding property taxes and presented Swig's property tax assessment. If they could get a user like Swig, they would generate similar numbers. They looked at the assessed value and determined the estimated numbers the City would receive, recognizing that there are likely other considerations that have not been addressed. The amount of sales tax revenue generated for the City would be approximately \$5,672. He presented a hypothetical professional office building, estimating the cost of construction and the type of construction that would be used, and the property tax revenue that would be generated from the space. The total came to approximately \$4,475. He understood that there were assumptions in this comparison but in this case, there was only about a \$1,200 difference in what the City would receive.

Mr. Goodwin stated that with sales tax, half of the number presented, or \$5,672, would go to the State. The other half would remain in the City. A portion of what goes to the State comes back to the City based on population.

Council Member Smith asked if the City would keep all of the property tax revenue in the other example. Mr. Goodwin confirmed that it would. Mr. Wood stated that they would support a fast-casual restaurant on the site from an economic standpoint, but those types of users are not interested. They want frontage. Users who are looking at the site are those who do not need frontage. Council Member McEwen asked what types of users are interested in the site. Mr. Wood stated that vape shops, massage parlors, and those who do not care about frontage are interested in that location. The developer would rather not have those types of businesses for neighbors, nor would the residents.

Council Member Smith asked why they chose Swig for their comparison when Café Rio, for example, would generate more sales tax. Mr. Wood stated that the scenario for choosing Swig for the comparison was that it is the type of user they would be looking for.

Mr. Wood stated that in order to move forward with potential tenants they need to determine if the site would work from a parking standpoint. Coldwater Capital designed a two-story building with 3,200 square feet per floor and adequate parking. They did not want to bring it to the Commission before ensuring that they can make something work. It was noted that the City's Design Standards would be adhered to.

Council Member Geddes stated he was flexible in terms of the zone change since this would be a good location for a relatively unusable commercial piece of property.

Planning Commissioner Dahl commented that the Planning Commission discussed the matter, and it came down to the fact that the City had an opportunity to make changes in the past but never did. The job of the Planning Commission is to look at the current situation in the City and the current Code. They found no overwhelming or substantial reason to change what currently exists. They consider 4700 West to be a new thoroughfare and as the community continues to grow, that road will have visibility. Residents are more interested in the type of store rather than the value it can bring to the community. As a Planning Commission, they are looking at the value for the community over the type of business. The value to the community adds up. Even though there was a small difference in the sales tax example, it is still 25%, which is substantial.

Council Member Geddes confirmed that the numbers had not been presented to the Planning Commission. He stated that the numbers were not 100% accurate and that the difference is likely greater than 25%, depending on the type of business that goes in. He thanked the Planning Commission Members for their work.

Commissioner Dahl stated that the reasoning behind not changing the zoning is that this is one of the last lots available for retail. The Planning Commission recognized this as an area with traffic and frontage and are trying to preserve the value they have within the zone.

Council Member McEwen asked to review the types of businesses that are allowed in the different zones. Mr. Goodwin stated that in the Code, Section 10-683 sets forth the permitted and conditional uses in each of the subdistricts. He reviewed the lists and stated that they are similar until they get to the section addressing professional offices as permitted uses in some areas but not close to 4800 West.

Council Member Smith clarified that they did not want to change the zoning to something that they do not want there. Mr. Goodwin described the difference between conditional and permitted uses. He explained that a permitted use is administratively approved while a conditional use identifies an impact that a business may have and needs to be mitigated with conditions. It was reported that the Planning Commission's decision was 3-to-1.

Council Member Miller asked if Coldwater Capital had a tenant targeted for the type of building they are proposing. Mr. Wood indicated that they have been contacted by dentists, pediatric dentists, architects, oral surgeons, and engineers. They typically are professionals who live in the area and are aware of the 700 homes coming in across the street. They are destination businesses that do not rely on drive-by traffic.

Council Member McEwen asked if they had taken into consideration what the residents would want between professional office space or day spa-type uses. Commissioner Dahl stated that they had considered the residents and determined that they knew that they were purchasing property adjacent to commercial zoning. As a result, they should not be surprised by the impact.

Mayor Andersen opened the public hearing.

Kati Garrett gave her address as 4698 West Daisy Lane. She supported rezoning the lot in question. They understood they were purchasing near commercial zoning, but they want practical space for their families and neighbors. Ms. Garrett has three young children and they have seen traffic from Taco Bell and Swig block roads. Fortunately, there is no neighborhood entrance at either location, however, a busy drive-thru would block one of the two entrances into the Cedar Canyon neighborhood. There are constantly children along Daisy Lane and safety needs to be a priority. They have a group chat for Cedar Canyon and nearly everyone has expressed a desire to change the zoning to allow for office or professional space. She stated that the residents support the rezone.

Melissa Wood gave her address as 10034 North Dahlia Lane and supported the zone change to mixed-use because she has seen how busy Swig and Taco Bell already are without the new drive-thrus even being open yet. Although she knew there would be retail on the subject property when she purchased her home, she did not know there would be 1,000 new homes across the street. There is noise from the gas station parking lot, but it would be nice to not have the traffic noise at night and on weekends. There is also quite a bit of pedestrian traffic from the high school.

There were no further public comments. Mayor Andersen closed the public hearing.

Council Member Smith stated that her first instinct was to deny the proposal because, as Commissioner Dahl said, there is only a limited amount of retail space remaining in the City. However, after visiting the site and considering the property tax revenue she was able to see that it would be a good compromise to allow for office space.

Council Member McEwen commented that hearing from the residents was key for her in making a decision to approve the application.

Mr. Goodwin stated that over the last two years there has been a shift in the popularity of drive-thrus. COVID has changed the way people eat out and many now choose drive-thrus over dining in. He stated that it is important to consider how a drive-thru would look in this location in conjunction with the others. With regard to sales tax, he stated that there have been two times in Cedar Hills history that he can recall where sales taxes were impacted. One was when Walmart opened in 2006 and the other was in 2018 when the Supreme Court required that online sales collect sales tax. The sales tax generated by these smaller businesses will be minimal.

Council Member Miller remarked that what is proposed is a good idea in this location. Doctors, dentists, architects, and engineers have a destination component, making them ideal here.

Council Member Smith supported the zone change as it would be a good compromise to still have some sort of revenue from whatever is developed, and it does not necessarily have to be a drive-thru.

MOTION: Council Member Geddes moved to APPROVE Ordinance No. 07-19-2022A, an ordinance amending the Subdistrict Map found in City Code 10-6A-2, by rezoning Parcel 3 of the Rhinehart Subdivision to the Mixed-Use Overlay Subdistrict and amending the SC-1 Subdistrict Map found in City Code 10-6A-2. Council Member McEwen seconded the motion. Vote on motion: Council Member Ellison-Yes, Council Member Geddes-Yes, Council Member McEwen-Yes, Council Member Miller-Yes, Council Member Smith-Yes. The motion passed unanimously.

10. Review/Action and Public Hearing on an Ordinance adjusting the Common Boundary between the City of Cedar Hills and Pleasant Grove City (Dahl Property)

Mr. Goodwin reported that the above item was previously approved by the City Council. It needs to be redone so that it can be coordinated with Pleasant Grove City to meet the filing deadlines.

Mayor Andersen opened the public hearing.

Dennis Dahl gave his address as 9652 North Old Orchard Lane and stated that he attended the Pleasant Grove Council Meeting where they approved the application.

There were no further public comments. Mayor Andersen closed the public hearing.

MOTION: Council Member Ellison moved to APPROVE Ordinance No. 07-19-2022B, an ordinance adjusting the Common Municipal Boundary between the City of Cedar Hills and Pleasant Grove City. Council Member Miller seconded the motion. Vote on motion: Council Member Ellison-Yes, Council Member Geddes-Yes, Council Member McEwen-Yes, Council Member Miller-Yes, Council Member Smith-Yes. The motion passed unanimously.

11. Discussion on Park Vandalism

Mr. Goodwin expressed frustration with vandalism that has been taking place in the parks and open space areas. He reported that the year Harvey Park opened there was a lot of vandalism in

the bathrooms. The City installed timed locks so that people could not enter the bathrooms during certain hours and the vandalism stopped. Unfortunately, not all cases are as simple to solve.

Council Member Smith provided a list of options to reduce vandalism. Mr. Goodwin reviewed the list with the Council. One option was to establish a City Neighborhood Watch to keep an eye on the parks. One of the problems, however, is that they have no jurisdiction and can only watch things happen. In addition, citizens should not be put in a position where they are asked to confront someone. If people are just monitoring a situation and call the police when there is an incident, the call volume will increase, which will, in turn, increase Police costs. Lights could be added but there was some question as to whether they invite or discourage people in any given area. There are areas in Harvey Park that have lights and it is easy to see shadows of people in those areas. At Heritage Park, however, there are no lights and there is very little vandalism.

Council Member Geddes stated that when the restrooms were built at Heritage Park, they were a novelty but were vandalized. Typically, when the novelty wears off, people move on. He felt that the vandalism would fade over time.

Mr. Goodwin stated that solar paneled lights would be a good idea as long as the lights are not positioned to shine into windows. The cost would also be very high to install lights throughout the park. Another option was to install an alarm system that alerts people when the park is closed. There would be cameras placed in conjunction with the alarms.

Mr. Goodwin asked that the matter be addressed before the budget amendments since the proposal was to add \$10,000 to the Parks Department budget to pay for additional patrols through the end of the summer. It is expensive to dedicate a police officer to patrol the park at \$80 per hour.

In response to a question raised by Council Member McEwen, Mr. Goodwin stated that this year the cost of vandalism has been \$25,000 to \$35,000. Last year it was approximately \$70,000. He stated that vandals are bold and not easily deterred.

In response to a question raised by Council Member Geddes regarding the value of the stolen xylophone, Mr. Goodwin reported that it was about \$5,000. He would support offering rewards, but the City would not be able to recoup that through litigation. In addition, it is financially unreasonable to do so.

Council Member Smith wanted to make it known that the City is watching, and that vandalism is serious. She stated that young people are drawn to the darkness of the playground and motion sensor lighting would make the area less appealing. It would also alert the police when the lights go on. She suggested that a light be placed near the playground. She did not recommend that items be placed at Heritage Park that can be hauled away.

Council Member Geddes asked if it would be reasonable to choose a few locations for lights and get cost estimates. Mr. Goodwin stated that lights could be installed if desired by the Council. He reported that although this is a discussion item, the budget amendment is to add \$10,000 specifically for security measures.

Lieutenant Josh Christensen reported that those involved in Neighborhood Watch-type programs are asked to not confront people and are directed to call the police. There would likely be an increase in police calls, which could get very expensive. Council Member Smith asked what the least expensive option would be for policing the parks. Lieutenant Christensen stated that having an on-duty police officer at the parks would be the best option. The most popular parks are where the issues are. There is a cost-of-business issue that should be considered.

Mr. Goodwin agreed with Lieutenant Christensen and suggested that motion-sensor lights be tested in specific areas. He expressed support for the budget adjustment. Lieutenant Christensen stated that it is difficult to measure the effectiveness of the mitigations put in place because the issues are seasonal. The mitigation measures need to be considered over a long period of time. He pointed out that every city in the valley is dealing with similar issues.

Council Member Geddes stated that adding the funds to the budget will ensure that the money is available next year. It was determined that the City would install lights strategically and approve the monies for the budget for possible future use.

12. Review/Action and Public Hearing on a Resolution adopting Fiscal Year 2023 Budget Amendments.

Mr. Goodwin described the two budget amendments. The first was to add the \$10,000 Park line item for security measures. This was initially for park security, but he would wait to spend any money on park security until the other measures are tried. Next spring, they can evaluate the issues. The second item was for the golf course. They are having problems with a pump for watering. The pump has been ordered but the budget needs to be amended. The money will come from the Golf Fund Reserves. The existing pump is around 20 years old. Bids were received for this item with the City going with the lowest bid.

Mayor Andersen opened the public hearing. There was no public comment. Mayor Andersen closed the public hearing.

MOTION: Council Member Geddes moved to APPROVE Resolution No. 07-19-2022B, a Resolution adopting the July 1, 2022-June 30, 2023, Fiscal Year Budget amendments for the City of Cedar Hills, Utah. Council Member Smith seconded the motion. Vote on motion: Council Member Ellison-Yes, Council Member Geddes-Yes, Council Member McEwen-Yes, Council Member Miller-Yes, Council Member Smith-Yes. The motion passed unanimously

13. Discussion on Impact Fee Facilities Plan Amendments

Mr. Goodwin reported that as part of the process for Impact Fees, state law requires that cities provide notice of their intent to amend the Impact Fees. The City is currently working with Horrocks Engineering for the Traffic Impact Fee and Hansen Allen & Luce for the Culinary Water Impact Fee. The City intends to amend the fees and will make a presentation to the Council at a future meeting. Mr. Goodwin reported that best practice states that impact fees should be amended every five years. The last time it was done was in 2015. Only the Impact Fees with significant

capital projects associated with them will be changed. Following the notice, the public will have 60 days to respond.

Mr. Goodwin reported that they are working with Zion's Bank on fee development. The engineering firms are working on the project aspect with all working in tandem.

Mr. Goodwin commented that certain steps need to be taken to make the fees defensible, one of which is to provide notice to the public that the City intends to adopt the fee. Council Member Geddes reported that there have been times when the City has reduced the Impact Fees and stated that all fee changes must be justified. Mr. Goodwin stated that they need to justify what projects are coming up, the existing capacity, the cost of buying into that capacity for new development, and a new system and formula to amend the fees.

Mayor Andersen opened the public hearing.

Connie Smith gave her address as 4045 West Juniper and asked for clarification on this item. Mr. Goodwin stated that there is no impact on existing homes or businesses in Cedar Hills and that Impact Fees are for new development.

There were no further public comments. The public hearing was closed.

14. Review/Action on Acceptance of the Fiscal Year 2022 Fraud Risk Assessment Report.

Mr. Goodwin reported that the State Auditor's Office requires every municipality to complete a Fraud Risk Assessment, which results in cities getting a score on susceptibility to fraud. A high score indicates low susceptibility to fraud while a low score indicates that certain checks and balances are not in place to mitigate fraud. An example was given of the checklist where there are adequate controls on the flow of cash through the City. This means that when someone comes in to pay a water bill, the person taking the money is not creating the bank deposit slip, taking it to the bank, or reconciling the statement. He reviewed other items on the checklist that show how the City received the score it did as well as steps that can be taken to improve the score.

MOTION: Council Member Smith moved to ACCEPT the Fraud Risk Assessment Report for the Fiscal Year 2022 for the City of Cedar Hills. Council Member McEwen seconded the motion. Vote on motion: Council Member Ellison-Yes, Council Member Geddes-Yes, Council Member McEwen-Yes, Council Member Miller-Yes, Council Member Smith-Yes. The motion passed unanimously.

15. Discussion on Water Usage and the Harvey Well Project

Mr. Goodwin reported that the City is trying to stay ahead of the Harvey Well Project and its impact on the neighbors. They are more than halfway through the water season and residents have reduced water use. Some of the City's water sources include PG Water at 850 acre-feet per year. This year it was reduced to 500 acre-feet. To date, they have used 356 acre-feet. The City was grateful to residents for their efforts to reduce usage.

The City has an allotment with the Central Utah Water Project of 710 acre-feet per year. To date, they have only used 70 acre-feet. That water pulls from Deer Creek Reservoir. They have also been able to keep up with demand, which is key. Mr. Goodwin presented a graph showing the water usage from the City and stated that on average over the last seven years, by week 12 they have used 293 million gallons of water. This year, by week 12, they are at 253 million gallons, which is 40 million gallons lower than the average.

The City has made some important changes. One was a significant reduction in the use of the splash pad. It was not a popular decision but was necessary. The splash pad draws water from Harvey Well. In order to keep that well going, they have to be very conscientious in using it to ensure that the static water level does not drop significantly. In April, the water level was at 90 feet, and they were pumping 900 gallons per minute. 850 gallons per minute is needed to keep up with demand. In July, it is now down to 80 feet and 800 gallons per minute. He felt that they would be able to get through the summer with those numbers because other resources are available. They have relied on Cottonwood Well and there is a reserve with Central Utah Water to get through the watering season. The watering season will go through the end of September.

Mr. Goodwin stated the Harvey Well Refurbishment Project will deepen the well an additional 300 feet into the aquifer. That project was scheduled to begin on August 15. The City sent a mailer to residents in the surrounding area to meet at the pavilion on August 1 to discuss the project and the impact it will have on the neighborhood. The Contractor is scheduled to begin on August 15 and will work from 10:00 a.m. to 7:00 p.m.

Mr. Anderson stated that the Well Driller reported at a meeting earlier in the day that he will be working from 8:00 a.m. to 5:00 p.m. rather than from 9:00 a.m. to 7:00 p.m. because the time frames will work better with his crews.

Mr. Goodwin said that at the end of the project a 24-hour flush period is required at which time the pump will run for 24 hours straight. This will be a six to eight-month project and it must be up and running by the next watering season. As part of the project, the City will have to chlorinate its water.

ADJOURNMENT

16. Adjourn.

MOTION: Council Member Geddes moved to ADJOURN. Council Member Smith seconded the motion. Vote on motion: Council Member Ellison-Yes, Council Member Geddes-Yes, Council Member McEwen-Yes, Council Member Miller-Yes, Council Member Smith-Yes. The motion passed unanimously.

The City Council Meeting adjourned at 8:45 p.m.

Approved by Council:
September 13, 2022

/s/ Colleen A. Mulvey, MMC
City Recorder