

CITY COUNCIL MEETING
Tuesday, January 16, 2018
Community Recreation Center
10640 N Clubhouse Drive, Cedar Hills, Utah

Present: Mayor Rees, Presiding
Councilmembers: Ben Ellsworth, Mike Geddes, Brian Miller
Absent/Excused: Denise Andersen, Ben Bailey
Chandler Goodwin, City Manager
Charl Louw, Finance Manager
Jeff Maag, Public Works Director
Joel Wright, City Attorney
Colleen Mulvey, City Recorder
Others: Lt. Gregg Ludlow

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 7:00 p.m. by Mayor Rees. The Pledge of Allegiance was led by Boy Scout David Johnston, and the invocation was given by C. Ellsworth.

2. Approval of Meeting's Agenda

MOTION: C. Geddes—To approve the agenda and table item number 12. Seconded by C. Ellsworth.

Yes	-	C. Ellsworth	
		C. Geddes	
		C. Miller	Motion passes.

3. Public Comment: Time has been set aside for the public to express their ideas, concerns and comments. Comments will be limited to three minutes per person with a total of 30 minutes for this item.

There were no public comments.

4. Amendments to the City Code Title 10, Chapter 5, Section 27: Landscaping, Relating to Artificial Turf

There were no public comments.

5. Appointment of Members to the Planning Commission

In response to a question from C. Geddes, Mayor Rees stated that David Driggs, Jeff Dodge and Steven Thomas needed to be reappointed as regular members of the Planning Commission. Jared Anderson needed to be reappointed as a first alternate member.

MOTION: C. Ellsworth—To approve consent agenda item number 5, appointment of members to the Planning Commission. Seconded by C. Miller.

Yes	-	C. Ellsworth	
		C. Geddes	
		C. Miller	Motion passes.

6. Minutes from the November 21, 2017 Work Session & City Council Meeting and the December 5, 2017 City Council Meeting

C. Miller stated that he was not present on November 21, 2017, and without his vote there wasn't a quorum present to vote on this item.

MOTION: C. Miller—To table consent agenda table item number 6. Seconded by C. Geddes.

Yes - C. Ellsworth
C. Geddes
C. Miller Motion passes.

7. City Manager

Chandler Goodwin reported that he met with representatives from Pleasant Grove and American Fork to discuss the piping of the mill ditch. Pleasant Grove received funding to conduct an environmental impact study. He explained that this only pertained to the portion of the ditch that ran parallel to the golf course. As part of the environmental impact study, Pleasant Grove would be required to hold a public hearing. Mr. Goodwin offered to hold that public hearing in Cedar Hills's facility, as it affected Cedar Hills the most. He also reported that staff was in the process of preparing a preliminary budget for the upcoming year.

8. Mayor and Council

Mayor Rees reported that he met with Chief Thompson of the Lone Peak Fire Department to discuss goals. He would present to the City Council in an upcoming meeting.

9. Review/Action on Authorizing the Mayor to sign a Contract for Landscaping and Grounds Maintenance

Mr. Goodwin explained that the City's contract with Wilkinson Outdoor Maintenance expired at the end of 2017 and they needed to select a new contractor for maintenance before the spring. Staff put out an RFQ and received six bids, two of which met the City's specific requirements. He reviewed the scoring process that was used to review bids which included reference checks, qualifications and cost of the contract. In addition to hearing from the aforementioned contractor, the Council would also hear a proposal from Intermountain Plantings. Mr. Goodwin explained that there were pros and cons for each of the contractors that the Council would need to consider when making a selection.

In response to a question from C. Geddes, Mr. Goodwin noted that the agreement would be for five years, with a three-year extension option at the end of the original term. C. Geddes recalled that the concerns they had with Wilkinson Outdoor Maintenance dealt with costs associated with extra tasks. Mr. Louw said this was true when referring to fixing sprinklers. However, he noted that they had done a good job at taking care of day-to-day maintenance.

Mr. Louw explained that it was hard to compare "apples to apples" on the two contractors. He said he would like to hear from Intermountain Plantings regarding their philosophy on fertilization. He noted they have a certified arborist, in addition to a couple of other certified positions. He would like the business's representative to discuss how they used these positions to benefit their clientele.

Eli Simmons, General Manager of Intermountain Planting, explained that fertilization was included in the bid according to how the specification was written in the RFQ; he said they would provide at least one fertilization treatment and more if needed. He discussed the qualifications of their team and noted they had personnel certified in horticulture, arboriculture, treatment application, irrigation technology and auditing. He reviewed the processes by which different specialists were deployed to handle different landscape and maintenance needs.

Mr. Goodwin stated that trees were the City's assets; however, many of them were dying. He explained that the City needed to address this issue and develop a plan for planting new trees, especially in conjunction with the discussion of piping the ditch. He said one reason to explore contracting with Intermountain Planting was to make sure the overgrowth was removed.

Mayor Rees asked if a tree replacement program was something with which the Parks & Trails Committee had been tasked. Mr. Goodwin responded in the negative, and explained that this would be a very costly program. Mayor Rees suggested they hire the same organization that conducted an analysis for the City's parks, and wondered if that previous study included information on trees. Mr. Louw explained that the organization had just looked at parks and irrigation audits; however, maintenance was not covered that plan.

Mr. Goodwin stated that Mr. Wilkinson did excellent job maintaining the parks in Cedar Hills. He explained that after the RFQ went out staff noticed that they had neglected to include a detention basin; therefore, adjustments would need to be made to include it with the maintenance agreement. Mr. Simmons stated that his company's arborist was at liberty to determine what work needed to be completed for clients.

At the invitation of Mr. Louw, Chris Wilkinson, with Wilkinson Outdoor Maintenance, came forward to discuss the services his business offered. He explained that when the company was initially hired, they did a walk through with staff to assess chemical release rates in the City's vegetation. He explained that in particular, grass growth was sporadic throughout the City. Additionally, over the years there were different groups that planted trees in City parks without a lot of success based on the chemical components of City soils. He stated that these issues need to be taken into consideration in the City's future tree plans.

C. Ellsworth asked how the trees along walking trails would be maintained. Mr. Goodwin explained that this was outside of the scope of this discussion, and said the golf course staff would take care of anything at the course. There was some discussion regarding tree maintenance on Cottonwood Drive, particularly in the areas surrounding the well. Mr. Maag mentioned that the irrigation was restored to the area in question. There was subsequent deliberation as to whether or not this area was included in the maintenance contract.

C. Miller asked if there had been any complaints with the work performed by Mr. Wilkinson, who was the City's current maintenance contractor. Mr. Goodwin said the City received feedback mostly for Mesquite Park. One concern the public raised was that the grass was long; however, staff reached out to Mr. Wilkinson on the matter, and he was very responsive in terms of addressing the concern. Mr. Goodwin asked the Council to keep in mind that the focal point of the RFQ was for grounds maintenance.

Mr. Wilkinson stated that one of the issues they worked to address for the past two years was with regards to the soccer field. He explained that at one point the water pressure began to drop in that location. His staff worked through the matter in a number of different ways to provide water to the area. Ultimately, the problem was related to drainage in the area and together with City staff they were able to resolve the problem.

C. Geddes asked about flooding that occurred at the baseball park. Mr. Wilkinson explained that part of the problem with the baseball field was that the street drained near left field, which caused an ongoing issue particularly with rain storms.

MOTION: C. Ellsworth—To approve the award of the Landscaping and Grounds Maintenance contract to Wilkinson Outdoor Maintenance. Seconded by C. Miller.

Yes	-	C. Geddes	
		C. Miller	
Nay	-	C. Ellsworth	Motion does not pass.

Mayor Rees stated that they needed to have at least three votes in order for this motion to pass. Therefore, this item would be tabled and come forward at the next Council meeting.

10. Discussion on a Resident Survey Contract

Mr. Goodwin presented the staff report and explained that Qualtrics provides software that allows for the City to interact with residents on key issues presently under consideration. They survey software allowed for feedback from various stakeholders; the information was useful in guiding the decision- and policy-making processes. The software could be used by the various departments to solicit targeted feedback from vested user groups. Cedar Hills would need to enter into an agreement with Qualtrics to provide said services. The annual cost of the program would be \$9,000 and this would include support, survey design and help interpreting the results to find the statistically relevant information.

Connor Roe, representing Qualtrics, was present to answer any of the Council’s questions. He noted that they provided services to 20 Utah cities, in addition to several educational institutions, government agencies and private organizations. He said Qualtrics was able to dissect populations into relevant groups to produce the best data possible.

C. Geddes asked Mr. Roe what services the City would specifically be receiving with a \$9,000 contract. Mr. Roe explained that the City would be able to create a contact list and set up automatic triggers and follow-up messages. Additionally, they would receive an indisputable statistical analysis. Qualtrics was also able to create a two-way communication channel between residents and the City through SMS text messaging.

C. Miller asked if there was a cap on usage, to which Mr. Roe explained there was a cap on responses. However, Qualtrics had experts who ensured the City would not be paying more than what was needed. In response to a question from C. Geddes, Mr. Roe explained that the City could send out as many emails as they wanted; Qualtrics counted responses from emails and text messages.

Mayor Rees again asked about a cap amount, and Mr. Goodwin recalled that the cap amount was 5,000. He explained that the City used to spend \$10,000 to \$15,000 each year to conduct the Decision Survey every other year. During those surveys, they typically gathered 600 to 700 responses. In the past, it had been important for the Council to “know the pulse” of the public. Qualtrics would allow the City to survey certain groups within the City rather than trying to fit everything into one survey. He made mention of a survey conducted in Provo regarding solar panels as one such example.

Mr. Roe explained that Qualtrics did not expect the City to jump in with every single department and trust that they would solve every need. He said their initial intent was to demonstrate to the City how these surveys worked; in the future, there would be room for expanding the scope of how the company’s services could be utilized. Mr. Roe was confident that based on expertise of the Qualtrics team, their methodology was proven to yield the best data possible. Mayor Rees asked Mr. Roe if he could provide some samples of reports Qualtrics had produced for other cities; Mr. Roe responded in the affirmative.

Mr. Louw asked Mr. Roe if Qualtrics had added a function to survey individual areas. Mr. Roe responded that they were currently working on an in-house solution to provide this type of function. Mr. Louw also asked what staffing requirements would be needed from the City. Mr. Roe explained that Qualtrics enabled the City to create its own projects and surveys; the company presently employed 900 support positions in Provo. Mr. Louw asked about the length of the contract, and Mr. Roe noted it was a 12-month license period. Mr. Louw explained that while it would be a great idea to try this service, he wasn’t sure it would fit within the current budget plan.

11. Review/Action on an Interlocal Cooperation Agreement with Utah County Related to Canyon Road

Mr. Goodwin presented the staff report and explained that originally, the proposal was to extend a sewer line from Box Elder Drive north to Mountaintop trails. This line would service approximately eight Cedar Hills residents and 16 Pleasant Grove residents. After meeting with Pleasant Grove City officials, staff was recommending that the project be scaled back to focus only on Cedar Hills residents. The original placeholder projected cost was \$400,000; additionally, a bid from the County for design work of the original project came back at \$21,000. With the scaled back plans, staff was expecting the total cost of the project to be nearly half of the original placeholder amount. Bowen, Collins & Associates (BCA) have given Cedar Hills a bid to design and inspect the project from start to finish of \$40,000.

The homes along Canyon Road are on septic systems. The County will not approve new septic systems in the event that they fail if a homeowner is within 300 feet of a sewer line. As these homes had aged in this area, staff had noticed an increasing amount of septic system failures. With the construction on Canyon Road, there would be a five year moratorium on cuts and projects on Canyon Road. If the City has not installed a sewer line by the completion of the project and a septic system fails, the City and resident will be hard pressed to find options for providing sewer services.

Utah County provided an interlocal agreement to proceed with the project. The agreement allowed Cedar Hills to back out of the project should the Council make that decision. However, should the City proceed, the City will pay the County for the work performed on behalf of Cedar Hills. Kirton McConkie had reviewed the document, and staff notified the residents who would be affected by this agenda item.

Mr. Goodwin explained that the County had since provided the City with its final plans. The City submitted some redlines on the agreement for their review; however, at this point those redlines have not been incorporated into the final draft. He said the City had approximately 14 days to make a decision on this matter. He recommended that the Council pass the resolution with the condition that the City's redlines be implemented in the final interlocal agreement.

Mr. Maag clarified that the City's redlines were not plan changes, they were technical changes. C. Geddes asked if some of the sewer would be eliminated. Mr. Maag explained that transitioning the grading would be a difficult process; there was already a steep grade at the west end of Jens Monson Lane.

Mr. Goodwin said in previous estimates, Cedar Hills's portion for the project was in the \$200,000 to \$250,000 range. Mayor Rees stated that this project had been listed in the City's capital improvements plan for over ten years. Mr. Goodwin explained that the City had always understood that this project would happen. However, one of the big reasons why they hadn't done the project before was because Canyon Road was a State road which had more expensive requirements. Now that they would be working with the County, some of those more expensive requirements were no longer mandated.

C. Geddes asked what kind of feedback the City received from the residents on the matter. Mr. Goodwin said the responses were varied; some citizens wanted the City to move forward whereas other expressed reluctance. Mayor Rees said it was her understanding that the Canyon Road residents would not be required to connect to the sewer line until septic failure occurred; Mr. Goodwin said this was correct.

Mr. Maag noted that the project would entail the removal of Jens Monson Street; therefore, the road would need to be rebuilt as well. The cost of rebuilding the road was not included in the sewer project.

MOTION: C. Geddes—To approve Resolution No. 01-16-2018A a resolution to approve the proposed Interlocal Agreement with Utah County on the construction Phase 1, Canyon Road Sewer subject to the condition that we incorporate the red lined items. Seconded by C. Miller. Vote taken by roll call.

Yes - C. Ellsworth
C. Geddes
C. Miller Motion passes.

12. Review/Action on an Ordinance Amending the City Code Title 10, Chapter 5, Section 27: Landscaping, Relating to Artificial Turf *NOTE: THIS ITEM WAS TABLED.

13. Review/Action on an Ordinance Amending Title 7, Chapter 1, Relating to the Cedar Hills Watershed Protection Program

Mr. Goodwin presented the staff report and explained that State Code allowed for municipalities to draft watershed protection programs that prevented pollution and contamination of streams and watercourses from which the residents of the City derived their water supply. The draft ordinance was adopted by American Fork City in response to potential development in American Fork Canyon. As Cedar Hills derived its culinary water supply from the same resources, it may be prudent to explore a similar ordinance that provided Cedar Hills the ability to voice concerns due to any development that may potentially be detrimental to the City's water supply. Legislation was being proposed that would prevent cities from establishing an extraterritorial jurisdiction over the sources that made up the water sources. House Bill 135 would only allow a City extraterritorial jurisdiction in the maintenance and operation of a waterworks system.

Mayor Rees invite Mr. Allen to share public comments.

Mark Allen noted that he represented the group Protect and Preserve American Fork Canyon. He supported the proposed ordinance and encouraged the Council to pass it so as to allow the City to have a seat at the table. He briefly discussed the Tibble Fork Canyon incident, and noted that at the time those who were most affected by the disaster did not have an opportunity to voice their concerns on the matter.

Mr. Goodwin remarked that staff was also concerned about the incident that occurred in Tibble Fork Canyon, and the City subsequently conducted a number of tests to address the issue. He said they needed to include an addition on Page 2 of the document regarding the definition of animals; the term needed to include chickens and/or domesticated animals. Mayor Rees inquired as to where in the document language pertaining to sediment could be included. Mr. Goodwin suggested adding a definition for the term, which would need to be reviewed by an engineer and the City's legal counsel. He explained that since this was an ordinance it was a living document that could be modified over time.

Mayor Rees stated she sat on the legislative policy committee for the Utah League of Cities and Towns (ULCT), along with Mr. Goodwin and C. Andersen. Presently, this committee was pushing back strongly on any legislation threatening to take away control from cities. Mr. Goodwin added that the ULCT pushed back on any legislation that was perceived as a "one size fits all" approach. C. Miller asked when American Fork City passed this ordinance. Mr. Goodwin noted that it was passed last fall in either September or October. Mayor Rees recommended that the Council pass the proposed ordinance subject to the conditions that were previously discussed.

MOTION: C. Ellsworth—To approve Ordinance No. 01-16-2018A an ordinance adopting Title 7 Chapter 1, Article E, related to restrictions and regulations over the City of Cedar Hills' watershed subject to changing the definition of animals to include cattle, horses, sheep, pigs, chickens, and/or domesticated animals, and changing the references to American Fork City to list it as Cedar Hills. Seconded by C. Geddes. Vote taken by roll call.

Yes - C. Ellsworth

C. Geddes
C. Miller

Motion passes.

14. Discussion on a Resolution Relating to Restrictions on the Purchase or Construction of Public Buildings

Mr. Goodwin presented the staff report and explained that Ordinance 01-22-2013A was passed five years ago. The ordinance limited the purchase or construction of a public building to \$400,000. If the cost of the building exceeded \$400,000 the voting majority of registered Cedar Hills residents would then need to elect to approve construction. Given the time value of money, the \$400,000 limitation became more constraining each year as inflation caused the cost of construction to rise; the cost of construction had even outpaced inflation over the past five years. Staff was requesting that the Council discuss the ordinance and make changes to the \$400,000 limitation by pegging the cap to an inflationary index, thereby allowing the limitation to adjust to year-to-year market forces.

C. Geddes asked if the inflationary index could be applied retroactively, to which Mr. Goodwin responded in the negative. However, he felt the language of this ordinance needed to be cleaned up as the City continued developing Harvey Park.

C. Ellsworth asked if this resolution was coming forward due to pending construction projects. Mr. Goodwin said it came forward in light of building addition projects. Mayor Rees mentioned that in 2012 a ballot initiative was proposed similar to what this resolution was proposing; however, the problem with the initiative at the time was that it would be applied retroactively. She explained that this was problematic because the City could not institute retroactive laws. The Council recognized citizens' concerns at the time and in an effort to appease those concerns while simultaneously addressing the problems with the initiative, they passed the 2013 ordinance which excluded the retroactive portion. Mr. Goodwin recalled that the initiative had to be passed by the majority of the City's voters, which made it impossible for the City to do anything.

C. Ellsworth asked if there were any projects staff was anticipating would exceed the cap amount of \$400,000. Mr. Goodwin said it was possible; however, he didn't have a specific project in mind. There was continued discussion regarding potential projects that could exceed the cap amount at some point in the future.

ADJOURNMENT

This meeting was adjourned at 8:26 p.m. on a motion by C. Miller, seconded by C. Geddes, and unanimously approved.

Approved by Council:
March 6, 2018

/s/ Colleen A. Mulvey, MMC
City Recorder