

CITY COUNCIL MEETING
Tuesday, November 16, 2021 – 7:00 p.m.
Community Recreation Center
10640 N Clubhouse Drive, Cedar Hills, Utah

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

Absent/Excused: Council Member Laura Ellison

Staff: Chandler Goodwin, City Manager
Kevin Anderson, Public Works Director
Greg Gordon, Recreation Director
Jeff Maag, Building Official
Charl Louw, Finance Director
Hyrum Bosserman, City Attorney
Colleen Mulvey, 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 7:03 p.m. by Mayor Andersen.

The Pledge of Allegiance was led by Council Member Smith.

The Invocation was offered by Council Member Ellsworth.

2. Approval of Meeting Agenda.

MOTION: Council Member Ellsworth moved to approve the Meeting Agenda with the change of hearing Item #11 after Item #8. Council Member Miller 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.

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 Eucalyptus Court and stated that he has been a resident for 16 years. He noted that the last City Council Meeting he attended was the first time he heard about the fiber project. It was a significant decision and there was a financial responsibility for Cedar Hills citizens associated with that decision. Once he found out about the fiber project, he wanted to become more informed but found that it was not easy to obtain all the information. He applauded any effort that would make it easier for citizens to be more informed. Mr. Nelson also suggested that whatever was mentioned in the subject line of the Cedar Hills newsletter be the first item discussed in the newsletter.

Mr. Nelson shared thoughts on possible City rebranding. He noted that there are financial costs associated with a rebranding. He did not believe that a rebrand is necessary as residents seem to like the current City logo. Mr. Nelson wondered if the rebrand would benefit the citizens of Cedar Hills. He reported there was a theft in his cul-de-sac the previous week and there were concerns about whether there was enough of a police presence in the City. He wondered if there was a specific number of hours, or a certain amount of money allocated to patrolling. Mayor Andersen noted that a member of Staff would answer those questions after the City Council Meeting.

Mayor Andersen reported that a comment was submitted via email. She read it into the record.

Bob Morgan was unable to attend the City Council Meeting but shared comments with the Council. He had spoken to many residents who were in support of the subscription model for fiber with UTOPIA. The benefits of the subscriber model outweighed the benefits and risks of maintaining fiber as a City. Mr. Morgan also congratulated the Mayor and the two City Council Members who won the recent election. He noted it was disappointing that only 30% of Cedar Hills citizens voted in the recent election. Many he had spoken to had no idea when the election was. While he realized this was a State-wide issue, it was important to find a way to get Cedar Hills residents to be more involved. It was suggested that City Council Meetings be live-streamed via Zoom. He urged the City Council to investigate that possibility.

CONSENT AGENDA

4. **Approval of the Minutes from the October 5, 2021, and the October 19, 2021, Work Session and City Council Meetings.**

5. **Appointment of Angela Free to the Beautification, Recreation, Parks, and Trails Citizens Advisory Committee.**

MOTION: Council Member Geddes moved to approve the Consent Agenda. 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.

Angela Free introduced herself and reported that she has lived in Cedar Hills for 23 years. She loves to garden and has been gardening as a hobby for over 20 years with five years of professional experience. She was currently working at Thanksgiving Point and has a Horticulture Certificate from Utah State University. Ms. Free looked forward to helping the City in any way she can.

CITY REPORTS AND BUSINESS

6. City Manager.

City Manager, Chandler Goodwin reported that the Cedar Hills Golf Club held the First Green event on October 29, 2021. The golf course hosted 106 third-grade students from Cedar Ridge Elementary School. There were several different stations where students learned about soil, science, technology, engineering, and math as it relates to the golf course. For instance, there were stations about how to take care of the soil and how to operate the mowers. It was a fantastic event, and they were looking to expand it to other schools in the area. Mr. Goodwin reported that Golf Course Superintendent, Brian Cloud, was awarded a paid scholarship from the Golf Course Superintendents Association of America (“GCSAA”) to attend their national convention in San Diego in February 2022.

Events continued to do well, and revenues were slightly higher than the budgeted projections. Mr. Goodwin noted that Jr. Jazz registration was to end the following weekend and the Ski Bus has fifteen spots remaining. Additionally, construction was underway on the short course. He reported that Cedar Hills residents were encouraged not to park their vehicles on the streets and keep their walkways clear for pedestrians once the storm fronts move in.

7. Mayor and Council.

Council Member Smith shared updates related to the Youth City Council. She reported that they did an excellent job for the Halloween party and there were many positive reviews. The kids did well with their assignments and welcomed all attendees. The Youth City Council was well underway with the planning for Santa Night, which would take place on December 6, 2021, from 6:00 p.m. to 8:00 p.m. The kids hoped there would be a lot of residents out with their children to come and see Santa Claus and Mrs. Claus at the event.

Mayor Andersen discussed the Station Appreciation Recognition Program that was underway. The program would honor the American Fork Fire Department and the American Fork Police Department. The theme for November was gratitude and the City asked residents to show gratitude toward emergency responders. She reported there would be a different theme each month. The program would run from November 2021 through May 2022.

SCHEDULED ITEMS AND PUBLIC HEARINGS

8. Review/Action on the Canvass of the Election Returns for the 2021 Municipal General Election.

City Recorder, Colleen Mulvey shared updates related to the election results. The City Council would act as the Board of Canvassers to verify and certify the results of the 2021 Municipal General Election. She distributed copies of the Statement of Votes Cast, which was prepared by the Utah County Clerk's Office, to Mayor Andersen and the City Council Members. She asked the elected officials to verify the results as they were read into the record:

- Precinct One:
 - Denise Andersen: 269;
 - Laura Ellison: 240;
 - Alexandra McEwan: 134;
 - Bob Morgan: 110;
 - Britney Lindsey: 89.
- Precinct Two:
 - Denise Andersen: 383;
 - Laura Ellison: 324;
 - Alexandra McEwan: 211;
 - Bob Morgan: 130;
 - Britney Lindsey: 127.
- Precinct Three:
 - Denise Andersen: 307;
 - Laura Ellison: 278;
 - Alexandra McEwan: 204;
 - Bob Morgan: 82;
 - Britney Lindsey: 56.
- Precinct Four:
 - Denise Andersen: 427;
 - Laura Ellison: 330;
 - Britney Lindsey: 191;
 - Bob Morgan: 175;
 - Alexandra McEwan: 158.
- Precinct Five:
 - Denise Andersen: 343;
 - Laura Ellison: 298;
 - Alexandra McEwan: 196;
 - Bob Morgan: 107;
 - Britney Lindsey: 88.

Ms. Mulvey reported that the next step was for the City Council to make a motion to certify the 2021 Municipal General Election results.

MOTION: Council Member Miller moved to accept and certify the results of the 2021 General Election and canvass and declare four-year term Mayor candidate Denise Andersen and four-year term City Council candidates Laura Ellison and Alexandra McEwen to be elected. 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.

9. Review/Action on Awarding a Bid for a Citywide Fiber Project.

Mr. Goodwin shared a PowerPoint presentation from Fiber Committee Chair, Daniel Zappala. He reported that there were five bids, but it ultimately came down to two proposals from UTOPIA Fiber and STRATA Networks. There were several factors to consider, including the construction methods and ownership of the network. Maintenance of the network was discussed first. Mr. Goodwin explained that there could be benefits to the City owning the network, but there were potential issues associated with that as well. He believed it was better to move away from the City owning the network. Mr. Goodwin shared information related to financing and explained that with UTOPIA Fiber, the bond would be done through the Utah Infrastructure Agency (“UIA”) even though the City backstopped the bond. Under that agreement, the City would promise Franchise Fees and Sales Tax Fees if the take rate does not equal the debt service. Under STRATA Networks, the bond would be done through the City.

Construction methods were also important to consider. The STRATA Networks model would use micro trenching, which is when a one to two-inch cut is made into the asphalt. Conduit is placed under the road base and then filled. Mr. Goodwin reported that cuts could lead to road degradation. Both the Fiber Committee and Staff did not want to see micro trenching occur. The UTOPIA Fiber model would use directional boring rather than micro trenching. Council Member Geddes believed directional boring would be preferable to cutting into the streets.

Mr. Goodwin overviewed costs and pointed out that this is an important decision for the City Council. Council Member Geddes asked about the estimated timeline. UTOPIA Fiber representative, Roger Timmerman, reported that the timing is good as they are currently working in Pleasant Grove and would ideally be able to work on Cedar Hills in parallel. He believed that Pleasant Grove would have its first customers within the next two to three months. Mr. Timmerman discussed the timeline further and stated that once approved, engineering work would begin. From there, UTOPIA Fiber would look at the design and materials. Construction would start a couple of months after approval, and it will likely take three months for construction. They normally have a two-year contractual commitment, but the work would likely be done within one year.

Mr. Zappala explained that there are two different costs associated with the STRATA Networks proposal because they proposed either the utility model or the subscription model. He explained that one of the major differences between the STRATA Networks proposal and the UTOPIA Fiber proposal was the economy of scale. If the City chose to build a network with STRATA Networks, the maintenance costs would be on the City, and they would have to find a revenue stream to pay the debt. With the UTOPIA Fiber model, there was an opportunity to pool the costs of maintaining the network with other cities. That offered additional protection.

Council Member Miller preferred the subscriber model. He wondered what would happen if there was a 70% or 80% take rate down the road. He wanted to know if it would be possible to convert to a utility model at that point. Mr. Timmerman explained that switching to a utility model was not an option. However, as the take rates increase, UTOPIA Fiber intended to lower the costs of services. UTOPIA Fiber saw the contract with Cedar Hills as a mutual investment. Council Member Smith thanked the Fiber Committee for their work.

Mr. Goodwin reported that Staff added the Fiber Report to the Cedar Hills City website. Mr. Zappala prepared a Citizen's Guide to Fiber, which had also been added. Mr. Goodwin passed out the proposed agreement with UTOPIA Fiber to the City Council Members. He explained that the proposal expires at the end of the month as the City had been sitting on the bid for the last six to eight months. There had been several City Council Meetings related to fiber during that time. If the item was not passed at this meeting, there would need to be another bid for a UTOPIA Fiber agreement.

MOTION: Council Member Ellsworth moved to award the bid for the construction of fiber to the Premise Project to UTOPIA, and direct Staff and the Mayor to enter into an agreement. 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.

10. Review/Action on City Branding.

Mr. Goodwin reported that the City engaged with Chase Marketing, who did all the branding for the golf course. Occasionally, branding discussions take place within the City. In 2012, the City engaged Chase Marketing to evaluate the brand and determine how Cedar Hills' branding fits with the surrounding cities. Since then, five of the seven cities evaluated had rebranded on some level. Chase Marketing representative, Gheen Hillman was present to explain why rebranding was important for the City.

Mr. Hillman stated that in one of the initial meetings with Staff, there were discussions about why the rebranding was worthwhile. He noted that one of the main goals was to endear members of the community to Cedar Hills. A logo presentation was shared with the City Council. Mr. Hillman stated that a brand is tied to the reputation of a company. It was important for the Cedar Hills logo to reflect the following core priorities for the community:

- (Family) values;
- Close and engaged community;
- Outdoor/recreation;
- Nature/scenic;
- Quiet/calm;
- Small town;
- Out of the way, but close to everything;
- Protected; and
- Parks, golf, and family.

It was important for the logo and overall brand to represent those values. Mr. Hillman reported that the logo played a role in the way community members feel about the City. He reported that the Chase Marketing team looked at logos from surrounding communities for comparison. Additionally, the team went through many iterations and concepts for Cedar Hills logos and ended up with two finalists. Concept A and Concept B examples were shown. Mr. Hillman noted that he loved the Concept A logo design because it is unique and uses shapes well. The approved logo could eventually be added to the City website, newsletter, and signage.

Council Member Geddes referenced the comment made by Mr. Nelson during the Public Comment portion of the meeting. He agreed with some of the comments related to the logo redesign. Council Member Geddes liked the current Cedar Hills logo, but also liked the simplified designs shared by Mr. Hillman. Council Member Smith explained that there had been some pre-meetings with Chase Marketing that she had been able to attend. However, this was the first time that many Council Members were seeing the proposed logos.

Mr. Hillman reported that the final deliverable would be a brand logo as well as a style guide. He stated that the logo is sometimes at a smaller scale in the corner of a website page, and it would sometimes be larger and wrapped on a City truck. The style guide would account for those different needs. Mr. Goodwin stated that the City logo was found in many places throughout the City. It would be expensive to update every logo in the City at one time. As a result, Staff believed it would be best to update the logo on street signs as they are replaced or add the new logo to City vehicles as they were ordered. It would also be possible to choose key locations throughout the City to highlight the new logo. Everything would be added gradually over time.

Mayor Andersen commented that she has lived in Cedar Hills for almost 30 years and had heard a few negative comments about the current City logo. For instance, the trees on the current logo are not cedar trees. She felt it made sense for the City logo to better represent the City. Mr. Goodwin reported that the color scheme of the current logo guided the way City buildings look. Many of the City offices have green walls and there had been some feedback from residents that the look was dated. A new logo would give the City an updated look all around. Mr. Hillman believed that a new logo was a worthwhile endeavor.

Council Member Miller had difficulty visualizing the Concept A logo design. He felt that the Concept B logo design was more obvious but very similar to other logos in the area. He liked the Lehi City logo as well as the American Fork rebrand. He wondered if the City needed the rebrand and expressed concerns that a slow transition to a new logo could lead to confusion for residents. Mr. Hillman commented that the newsletter and City website would receive updates to include the new logo. Those touchpoints would make it easier for residents to recognize the logo and feel a connection to it.

Council Member Ellsworth wanted to see different types of colors incorporated into the new logo. He suggested that different colors could be included in the style guide so the logo could be modified to suit different activities and events. Mr. Hillman explained that color would be discussed in a future phase of the design process. Mayor Andersen noted that Cedar Hills has a lower median age than other surrounding cities. She liked the new logo designs because they are

more modern. Mr. Goodwin discussed the current Cedar Hills logo and the way it looks on public safety vehicles. It did not fit well, and he believed a new logo would look much better.

There was discussion regarding the logo in Provo and the fact that many residents wear t-shirts with the Provo logo on them. Council Member Smith stated that she had seen that logo a lot. Something similar could be done in Cedar Hills once a new logo is in place. She added that Cedar Hills will not likely rebrand often. While change is difficult, this rebrand could be beneficial to the City. Council Member Geddes wondered if there would be a phased adoption of the new logo. Mr. Goodwin believed there were certain areas where the new logo would be placed first, such as the key entryways to the City, on City vehicles, in the newsletter, and on the City website.

MOTION: Council Member Geddes moved to approve a new brand strategy, logo, and implementation guide, and to direct Staff to work with Chase Media on implementing the brand strategy. Council Member Ellsworth 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.

11. Review/Action on Acceptance of the 2021 Fiscal Year Audit.

Keddington & Christensen representative, Steven Rowley presented the 2021 Fiscal Year Audit to the City Council. He reported that it was a team effort to move through an audit smoothly and the Mayor, Council, Staff, and Auditor all had different responsibilities. It was his responsibility to present the audit results. Keddington & Christensen performed the audit in accordance with Generally Accepted Auditing Standards as well as Governing Auditing Standards. Page 10 contained an opinion specified in the Independent Auditor's Report:

- In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City of Cedar Hills, Utah as of June 30, 2021, and the respective changes in financial position, and where applicable, cash flows thereof, and the respective budgetary comparison for the General Fund and the Golf Special Revenue Fund for the year that ended in accordance with accounting principles generally accepted in the USA.

Mr. Rowley reported the language stated that it was a clean opinion. Additionally, there was a paragraph about Required Supplementary Information. That information was included in the Management's Discussion and Analysis, which was a high-level overview of how the City operated and the operations for Fiscal Year 2021 compared to Fiscal Year 2020. Additionally, there were Pension Schedules in the back of the report that looked at the City's proportionate share of Utah Retirement Systems unfunded pension liability, which had reduced quite a bit in the last year. He believed it was approximately \$370,000 at the end of Fiscal Year 2020 and would be approximately \$75,000 by the end of Fiscal Year 2021. That was positive as it was less of a liability for the City to cover.

Page 115 featured the Government Auditing Standards Report. Mr. Rowley explained that it was a two-page report that looked at the internal controls the City has in place for financial reporting.

The internal controls were examined to determine how much testing needed to be done. It was noted that an opinion was not expressed on the effectiveness of the City's internal controls. However, the report stated that during the audit, no deficiencies in internal controls were identified that would be considered a material weakness, but material weaknesses may exist that had not been identified. Mr. Rowley explained that the City had strong internal controls and good processes in place to ensure that the money was being handled properly.

The Government Auditing Standards Report also included a section titled, Compliance and Other Matters. The auditor looked at laws, regulations, and grant agreements to determine if there was any non-compliance with those requirements that may have a material effect on the financial statements. No areas of concern were identified and there were no findings related to the financial statements. Mr. Rowley overviewed the State Compliance Audit Guide, which was also a two-page report. It reported that the State compliance requirements were tested for the year ended June 30, 2021, in the following areas:

- Budgetary Compliance;
- Fund Balance;
- Restricted Taxes and Related Restricted Revenue;
- Government Fees;
- Enterprise Fund Transfers, Reimbursements, Loans and Services; and
- Tax Levy Revenue Recognition.

No deficiencies or weaknesses were identified. Mr. Rowley reported that the report shared the following opinion on compliance:

- In our opinion, the City of Cedar Hills complied, in all material respects, with the State compliance requirements referred to above for the year ended June 30, 2021.

Mr. Rowley noted there were no findings to report. He added that the Cedar Hills Staff was excellent to work with and they provided everything needed in a timely manner. The Fiscal Year 2021 Audit Report was comprehensive, and he appreciated all the hard work that went into making sure the audit process was as smooth as possible. Mayor Andersen thanked Mr. Rowley and Finance Director, Charl Louw for their work on the audit.

MOTION: Council Member Miller moved to accept the 2021 annual Comprehensive Financial Report. 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.

12. Review/Action on Release of Development Bond and Start of Second Durability Bond Period for the Cedar Canyon Subdivision.

Mr. Goodwin reported that Staff and the City Engineer had been on-site to inspect the public improvements for the Cedar Canyon Subdivision and recommended that all improvements be accepted by the City Council. When the original public improvements were accepted by the City Council, there were a few outstanding items that needed to be bonded for in a separate development

bond. Those items included streetlights and landscaping improvements. A second performance bond for the value of the streetlights was carved out. Mr. Goodwin explained that two bonds were being released: the durability bond and the performance bond.

MOTION: Council Member Ellsworth moved to accept the public improvements for the Cedar Canyon Subdivision as recommended by the City Engineer, and to release the associated development and performance bond. 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.

13. Review/Action on a Resolution Providing for the Submittal of WaterSMART Water and Energy Efficiency Grants.

Mr. Goodwin reported that the City had been working with Bowen Collins & Associates on a WaterSMART grant which would help to fund the secondary water metering project. As part of the grant, the legislative body needed to pass a resolution that would:

- Authorize the City Manager to enter into an agreement upon successful application;
- Designate the City Manager as the official to review and support the application;
- Commit the City to funding in the amount specified in the application funding plan; and
- Commit the City to work with the Bureau of Reclamation on establishing deadlines.

Mr. Goodwin stated that Staff was grateful to Bowen Collins & Associates for their work. He believed the application looked good. Mr. Louw reported that the amount requested from the Federal Grant was \$1.4 million. The City would cover 65% of the total cost.

MOTION: Council Member Geddes moved to adopt Resolution No. 11-16-2021A, a resolution providing for the submittal of a grant application to the United States Department of the Interior, Bureau of Reclamation for the WaterSMART and Energy Efficiency Grants. Council Member Ellsworth 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.

14. Review/Action on Repealing Ordinance No. 10-19-2021A and Enacting an Ordinance Establishing City Code 3-11-3 Pertaining to Business Licenses for Short-Term Rentals and Amending Title 10-5-41 Pertaining to Residential Short-Term Rentals.

Mr. Goodwin reported that when the City Council passed Ordinance 10-19-2021A, it only related to Title 10 of the City Code. To tie the amendments to Title 10 and Title 3 of the City Code together, it was suggested that the City Council repeal Ordinance 10-19-2021A and adopt the two changes in code simultaneously as Ordinance 11-16-2021A.

MOTION: Council Member Smith moved to approve Ordinance No. 11-16-2021A, repealing Ordinance 10-19-2021A, adopting the Cedar Hills City Code 10-5-41 Residential Short-Term Rentals, and adopting City Code 3-11-3 pertaining to Short-Term Rental Business Licenses. 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.

ADJOURNMENT

15. Adjourn.

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

This meeting adjourned at 8:34 p.m.

Approved by Council:
December 7, 2021

/s/ Colleen A. Mulvey, MMC
City Recorder