

**CITY COUNCIL MEETING MINUTES OF THE
CITY OF CEDAR HILLS
Tuesday, February 6, 2024 – 6:00 p.m.
Community Recreation Center
10640 North Clubhouse Drive, Cedar Hills, Utah**

Present: Mayor Pro Tempore Mike Geddes, Presiding
Council Member Laura Ellison
Council Member Alexandra McEwen
Council Member Bob Morgan
Council Member Kelly Smith

Absent/Excused: Mayor Denise Andersen

Staff: Chandler Goodwin, City Manager
Charl Louw, Finance Director
Greg Gordon, Recreation Director
Kevin Anderson, Public Works Director
Hyrum Bosserman, City Attorney
Colleen Mulvey, City Recorder
Lieutenant Kevin Doyl

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 6:03 p.m. by Mayor Pro Tempore Geddes. Mayor Andersen was excused.

The Pledge of Allegiance was led by Mayor Pro Tempore Geddes.

The Invocation was offered by Council Member Ellison

2. Approval of Meeting Agenda.

MOTION: Council Member Morgan moved to APPROVE the Meeting Agenda. Council Member Smith seconded the motion. Vote on motion: Council Member Ellison-Yes, Mayor Pro Tem Geddes-Yes, Council Member McEwen-Yes, Council Member Morgan-Yes, Council Member Smith-Yes. The motion passed unanimously.

3. Public Comment.

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

CONSENT AGENDA

4. Approval of the Minutes from the January 9, 2024, City Council Meeting.

5. Approval of Resolution No. 02-06-2024A, Appointments to the Planning Commission.

6. **Approval of Resolution No. 02-06-2024B, Appointments to the Family Festival Citizens Advisory Committee.**

MOTION: Council Member Ellison moved to APPROVE the Consent Agenda. Council Member Smith seconded the motion. Vote on motion: Council Member Ellison-Yes, Mayor Pro Tem Geddes-Yes, Council Member McEwen-Yes, Council Member Morgan-Yes, Council Member Smith-Yes. The motion passed unanimously.

Troy Newbold was introduced as a New Planning Commission Member. He was thanked for his willingness to serve.

CITY REPORTS AND BUSINESS

7. **Mayor and Council, City Manager and Staff.**

City Manager, Chandler Goodwin reported on the following:

- He introduced the New Cedar Hills app which will provide notifications for emergencies.
- He reminded the City Council that cars in the community should be pulled off the street when there is snow to allow plows to pass.

Council Member Morgan reported on the following:

- He serves on the Utah League of Cities and Towns (“ULCT”) Legislative Policy Committee and is very disappointed with what is being done by the Legislature. He explained that numerous bills are being put forward that take over what the City is supposed to be doing. He commented that the Legislature needs to allow cities to run themselves. He planned to send out an email describing what is being done with a few bills the ULCT is opposing.

Council Member Ellison reported on the following:

- She works with the Youth City Council (“YCC”), and it is going well. The date for the Easter Egg Hunt is earlier than normal and will take place on Saturday, March 16, two weeks before Easter.
- A Teen Night will also take place the same night. This room was reserved for that.

Council Member Smith reported on the following:

- She has not had any meetings for her committee assignments but has been watching the upcoming Legislation and echoed Council Member Morgan’s concerns. She agreed that there are bills that are of concern but specifically those that impact cities. One is intended to consolidate elections to the County. A few residents have reached out to her for clarification. If residents would like to do something, they can communicate with the Legislators. She commented that certain things should be left to local control.

Mayor Pro Tem Geddes reported on the following:

- He was concerned that vandalism continues to occur throughout the community. He took photos of five three to four-inch caliper trees that were destroyed recently. He found it disturbing but recommended that those who witness crime or vandalism report it.

Public Works Director, Kevin Anderson, reported on the following:

- The American Fork Canyon Dam is near completion and is expected to be finished the following week. It will be ready for runoff this year.
- The Public Works Department completed its work on the Golf Bridge.
- Crews have been conducting pavement assessments and filling potholes.

Recreation Director, Greg Gordon, reported on the following:

- Some nearby courses have opened but the City's course has not.
- A new software system will be introduced to Staff in the next two weeks.
- Greens and fairways need to be cleaned on the golf course.
- Staff recently finished painting the Pro Shop.
- March 4 is the official opening date for the Golf Course.
- The Ski Bus starts this Saturday and will run for four weeks.
- Jr. Jazz is halfway through and is going well.
- Staff will be painting and cleaning over the next few weeks.

SCHEDULED ITEMS AND PUBLIC HEARINGS

8. Public Hearing on the Issuance of Utility Revenue Bonds to Finance the City's Culinary Water and Pressurized Irrigation System Project.

Mr. Goodwin introduced Brian Baker and Brandon Johnson from Zions Public Finance who were present to discuss the issuance of bonds to upsize the water line and add hydrants from 400 West to Oak Road West. The second part of the project will involve finishing the pumphouse.

Mr. Baker stated that the purpose of the public hearing is to allow the public to weigh in on whether the Legislature is unfairly competing with the private sector. Bids were received earlier in the day with rates having peaked in October. They have come down since then. Bids were received from Chase Bank in January, among others. It was recommended that the bid from the Bank of Utah be accepted.

Finance Director, Charl Louw, commented on the importance of being able to pay the bonds off early given the City's history. In the past, the City has refinanced several bonds, which saved hundreds of thousands of dollars. Others were paid off early. Flexibility is important. Mr. Goodwin stated that it was structured so that the principal payment would come due when another bond comes off the books. This avoids having to adversely affect residents with increased utility rates. Maintaining flexibility going forward will be very important for the City. Mayor Pro Tem Geddes commented that the premise was that when it comes due, the other one would be paid off and nothing would be added to the debt.

In response to a question raised by Council Member Ellison, it was clarified that Chase offered a rate of 4.22% over 15 years. Bank of Utah was 4.32%.

Mayor Pro Tem Geddes opened the public hearing. There was no public comment. The public hearing was closed.

9. **Motion to Go into Closed Session Pursuant to Utah State Code 52-4-205(1)(c) to Discuss Pending or Reasonably Imminent Litigation.**

MOTION: Council Member Ellison moved to go into CLOSED SESSION pursuant to State Code 52-4-205(1)(c) to discuss pending or reasonably imminent litigation. Council Member Smith seconded the motion. Vote on motion: Council Member Ellison-Yes, Mayor Pro Tem Geddes-Yes, Council Member McEwen-Yes, Council Member Morgan-Yes, Council Member Smith-Yes. The motion passed unanimously.

The City Council was in Closed Session from 6:25 PM to 6:33 PM.

10. **Motion to Adjourn Closed Session and Reconvene Council Meeting.**

MOTION: Council Member Smith moved to ADJOURN the Closed Session and reconvene the Cedar Hills City Council Meeting. Council Member Ellison seconded the motion. Vote on motion: Council Member Ellison-Yes, Mayor Pro Tem Geddes-Yes, Council Member McEwen-Yes, Council Member Morgan-Yes, Council Member Smith-Yes. The motion passed unanimously.

11. **Review/Action on Approval of the Settlement Agreement with Flowtech PCS, LLC.**

Mr. Goodwin reported that the above item affects the Budget Settlement Agreement, the details of which will be public.

MOTION: Council Member Morgan moved to AUTHORIZE the Mayor to sign the Settlement Agreement with Flowtech PCS, LLC. Council Member McEwen seconded the motion. Vote on motion: Council Member Ellison-Yes, Mayor Pro Tem Geddes-Yes, Council Member McEwen-Yes, Council Member Morgan-Yes, Council Member Smith-Yes. The motion passed unanimously.

12. **Review/Action on Public Hearing on a Resolution Adopting Fiscal Year 2024 Budget Amendments.**

Mr. Louw reported on the adjustment in the General Fund. He noted that American Fork Fire Department had moved out of the City building. He also reported on the Golf Course, the Short Course, other income, golf cart repairs, and golf cart rentals. Mayor Pro Tem Geddes asked if the GPS is tied to EZ-GO. Mr. Gordon stated that it is through EZ-GO go but there is a two-year overlap where the cart and GPS come together at the same time. If the City were to renew the EZ-GO cart lease without addressing the GPS, they will take the old GPS units off of the old carts and put them on the new ones. EZ-GO is the vendor the City has used for years. They have lithium-ion batteries that have been great, but they also have a special braking system that works very well on the course because of the hills. When they went out to bid with RT and EZ-GO, they imposed a very steep price increase that gave staff pause. For that reason, they went to Club Car which is another vendor. Club Car offered a better bid but ultimately EZ-GO produced a workable solution

that solved the problem with the GPS units and reduced the amount of the original bid. The intent was to stay with EZ-GO.

Mr. Gordon explained that the issue is the City's relationship with EZ-GO. When they first started using them, they had a lot of problems but stuck with them. EZ-GO recognized and valued that and offered to work with the City and agreed to bring the GPS in and extend the lease. It was reported that Club Cars have a different braking system that uses a pulley. It was confirmed that cart and golf fees will be increased.

Mayor Pro Tem Geddes opened the public hearing. There was no public comment. The public hearing was closed.

MOTION: Council Member Ellison moved to APPROVE Resolution No. 02-06-2024C, a Resolution Adopting the July 1, 2023 – June 30, 2024, Fiscal Year Budget Amendments for the City of Cedar Hills, Utah. Council Member Smith seconded the motion. Vote on motion: Council Member Ellison-Yes, Mayor Pro Tem Geddes-Yes, Council Member McEwen-Yes, Council Member Morgan-Yes, Council Member Smith-Yes. The motion passed unanimously.

13. Review/Action on an Ordinance Amending City Code Title 7 Chapter 5 Related to Cross Connection Control.

Mr. Goodwin reported that cross-connections are rare and serious. When they see them they are a high priority and require technical changes. There are penalties as well that are State-mandated.

Mr. Anderson reported that a few years ago there was a situation in California where the federal government was no longer liable for damage. If someone is connected to a fire hydrant in California and puts in a pool, if there is a fire down the street the same night, water from the pool will be siphoned into the drinking water system. Staff did not want the same thing to happen here. Mayor Pro Tem Geddes stated that the City recently began chlorinating its water, which may help if there is a cross-connection. Council Member McEwen asked about the appropriate way to fill a pool. It was reported that anyone wishing to use a fire hydrant should call the City. Most try to fill pools using culinary water. Renting a fire hydrant is much less costly.

MOTION: Council Member Morgan moved to APPROVE Ordinance No. 02-06-2024A, an Ordinance Amending Cedar Hills City Code Title 7 Chapter 5, related to Cross Connections Control. Council Member Smith seconded the motion. Vote on motion: Council Member Ellison-Yes, Mayor Pro Tem Geddes-Yes, Council Member McEwen-Yes, Council Member Morgan-Yes, Council Member Smith-Yes. The motion passed unanimously.

14. Review/Action and Public Hearing on a Resolution Amending the Official Fees, Bonds, and Fines Schedule for the City of Cedar Hills.

Mr. Goodwin reported that additions were made to the Fee Schedule. It was stressed that the intent of the City is always to work with people.

Mayor Pro Tempore Geddes opened the public hearing. There was no public comment. The public hearing was closed.

MOTION: Council Member Ellison moved to APPROVE Resolution No. 02-06-2024D, a Resolution Adding, Amending, or Deleting certain Fees to the Official Fees, Bonds, and Fines Schedule of the City of Cedar Hills, Utah, as discussed. Council Member Morgan seconded the motion. Vote on Motion: Council Member Ellison-Yes, Council Member Geddes-Yes, Council Member McEwen-Yes, Council Member Morgan-Yes, Council Member Smith-Yes. The motion passed unanimously.

15. Review/Action on an Ordinance Amending Title 2 Chapter 3 Related to Youth City Council Advisors.

Mr. Goodwin stated that two changes are proposed regarding Youth City Council (“YCC”) Advisors. The minimum requirements for the YCC Mayor are that they be a senior in high school and serve for one year. Council Member Ellison liked that youth are being given more opportunities to serve in positions of leadership. It was suggested that there be a Mayor Pro Tempore as well who is not allowed to be the Mayor the following year. Council Member Smith expressed support for the proposed changes.

MOTION: Council Member Smith moved to APPROVE Ordinance No. 02-06-2024B, an Ordinance Amending Cedar Hills City Code Title 2 Chapter 3, related to the Youth City Council Advisory Committee. Council Member McEwen seconded the motion. Vote on Motion: Council Member Ellison-Yes, Council Member Geddes-Yes, Council Member McEwen-Yes, Council Member Morgan-Yes, Council Member Smith-Yes. The motion passed unanimously.

16. Review/Action on Beginning of Durability Bond for Starbucks Coffeehouse, Cedar Hills Gateway Subdivision Lot 2.

Mr. Goodwin reported that the intent was to enter into the one-year durability period at 10%. A letter was received from the Engineer.

MOTION: Council Member McEwen moved to APPROVE the Acceptance of a Durability Bond for the Starbucks Coffeehouse, valued at 10% of the value of the newly installed public improvements for the period of one year. Council Member Ellison seconded the motion. Vote on Motion: Council Member Ellison-Yes, Council Member Geddes-Yes, Council Member McEwen-Yes, Council Member Morgan-Yes, Council Member Smith-Yes. The motion passed unanimously.

17. Review/Action on a Resolution Adopting an Amendment to the American Fork Public Safety Agreement.

Mr. Goodwin identified a weak point in the proposed Agreement and stated that there are issues that still need to be worked out in the contract. There are three provisions including a Release of Liability. Council Member Smith asked about the next step to ensure that the insurance policy is in alignment. Mr. Goodwin commented that it is tricky to use the same insurance policy. When American Fork renews they look at all buildings and its fleet. They also analyze when to go to the police and how many officers there are. For Cedar Hills, there is nothing to underwrite. Additional language was still needed. City Attorney, Hyrum Bosserman explored options to bring forward additional requirements. He suggested that at a minimum, language be put in place.

Mayor Pro Tem Geddes reported that the agreement has a 2023 date but will become active on the date it is signed. Mr. Goodwin confirmed that it is not retroactive. It does not become active until it is signed by both cities. Council Member Smith stated that if they sign today and then next week there is a problem with American Fork, it will be covered. Mr. Bosserman restated the City's position and believed that the City is covered. What is proposed helps provide clarity. Council Member Smith considered it a step in the right direction.

MOTION: Council Member Smith moved to APPROVE Resolution No. 02-06-2024E, a Resolution Amending the Agreement with American Fork City regarding Public Safety Services subject to no changes. Council Member Ellison seconded the motion. Vote on Motion: Council Member Ellison-Yes, Council Member Geddes-Yes, Council Member McEwen-Yes, Council Member Morgan-Yes, Council Member Smith-Yes. The motion passed unanimously.

18. Discussion on Fiscal Year 2025 Budget.

Mr. Louw discussed the budget and gave a PowerPoint presentation. He provided revenue updates and a tax revenue year-to-year comparison. He also presented program revenues year-to-year. Building-related fees, impact fees, sales tax growth, Public Safety trends, and the approved Financial Policies Guide Budget were presented. Budget processes were reviewed. Mr. Goodwin reported that many cities are evaluating their Transportation Utility Fees, among others. A determination was ultimately made to eliminate the fee. He stated that a bill is now back before the Legislature regarding Public Safety fees. Cities of the third, fourth, and fifth class with a contract entity that provides Public Safety, cannot have a Public Safety Fee.

Council Member Smith was concerned with the bill not covering everyone. Mr. Goodwin did not expect it to go that way and stated that changes have been made to it. Mr. Louw commented on the competent staffing in Cedar Hills. Mayor Pro Tem Geddes agreed that the City does a good job with staffing, and he appreciated what they do for the City.

Mr. Louw indicated that there have been efforts on the part of staff to reduce and minimize the City's subsidized costs.

Mayor Pro Tem Geddes commented on the Library budget.

Mr. Louw reported on Park Maintenance Equipment, the Arborist Tree Maintenance Plan, and Preliminary Fund Placeholders.

Mr. Goodwin reported on the Waste Management Agreement and stated that it is difficult to go with another vendor since new cans would have to be purchased. Currently, new cans are prepared and distributed to new residents by the current provider and is something the City does not pay for. Council Member Smith recommended that if there is another increase, it be passed on to residents. Previous increases have been absorbed by the City. She suggested that as an alternative to a tax increase.

Mr. Louw described the placeholders continued staff impact and reported on the upcoming Cost-of-Living Allowance ("COLA"). The State is proposing 2.3% compared to the City's placeholder of 0%. The State Dental and Health premiums of .9% and 7.2% respectively were compared to the City's placeholder of 5%. It was noted that there was a \$4,000 reduction in monthly staff lunch

trainings funding by two-thirds. Options to capture additional savings were discussed. They included the following:

- Voluntary no paid leave options for employees if preapproved department heads;
- Hiring future open positions for slightly fewer hours;
- Electrical lighting repairs and replacement spread over time;
- Reduce and delay timing of maintenance like edging grass, and mowing of grass areas that are for aesthetic purposes only; and
- Reduce fertilization treatments from four to three.

Council Member Smith asked for an update on the PARC Tax Funds and if they go into the General Fund. Mr. Louw stated that they are to be used for capital improvements in the parks.

It was noted that the previous Arts Committee encouraged theater in the City. Council Member Smith was concerned with Creekside Theater's reliance on the City and stated that the application process competes for funds. Mr. Louw reminded the City Council that the City founded it. Council Member Smith was uncomfortable with the idea that they automatically receive the same amount each year and they depend on it. Mr. Goodwin stated that PARC Tax is money that has to be spent on Parks, Arts, and Recreation. Council Member Smith agreed but stated that it has been allocated to one group repeatedly and there could be clamor from the community. Mr. Goodwin suggested they make a presentation to the City. Staff meets with Creekside periodically to discuss their programs and it has become quite successful and well respected. It is a program that belongs to the City, and they have an interest in it.

In response to a question raised, Mr. Goodwin stated that they run the Youth Theater Program, but they do not receive the money Creekside does. Council Member Smith asked about the fees for the amphitheater and how that works with Creekside.

Council Member Ellison asked if they charge for admission. Mr. Goodwin stated that there is a breakdown of how the money is spent. He reported that does not have paid actors, choreographers, directors, and lighting but one of their biggest costs is paying for the rights to use a play. They provide breakdowns of how funds are spent and allocated. Once all of their expenses are taken into account, there is a lot of volunteer work. Council Member Smith was familiar with the program. Her only reservation was that if the City were to need that money elsewhere, she would not want Creekside to go under without City assistance. She did not like the idea that they needed the City to survive. She commented that the City may not always commit those funds. Mr. Goodwin agreed and stated that there was a one-year period where the PARC Tax failed and that money was not coming in. The funds are raised locally and are sales tax-generated within the community. The issue will likely come up in the next three to four years. He suggested that a message be sent to the community regarding where the PARC tax money is going.

ADJOURNMENT

19. Adjourn.

Council Member McEwen reported that she will be moving out of the City and no longer able to serve on the City Council. She appreciated the opportunity to serve. She read her resignation letter that was submitted to the City. She was thanked for her service.

Mr. Goodwin described the City Council vacancy process. A notice will be put out to the public of a vacancy for 14 days. Once applications are received, it will be up to the Mayor and City Council to review and interview candidates. The process can be determined by the City Council. The matter was to be addressed at the March meeting.

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

The City Council Meeting adjourned at 8:01 p.m.

Approved by Council:
February 20, 2024.

/s/ Colleen A. Mulvey, MMC
City Recorder