

**CITY COUNCIL MEETING MINUTES OF THE
CITY OF CEDAR HILLS
Tuesday, September 17, 2024 – 6:00 p.m.
Community Recreation Center
10640 North Clubhouse Drive, Cedar Hills, Utah**

Present: Mayor Denise Andersen, Presiding
Council Member Laura Ellison
Council Member Mike Geddes
Council Member Bob Morgan
Council Member Erika Price
Council Member Kelly Smith

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

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 6:00 p.m. by Mayor Andersen.

The Pledge of Allegiance was led by Council Member Smith.

The Invocation was offered by Council Member Price.

2. Approval of Meeting Agenda.

MOTION: Council Member Ellison moved to APPROVE the Meeting Agenda. Council Member Price seconded the motion. Vote on Motion: Council Member Ellison-Yes, Council Member Geddes-Yes, Council Member Morgan-Yes, Council Member Price-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 August 6, 2024, and the August 13, 2024, City Council Meetings.

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

CITY REPORTS AND BUSINESS

5. Mayor and Council, City Manager, and Staff.

City Manager, Chandler Goodwin, reported that the Cedar Hills Drive project is underway to replace the waterline. He appreciates the cooperation and assistance from the American Fork Police Department, who have been enforcing the detour. There have been a number of issues with people driving the wrong way. It is down to one-way traffic eastbound only. He thanked all residents who have been compliant. The project work is scheduled to last until the end of October.

Mr. Goodwin noted that there have been some issues in school zones. For instance, some close calls with people driving through crosswalks. He appreciates the American Fork Police Department pulling over the offenders, but also asked for cooperation from members of the public in school zones.

Mr. Goodwin went on a few tours the previous week of different facilities. This includes the Davis County Animal Shelter and Salt Lake County Animal Shelter. The intention was to evaluate their Community Cat program. That is something that the Best Friends Animal Society wants the North Utah Valley Animal Shelter to consider. Mr. Goodwin reported that he also went on a tour at the Timpanogos Special Service District (“TSSD”) to look at their efforts in Utah Lake and achieving compliance with the State regulations. He has some literature that can be shared with Council Members.

Council Member Morgan shared comments about the golf tournament. He also thanked the American Fork Police Department for pulling over motorcycles and focusing on safety. Council Member Morgan attended two meetings last week, including the Central Utah 911 Meeting and the Legislative Policy Committee. The Central Utah 911 Meeting included discussions about the protocols for fire, emergency, and operators. At the Legislative Policy Committee, there were discussions about moderate-income housing. The Committee was talking about potentially making it possible for accessory dwelling units (“ADU”) to be sold separately if those units were not connected to the main structure. Mr. Goodwin stated that this is prohibited in the City Code. It is not something he feels the City should support, as it could significantly increase the density.

Council Member Ellison reported that the first Youth City Council Meeting took place recently. There are 30 participants on the Youth City Council this year and it is an excellent group. The

Youth City Council wants to have a Fall Festival as opposed to a Halloween-themed activity for the teens.

Mayor Andersen reported that the City received a water grant to help complete the PI project. She also noted that there were children riding a motorized go-cart recently. The children rode the go-cart into the park and on the grass. They were caught by the police and the go-cart was impounded. It cost the family approximately \$600 for that infraction. Mayor Andersen explained that in this case, there were underaged drivers. Additionally, unlicensed vehicles such as a go-cart, golf cart, or something similar are prohibited in the City. As for parks and security, word has gotten around about what happened at Harvey Park and the destruction caused by a firework. The Mayor of Lehi reached out to her to ask how the City was able to identify who was responsible and asked for some advice on security. People know that the City is working hard on security in the parks.

Mayor Andersen stated that she sits on the Interfaith Council for North Utah County. Cedar Hills will host the meeting tomorrow. It is a group of religious leaders from all different faiths who come together to discuss what can be done to coordinate efforts in the community as far as welfare, activities, and so on.

Council Member Price reported that Christmas at the Creek has been scheduled for December 2, 2024. That is when the tree lighting and community event will take place at Heritage Park.

Council Member Smith has been working hard to let people know about the potential school district split. She was invited to be on a town hall panel with some Council Members from Highland, Amber Bonner who used to be on the School Board, and John Dougall, who is the State Auditor. The intention is to continue to reach out, so everyone has the information needed to make an informed decision. She clarified that the City is not advocating for an outcome either way. However, there is a desire to ensure that residents have as much information as possible ahead of a vote.

Recreation Director, Greg Gordon, reported that recreation programs are underway for the fall. Golf is continuing to do well and there are a lot of tournaments in September. He stated that the air conditioning is now working inside this building. Something he is currently tracking is the hillside slide. The distance is being tracked and more information will be shared in the future.

Public Works Director, Kevin Anderson, stated that the waterline project on Cedar Hills Drive is going well. There are some customers on the new waterline already. He reported that there was a meeting earlier in the day about the well house. The well house is largely complete inside but work still needs to be done outside.

Finance Director, Charl Louw, explained that for the grant that was received for the PI project, the City has through 2026 to spend the money. He added that the City is in the middle of preparing for the audit. Unfortunately, the forestry grant for approximately \$5,000 did not move forward.

SCHEDULED ITEMS AND PUBLIC HEARINGS

6. Review/Action and Public Hearing on Approving a Conditional Use Permit Related to Approved Building Elevations and Overhead Doors for Lot 7 Cedar Hills Gateway Subdivision, Located in the SC-1 Commercial Zone.

Mr. Goodwin explained that the item is a Conditional Use Permit request. The proposal is for Lot 7 of the Cedar Hills Gateway Subdivision. A request was made to alter the approved building plans by removing two overhead doors from the front elevation, replace those with storefront windows, and add a single overhead door on the south elevation off of 9900 North. The Planning Commission reviewed this Conditional Use Permit request and forwarded a positive recommendation to the City Council.

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

MOTION: Council Member Geddes moved to APPROVE the Conditional Use Permit to amend the proposed elevations for Lot 7 of the Cedar Hills Gateway Subdivision, located at 4700 West 9900 North. Council Member Smith seconded the motion. Vote on Motion: Council Member Ellison-Yes, Council Member Geddes-Yes, Council Member Morgan-Yes, Council Member Price-Yes, Council Member Smith-Yes. The motion passed unanimously.

7. Review/Action on Acceptance of the Public Improvements and Beginning of Durability for the Cedar Canyon Subdivision Lot 1.

Mr. Goodwin explained that the item has to do with Cedar Canyon Subdivision Lot 1. This is the commercial development south of Walmart, where there have been previous discussions about the right-in-right-out onto Cedar Hills Drive. The public improvements for Lot 1 have been installed and inspected. This includes some transmission lines for utilities, meters, and also some sidewalk. All of the improvements meet the standards established by the City and are of sufficient quality to be accepted and to enter the durability period. He explained that the durability period will last for one year, at which time any degradation or failure will need to be rectified by the developer, or the bond may be drawn to correct any deficiencies.

MOTION: Council Member Price moved to APPROVE and ACCEPT the public improvements associated with the Cedar Canyon Subdivision Lot 1 and allow the subdivision to enter the one year durability phase. Council Member Ellison seconded the motion. Vote on Motion: Council Member Ellison-Yes, Council Member Geddes-Yes, Council Member Morgan-Yes, Council Member Price-Yes, Council Member Smith-Yes. The motion passed unanimously.

8. Discussion on Regulating Tree Height Throughout the City.

Mr. Goodwin explained that the next item on the agenda is a discussion about tree heights in the City. He reported that Council Member Smith requested that this matter be added to a meeting agenda after listening to resident concerns. Some residents have expressed concerns about living adjacent to tall trees and are worried about what could happen if a tall tree falls onto their property.

The City does not have a code that regulates tree height. If there was some sort of issue, it would be between the homeowners and would be a civil matter. However, a question was asked about whether other cities regulate tree height. Staff was unable to find a city in the State that does this.

Neighbors are allowed to trim tree branches at the property line, so there is some maintenance that can be done by the homeowner. In terms of topping trees, this is detrimental to the overall health of the tree. The Meeting Materials Packet includes a tree owner manual with information about that. Mr. Goodwin recognizes the concerns that have been expressed and believes those concerns are valid. That being said, in a lot of cases, it comes down to communication between neighbors. He noted that there are often complaints when there is a heavy windstorm in the City because a branch or tree might fall down and damage a fence. If the tree was on City property, the City will often fix the fence in an effort to be a good neighbor. Mr. Goodwin reiterated that communication between neighbors is essential and there are no other cities with tree height regulations.

Council Member Geddes pointed out that there are some exceptions for Rocky Mountain Power. Mr. Goodwin confirmed this. Council Member Smith explained that when residents bring forward concerns, she will normally try to explain the current regulations, but if the matter has not been discussed in some time or has not been discussed at all previously, she asks for it to be a discussion item. It is worthwhile for all Council Members to be aware of the concerns from residents. She appreciates that the other Council Members have been supportive of her approach so far. Council Member Smith thanked City Staff for taking the time to do some research on this matter.

9. Discussion on Regulating Residential Sports courts and Lighting.

Mr. Goodwin reported that the next discussion item has to do with residential sports courts and lighting. He noted that other municipalities do have some form of regulation in place. If this is something that the City Council wants to do, it is a Title 10 land use issue and needs to go through the Planning Commission before it comes to the City Council for consideration and potential adoption. Mr. Goodwin clarified that there are two discussion items before the Council: sports courts and lighting for sports court. Currently, the sports courts are not treated as a structure. There is no Building Permit or Installation Permit needed for a sports courts. Some code from other communities has been provided for consideration. He shared sports courts language from Lindon:

- Outdoor sports courts are permitted when in compliance with the following conditions:
 - Lighting of sports courts shall be contained within the sports courts boundaries and shall not be directed onto another's property;
 - Sports courts fencing shall not be taller than 12 feet;
 - Sports court fencing when taller than seven feet shall maintain a minimum 10-foot setback from rear and side yard property lines. Any sight-obscuring materials used on such fencing shall be maintained and kept in good repair. Sports court fencing shall not be allowed in the required 30-foot front yard setback;
 - The Planning Commission may modify the height of sports court fencing to be taller than 12 feet and the setback requirement to be less than 10 feet when the following findings are made:

- The proposed height and/or setback modification is necessary to provide privacy and protection of private property interests;
- The appearance and/or setback of the fence will not detract or cause aesthetic damage to neighboring property owners;
- The proposed height and/or setback modification will not cause a public safety hazard;
- The proposed additional height is necessary to provide an adequate buffer for the adjoining landowners' use.

Some municipalities do not let residents put the sports courts on a public utility easement. The way a sports court is viewed in Cedar Hills currently is the same as any cement pad. He pointed out that the issues associated with sports courts are not normally the courts themselves, but light and sound. Mr. Goodwin asked if there would be any concerns about a cement pad that was not being used for a sporting use. This was denied. Based on the response from the Council, he does not believe it makes sense to regulate the cement pad. It makes sense to focus on the actual issues instead, which seems to be light and sound. Sound is already regulated in the community because it is a nuisance if it occurs before or after a certain time. Light can also be a nuisance. For example, if a neighbor has a light that shines directly into a window, that is considered a nuisance.

Mr. Goodwin asked whether the City Council wants to regulate the installation of sports courts or if the intention is to address the issues associated with sports courts. Council Member Smith noted that as soon as someone puts in a sports court, the concerns from neighbors start to come in. She pointed out that a sports court is more expensive to put in than a concrete pad. She asked what would happen if it was placed in the utility zone. Mr. Goodwin reported that State Code says flat work can be put in a public utility easement. For instance, most homes in Cedar Hill have a 10-foot public utility easement along the front of the home, and sometimes there is a public utility that runs under the driveway. If something needs to be done, the concrete is knocked out and the City can later repour the concrete. Post-tension concrete is more expensive because it is not possible to take out only the portion on the utility easement. The entire area would need to be removed.

Mr. Goodwin noted that the City Attorney can weigh in on whether there can be language to differentiate post-tension concrete versus normal concrete pads. One is very different and more expensive than the other to replace. City Attorney, Hyrum Bosserman, confirmed that it is possible to put something like that in the City Code and to add in some additional definitions. Mr. Goodwin pointed out that the City could identify sports courts as something that is recognized as more like a structure than a simple concrete pad. There could be language to state that if someone chooses to place a sports court where a public utility easement is located, that is done at their own risk. There would not be a review process, but if it needs to be ripped out in the future, a new court will not be paid for by the City.

Mr. Goodwin thought that identifying post-tension concrete as a structure might not be a Title 10 issue. It might fall under Title 9 and would not need to move through the Planning Commission process. He offered to look into this further. Council Member Price asked how frequently these kinds of issues occur. Mr. Goodwin explained that while sports courts might be in public utility easements, it is not often that the easement needs to be accessed. Typically, those are in the front

of the property, which is not where a sports courts would be located. Those are normally on the side or rear of the property. Council Member Smith would love to add some language for clarity.

Council Member Geddes reported that he read the different code requirements from other cities. He wondered whether there is language in the Cedar Hills City Code about lighting. Mr. Goodwin reported that much of the code talks about fencing. There can be a fence around a sports court, but that cannot serve as the property line fence. The lighting is a separate issue. A lot of cities regulate lighting on poles. It is not the pole that the City is interested in regulating but the light itself. It might be worthwhile to look at sports court lighting in general. He suggested regulating lighting in a way that addresses the nuisance of the light rather than the actual pole.

Council Member Geddes noted that it is not just the height, but the actual direction of the light. The code should state that the lights need to stay on the property. Mr. Goodwin understands why some cities regulate the height of pole lighting, but a lot of it comes down to the nuisance of the light itself. He offered to bring something back to the City Council in the future for consideration.

10. Discussion on Security at the Golf Course and Short Course.

Mr. Goodwin reported that the short course sits down below and cannot be seen from the main building. It is staffed during busy times, however, sometimes it is not staffed. In many cases, the course is closed for a period of time due to the weather. There have been instances where people have snuck onto the short course at night. It is important to be able to see when that is happening. The proposal is to place a camera on the building there that aims out onto the short course. That would allow staff to see what is happening. There is also theft of service taking place when people sneak onto the short course. The aim is to regulate that. A second camera could be mounted onto a pole near hole one. This would show where people are on the course and also make it possible to see what is happening with the golf carts.

Mr. Goodwin reported that a bid was received for the security cameras. He believes a different system is appropriate in this case because it is an isolated environment. This is something that can be monitored internally to determine what is happening on the short course and at hole one. The bid for two cameras in each location and the installation is \$16,000. For one camera each and installation comes down to approximately \$8,600. That includes a speaker as well. Discussions were had about how the system would be used and whether it is possible to report trespassers.

Council Member Smith did not believe there was anything that would alert them that someone was on the camera. It would require someone to check-in. Mr. Goodwin noted that most of the problem occurs during the daylight hours. There would be someone at the pro shop monitoring at those times. As for after-hours use, that is something that could be checked on periodically. Council Member Geddes pointed out that it would take many rounds of golf to pay for the cameras. He is not sure it is worth it. Mr. Goodwin pointed out that over the course of a year, the cameras could make a difference. He explained that he looks at it as if it is a City park. It is important to protect the asset. Discussions were had about the staffing frequency at the short course building.

Mayor Andersen liked the point made about protecting the asset. Mr. Goodwin reported that this item is not budgeted for. If the City Council is interested in pursuing the cameras, then money

will need to be found in the budget. Council Member Geddes noted that night golf is becoming popular. Mr. Gordon explained that it is something that they are looking into for the future. Mr. Goodwin stated this is simply a discussion item. He asked if there is a desire to see additional information and a possible budget amendment brought back. This was confirmed.

Council Member Price reported that she was approached by a citizen with a suggestion. For Halloween, this citizen has a paranormal night at the American Fork City Library. She asked whether the City is interested in doing something like that. There would not be a charge for the presentation. Council Member Price asked whether this could be a City sponsored event. It was noted that there is support for events that bring the community together, especially ones at no cost.

ADJOURNMENT

11. Adjourn.

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

The City Council Meeting adjourned at 7:01 p.m.

Approved by Council:
October 15, 2024

/s/ Colleen A. Mulvey, MMC, UCC
City Recorder