

CITY COUNCIL MEETING

Tuesday, August 1, 2017 7:00 p.m.

Community Recreation Center

10640 N Clubhouse Drive, Cedar Hills, Utah

Present: Mayor Gary Gygi, Presiding
Councilmembers: Denise Andersen, Ben Bailey, Jenney Rees
Absent/Excused: Mike Geddes, Daniel Zappala
Chandler Goodwin, City Manager
Charl Louw, Finance Director
Greg Gordon, Recreation Director
Jeff Maag, Public Works Director
David Shaw, City Attorney
Colleen Mulvey, City Recorder
Others: Lt. Gregg Ludlow, Wunder Family, Brad Freeman

1. Call to Order.

This meeting of the City Council of the City of Cedar Hills, having been properly noticed, was called to order at 7:01 p.m. by Mayor Gygi. The Pledge of Allegiance was led C. Bailey and the invocation was given by C. Andersen.

2. Approval of Meeting's Agenda.

MOTION: C. Rees moved to approve the agenda as is. The motion was seconded by C. Andersen.

Yes - C. Andersen
C. Bailey
C. Rees The motion passed unanimously.

3. Public Comment:

There were no public comments.

REPORTS/PRESENTATIONS/RECOGNITIONS

4. Review/Action on Adopting a Resolution Recognizing Cedar Hills Champion, Kylee Wunder

C. Rees provided a summary about Kylee Wunder, who is 13 years old. Kylee has two younger brothers who are autistic. They used to go to a soccer camp in Salt Lake City; however, there were sometimes some issues with the travel. Consequently, Kylee collaborated with Utah Valley University and several businesses to organize the Moving Mountains Soccer Camp for autistic children in Utah County. This year was the second year for this camp. At the first camp there were 40 participants, and this year there were 80 participants and over 100 volunteers. C. Rees indicated that she had had the privilege of being one of Kylee's volunteers. C. Rees indicated that Kylee had done a remarkable job of organizing the camp, which was well attended. C. Rees complimented Kylee for her love and passion for this project. C. Rees concluded by stating that

it was an honor to recognize Kylee Wunder as a Cedar Hills Champion, which meant that August 2nd would be declared as Kylee Wunder Day in Cedar Hills.

Kylee responded by thanking everyone for the help she had received for this project.

Mayor Gygi stated that he was very impressed with Kylee and thanked her for this project, especially because he has autism situations in his extended family.

C. Andersen stated that she thought this was a wonderful resolution for Kylee.

Mayor Gygi read the resolution declaring August 2, 2017, as Kylee Wunder Day in Cedar Hills.

MOTION: C. Rees moved to approve Resolution No. 08-01-2017A, a resolution recognizing Kylee Wunder as a Cedar Hills Champion for her outstanding commitment to excellence and for her inspiring efforts in creating and implementing the Moving Mountains Soccer Camp for Autistic Children. The motion was seconded by C. Andersen.

Yes - C. Andersen
C. Bailey
C. Rees The motion passed unanimously.

Mayor Gygi presented Kylee a token of appreciation from the City of Cedar Hills.

5. Recognition/Presentation to Fire Chief Brad Freeman

Mayor Gygi indicated that during his six years as Mayor, he had had the opportunity to interact with a really good Fire Chief in Brad Freeman. Mayor Gygi noted that Chief Freeman had decided to retire to move to southern Utah. Mayor Gygi stated that Chief Freeman's departure was a big loss to the City of Cedar Hills.

C. Bailey stated that he had personally worked with Chief Freeman for 17 years. He noted that Chief Freeman had been a great friend and a great Fire Chief. He wished Chief Freeman and his family the best as they moved on with their lives.

C. Rees added that it had been great working with Chief Freeman because he had always been very responsive to questions and had attended City Council meetings. C. Rees noted that Cedar Hills had benefited greatly by his leadership and wished him well on his retirement.

Mayor Gygi presented Chief Freeman a token of appreciation from the City of Cedar Hills.

Chief Freeman indicated that he started this process in 1996 when it was just the Alpine City Fire Department. The first fire truck was small, old, and held only 200 gallons of water. As a result, it was not an effective piece of equipment for putting out house fires. Thus began the creation of the Fire District, which Cedar Hills joined in around the year 2000. Chief Freeman complimented the employees of the Cedar Hills Fire Department. Chief Freeman thanked Mayor Gygi for being so supportive on the Board. He added that City staff had been so supportive of

the Fire Department. Chief Freeman concluded that after 33 years, it was time for him to move on. He expressed his confidence that the Fire Department was in good hands.

Mayor Gygi again thanked Chief Freeman and his crew for their excellent work.

CONSENT AGENDA

6. Minutes from the June 20, 2017 Work Session and City Council Meeting and the June 28, 2017, Special City Council Meeting

MOTION: C. Rees moved to approve the consent agenda, as is. The motion was seconded by C. Bailey.

Yes	-	C. Andersen	
		C. Bailey	
		C. Rees	The motion passed unanimously.

CITY REPORTS AND BUSINESS

7. City Manager

Chandler Goodwin indicated that for the City's recreation program, that flag football and tot soccer registrations are closing in the following week. The Lego Camp registration was closing at the end of the current week. The theatre production of "James and the Giant Peach" would be holding auditions in the coming days. Mr. Goodwin next noted that a new structure was going up at Bayhill Park. The playground equipment had been delivered and the installation was being done.

Mr. Goodwin then addressed the PARC Tax that was going on the ballot. He noted that if there was a resident interested in writing an argument against the tax, it was due on September 5, 2017.

8. Mayor and Council

Mayor Gygi stated that there had not been a Lone Peak Public Safety meeting since the last City Council meeting. He noted that the next MAG meeting would be on Thursday, August 3, 2017. He added that he had met with City Attorney, David Shaw, concerning litigation.

C. Andersen explained that a Planning Commission meeting had taken place the previous week. Many residents showed up for the discussion on rezoning of the parcel on Oak Road. The item was tabled because the Planning Commission Chair and Vice Chair were not in attendance at the meeting. The Planning Commission also discussed the question of whether or not to allow artificial turf as a landscape option. No decision was made on that issue. The Planning Commission also discussed how to address and regulate ground mounted solar panels.

SCHEDULED ITEMS

9. Review/Action on Cedar Hills Insurance Coverage for Morgan Boulevard Pressurized Irrigation Line Break

Mr. Goodwin indicated that the direction staff had received from the Mayor and City Council from last meeting was the suggestion that based on claims the City had received from the residents of the four homes that were affected, the claims would be broken down into mitigation costs, restoration costs, and replacement and miscellaneous costs. An analysis of those items was taken to Olympus Insurance for review by their adjuster. Olympus Insurance stated that typically cities would cover 100% of mitigation costs on a claim like this, and a portion of the restoration costs. Mr. Goodwin indicated that the City Council needed to consider the setting of precedence and stated that if another event like this were to happen in the future, staff would look at how this situation had been handled. Mr. Goodwin then noted that staff was working with Olympus Insurance to draft an ordinance for the City Council to consider. For future reference, Mr. Goodwin suggested that a contingency plan be built into the budgeting process. He explained that he had visited with Finance Director, Charl Louw, and stated that the money for these mitigation claims could come from the excess funds that had been collected during the last year for water and sewer. Mr. Goodwin then stated that it was up to the City Council to decide on the percentage of mitigation and the percentage of replacement that the City Council would like to cover. Mr. Goodwin indicated that he had visited with a representative of Olympus Insurance regarding the insurance adjuster's question on the mitigation breakdown, which had been discussed briefly at the last City Council meeting. The adjuster had looked at his mitigation report and opined that it was fair and equitable.

Mayor Gygi noted that there were two Council Members who were missing from this meeting, which meant that all three Council Members present would have to agree. Otherwise, this matter would be tabled because City Council actions had to be approved by at least three Council Members. With regard to this item, Mayor Gygi said that legally, the City didn't have to do anything, but morally it should. He explained that there was a "messaging part" to this issue, which the City should never give up on. He noted that in his last newsletter message, he had encouraged the residents of Cedar Hills to review their home insurance coverage because they probably had less coverage than what they thought they had. In particular, residents needed to ascertain their coverage with regard to water that originated outside of their home versus water that originated inside their home, because insurance companies treated the two matters differently. Mayor Gygi stated that the typical insurance policy would cover water that originated inside the home and not water that originated outside the home. Complicating the matter was the fact that Cedar Hills had done a good job of maintaining its water pipes, which in the insurance world meant that the City would not be liable for the flooding. He then indicated that he agreed with Mr. Goodwin's recommendation that the City cover 100% of the mitigation costs. With regard to the restoration costs, Mayor Gygi deferred the matter to the City Council.

In response to C. Andersen's question as to whether or not staff had an estimate on the portion of the restoration costs the City should cover, Mr. Goodwin replied in the negative. He said that whatever the City Council decided could be absorbed into the budget. Mayor Gygi stated that he believed the restoration costs should be split evenly between the City and the residents.

In response to C. Rees's question regarding the percentage the City covered on the Manila Creek situation, Mr. Goodwin stated that that situation was different from the current situation. He explained that a no-fault payment was made to those affected; however, after speaking with Olympus Insurance, he stated that it had been determined that although it was not a claim, it

would be treated as a claim when the insurance policy was renewed. Thus, the premium would be increased so that the insurance company could recover some of the cost of the claim. Each resident at Manila Creek received \$5,000 from the insurance company. In the case under consideration, not every home was affected the same. In the case of the Manila Creek situation, the mitigation was covered at 100% and restoration was covered at about 60% to 70%.

C. Rees stated that she was fine with Mayor Gygi's recommendation of 100% for mitigation costs and 50% restoration costs. C. Andersen likewise indicated her agreement with the Mayor's recommendation.

Jennifer Barney of 3914 Morgan Boulevard stated that she and her family really appreciated this method of dealing with issues and with the services the City provided to the residents. She stated that she and her family had lost a third of their home, and her family could not absorb that loss financially. Ms. Barney stated that she didn't care who was liable, but she just wanted her home back and she was looking to the City for help in the matter. Ms. Barney stated that according to her attorney those who maintained pipes were usually the ones who accepted responsibility for problems caused by pipe breakages. The attorney also explained that cities had ordinances in place to protect them. Ms. Barney asked the Mayor and City Council to consider two things:

- (1) Why they had chosen to serve, which she assumed was to help the citizens of Cedar Hills.
- (2) She and her family were not asking for outrageous damages. They did not want to gouge the City and come out ahead. Instead, they just wanted to recoup what they had lost, and they had no other avenue to do that.

C. Bailey asked if the City was looking at mitigation and restoration, to which Mr. Goodwin replied in the affirmative. C. Bailey then noted that according to his memo, 100% of mitigation would be just under \$28,000. Mr. Goodwin added that restoration was \$13,000, of which 50% would be \$6,500. C. Bailey opined that the City could afford to include the other \$6,500 of the restoration cost, thereby giving the Barneys 100% of mitigation and restoration. Mr. Goodwin stated that the amount for the recommendation would be approximately \$41,000 versus \$35,000. C. Bailey explained that if he were in the same situation, he would be pleading for the same thing as the Barneys.

C. Andersen explained that her family owned a house in Cedar Hills in which the basement had been flooded and ruined. In her case, the insurance company covered 100% of the loss because they had the proper insurance. Thus, she was sympathetic to the Barneys' situation. She then expressed her concurrence with C. Bailey's recommendation to cover 100% of mitigation and restoration.

C. Rees also expressed her agreement with C. Bailey's recommendation.

C. Bailey moved to approve payments to the four home owners flooded by the Morgan Boulevard Pressurized Irrigation Line Break to cover 100% of mitigation costs and 100% of restoration costs, subject to the homeowners and renters agreeing to sign and hold harmless the City.

Mr. Goodwin interjected that in the Manila Creek situation, the City had the affected residents sign “Hold Harmless Agreements” with the City so that they could not come back to the City for future claims. Mayor Gygi asked if this would mean that if there was another flood, the residents could not hold the City liable. Mr. Goodwin clarified that it would be anything related to this particular flood.

The motion was seconded by C. Andersen.

Yes - C. Andersen
C. Bailey
C. Rees

The motion passed unanimously.

10. Discussion on Qualtrics

Mr. Goodwin explained that during non-election years, the City had a budgeted amount of money to conduct a professional survey. The most recent survey was performed in 2015 by Dan Jones Group. That survey garnered just over 700 responses, which was an excellent sample size. Mr. Goodwin explained that doing a survey every other year would allow the City to benchmark the performance of City services. Mr. Goodwin observed that professional surveys were important for helping the City Council to understand the mood of the residents of Cedar Hills. Most recently the City did the Parks Master Plan Survey, which received over 600 responses. About two or three months ago Mr. Goodwin started discussions with Qualtrics, a firm that conducts surveys worldwide and works with many cities. The proposal under consideration would be a one-year contract with Qualtrics and would allow for multiple surveys with a cap of 5,000 responses.

Mr. Goodwin then invited Chase Winder of Qualtrics to do a presentation for the Mayor and City Council. Mr. Winder noted that his invitation to speak at the City Council meeting was a clear indication of how much the Mayor and City Council cared about the community. Mr. Winder explained that Qualtrics has 1,500 employees in Provo. An important goal of Qualtrics was to improve resident engagement and feedback so that City leaders could make more data-driven decisions and build goodwill, branding, and messaging for the City. He emphasized the value of doing time-sensitive surveys instead of bi-annual surveys because current technology allowed for more frequent, proactive, and cost-effective surveys.

Mr. Winder indicated that Qualtrics worked with about 10,000 organizations throughout the world. He added that about 2,000,000 people used Qualtrics and that the company had nine global offices. In addition, he noted that Qualtrics worked with two-thirds of the Fortune 500 companies to improve their customer experience management. The surveys would allow the City to decide what was important to the residents so that the leaders could act upon them. Mr. Winder noted that Qualtrics worked with all of the colleges and universities in Utah and was able to collect useful data for any organization that used its services. In addition, Mr. Winder stated that Qualtrics worked with many cities, large and small, throughout Utah. He then gave numerous examples of the wide and varied purposes for which several Utah cities used the services of Qualtrics. On that basis, Mr. Winder opined that Qualtrics would provide valuable information to the City of Cedar Hills.

Mr. Winder finished his presentation by overviewing the Experience Management Platform that would be used for Cedar Hills. He explained the services to be rendered, as enumerated on slide # 10 of his presentation:

1. Surveys
2. Digital Forms
3. Program/Assessment & Evaluation
4. Observations
5. Data Dashboards
6. Digital Experience
7. Employee Experience
8. Customer Experience

In response to C. Rees's question as to how often a city the size of Cedar Hills would typically reach out to and survey residents, Mr. Winder explained that generally the first survey would be a "Panel Recruitment," which would go out via newsletter, social media, and emails through the utility billing system. That survey would invite the citizens to become participants in city surveys on issues that were of particular interest to the respondents. The responses to that survey would allow future surveys to go out to targeted audiences. That approach would be important because if the citizens received surveys on every issue, the response rate would be greatly diminished.

In response to C. Rees's request to see examples of what the different types of reports would look like, Mr. Winder indicated that he could show some examples. When C. Rees sought to confirm that the reports would be customizable, Mr. Winder replied in the affirmative, noting that reports could be posted on different social media venues. He observed that Qualtrics had many employees with Ph.D.'s in research and measurement who had the expertise to ensure that the surveys and reports were meaningful and useful for a given entity.

Mayor Gygi noted that measuring how the City was doing was always a good idea. He then requested that Mr. Goodwin look at three or more vendors before a final decision was made.

11. Review/Action on Release of Performance Bond and Start of Durability for the Amsource Cedar Hills Retail Center Subdivision

Public Works Director, Jeff Maag, indicated that Amsource had requested that the City Council accept the public improvements construction and release the construction/performance guarantee related to the Cedar Hills Retail Development. He confirmed that staff had completed the inspection of the final punch list, and Engineering had reviewed and approved the as-built plans, along with the reports. Accordingly, Engineering recommended that the City Council accept the public improvements construction and approve the release of the construction performance guarantee, less the durability amount. Furthermore, Engineering recommended that the City Council allow Amsource to go into the durability period of one year. The amount to be released would be \$47,640.80. The durability retainer amount was \$25,710.86.

Mayor Gygi confirmed that Mr. Maag and his associates had done all of their homework to ensure that Amsource had met all of its obligations.

In response to C. Bailey's question as to whether or not Mr. Maag had any reservations to release the construction/performance guarantee, Mr. Maag replied in the negative.

MOTION: C. Andersen moved to approve acceptance of the public improvements construction related to the Cedar Hills Retail Center (Amsource) development and release the associated construction/performance guarantee, except that portion to be held as the durability retainer. The motion was seconded by C. Rees.

Yes - C. Andersen
C. Bailey
C. Rees

The motion passed unanimously.

ADJOURNMENT

12. Adjourn

This meeting was adjourned at 7:58 p.m. on a motion by C. Rees, seconded by C. Bailey, and unanimously approved.

Approved by Council:
August 29, 2017

/s/ Colleen A. Mulvey, MMC
City Recorder