



**AMENDED
CITY COUNCIL MEETING
OF THE CITY OF CEDAR HILLS
Tuesday, December 5, 2017 6:00 p.m.**

PLEASE NOTE EARLIER START TIME

Notice is hereby given that the City Council of the City of Cedar Hills, Utah, will hold a **City Council Meeting on Tuesday, December 5, 2017, beginning at 6:00 p.m.** at the Community Recreation Center, 10640 N Clubhouse Drive, Cedar Hills, Utah. This is a public meeting and anyone is invited to attend.

COUNCIL MEETING

1. Call to Order, Pledge led by C. Zappala and Invocation given by Mayor Gygi
2. Approval of Meeting's Agenda
3. Public Comment: Time has been set aside for the public to express their ideas, concerns and comments (comments limited to 3 minutes per person with a total of 30 minutes for this item)

CITY REPORTS AND BUSINESS

4. City Manager
5. Mayor and Council

SCHEDULED ITEMS

6. Review/Action on an Ordinance Imposing a 0.1% Local Sales and Use Tax for the Purpose of Financing Cultural, Recreational and Botanical Organizations or Facilities with the City; and Related Matters
7. Review/Action on an Ordinance Setting the Time and Place of the Regular City Council Meetings for 2018

ADJOURNMENT

8. Adjourn

Posted this 4th day of December, 2017 /s/ Gretchen F. Gordon, Deputy City Recorder

- Supporting documentation for this agenda is posted on the city's website at www.cedarhills.org.
- In accordance with the Americans with Disabilities Act, the City of Cedar Hills will make reasonable accommodations to participate in the meeting. Requests for assistance can be made by contacting the City Recorder at 801-785-9668 at least 48 hours in advance of the meeting.
- An Executive Session may be called to order pursuant to Utah State Code 54-4-204 & 54-4-205.
- The order of agenda items may change to accommodate the needs of the City Council, the staff, and the public.
- This meeting may be held electronically via telephone to permit one or more of the council members to participate.



CITY OF CEDAR HILLS

TO:	Mayor and City Council
FROM:	Colleen Mulvey, City Recorder
DATE:	12/05/2017

City Council Agenda Item

SUBJECT:	PARC Tax Ordinance
APPLICANT PRESENTATION:	n/a
STAFF PRESENTATION:	Colleen Mulvey, City Recorder

BACKGROUND AND FINDINGS:

The Municipal General Election was held on November 7, 2017 where a ballot proposition for the imposition of the PARC Tax was submitted to the registered voters within the city and a majority of those voters voted in favor of that ballot proposition.

In accordance with Utah State Code §59-12-14, the legislative body shall by ordinance provide for the distribution on the entire amount of the revenues collected from the tax revenues collected from the tax imposed.

The PARC Tax will take effect on April 1, 2018 and remain effective for 10 years after that date.

PREVIOUS LEGISLATIVE ACTION:

2008 CARE Tax – Ordinance No. 12-09-2008B

FISCAL IMPACT:

The estimated fiscal impact will increase revenues of \$40,000 annually.

SUPPORTING DOCUMENTS:

Proposed ordinance.

RECOMMENDATION:

Staff recommends that the City Council review and approve the proposed ordinance.

MOTION:

To approve/not approve Ordinance No. _____, an ordinance imposing a 0.1% local sales and use tax for the purpose of financing cultural, recreational and botanical organizations or facilities within the city; and related matters.

ORDINANCE NO. _____

AN ORDINANCE IMPOSING A 0.1% LOCAL SALES AND USE TAX FOR THE PURPOSE OF FINANCING CULTURAL, RECREATIONAL AND BOTANICAL ORGANIZATIONS OR FACILITIES WITHIN THE CITY; AND RELATED MATTERS.

WHEREAS, Title 59, Chapter 12, Part 14 of the Utah Code (the "Act") authorizes cities in Utah to submit to the registered voters of the city the question of whether the city should impose a 0.1% Sales and Use Tax within the city for the limited purpose of funding cultural, recreational and botanical organizations or facilities in the city (the "PARC Tax"); and

WHEREAS, the Municipal General Election was held on November 7, 2017 where a ballot proposition for the imposition of the PARC Tax was submitted to the registered voters within the City and a majority of those voters voted in favor of that ballot proposition;

WHEREAS, the City shall contract, prior to the effective date of this Ordinance, with the Utah State Tax Commission to perform all functions incident to the administration or operation of this Ordinance; and

WHEREAS, the City Council has determined that a PARC Tax would be beneficial to the City and its residents through the promotion of cultural, recreational and botanical organizations or facilities in the City;

NOW, THEREFORE, be it ordained by the City Council of the City of Cedar Hills, Utah County, Utah, as follows:

SECTION 1. The City of Cedar Hills hereby imposes a 0.1% Sales and Use Tax, referred to as the "PARC Tax," pursuant to the City or Town Option Funding for Botanical, Cultural, Recreational, and Zoological Organizations or Facilities, Title 59, Chapter 12, Part 14 of the Utah Code (the "Act") for the purpose of financing cultural, recreational and botanical organizations or facilities within the City of Cedar Hills. The PARC Tax will be levied and administered under the terms of the Act.

SECTION 2. The PARC Tax will be imposed upon the transactions described in Section 59-12-103(1) of the Act, that are located within the City of Cedar Hills, except as such transactions are exempt from sales and use taxes under Section 59-12-104 of the Act. The PARC Tax shall be used to fund any eligible facilities and organizations described in the Act. The PARC Tax supplements, but does not replace, the sales and use tax established under Title 3, Chapter 2, Article A of the City Code of the City of Cedar Hills.

SECTION 3. The PARC Tax will take effect on April 1, 2018 and will remain effective for 10 years after that date. For transactions subject to the PARC Tax pursuant to Section 59-12-103(1)(b)-(m), the effective date shall be the first day of the billing

period that begins after April 1, 2018, if the billing period for the transaction begins before April 1, 2018. For catalogues sales (as defined by the Utah State Tax Commission) where the amount of the tax due is based on tax rates published in the catalogue, the effective date shall be June 1, 2018

SECTION 4. The City Recorder is directed to deliver a notice in substantially the form attached as Exhibit A to the Utah State Tax Commission. The City Recorder is further directed to publish a summary of this Ordinance in a newspaper of general circulation within the City.

SECTION 5. All acts, resolutions and ordinances in conflict with any part of this Ordinance are repealed and superseded by this Ordinance.

SECTION 6. The City Recorder is directed to complete the attached Record of Proceedings.

APPROVED AND ADOPTED this December 5, 2017.

Gary R. Gygi, Mayor

ATTEST:

Colleen A. Mulvey, City Recorder

(SEAL)

RECORD OF PROCEEDINGS

The Council of the Issuer met in public session at the regular meeting place of the Council at 10640 N Clubhouse Drive. in Cedar Hills, Utah, on December 5, 2017, at the hour of 7:00 p.m., or as soon thereafter as feasible, with the following members of the Council being present:

Gary R. Gygi
Denise Andersen
Ben Bailey
Mike Geddes

Mayor
Councilmember
Councilmember
Councilmember

Also present:

Colleen A. Mulvey

City Recorder

After the meeting had been duly called to order and after other matters were discussed, the foregoing ordinance (the "Ordinance") was introduced in written form and fully discussed.

A motion to adopt the Ordinance was then duly made by Councilmember _____ and seconded by Councilmember _____ and the Ordinance was put to a vote and carried, the vote being as follows:

YEA:

NAY:

CERTIFICATE OF CITY RECORDER

I, Colleen A. Mulvey, the duly appointed and qualified City Recorder of the Issuer, do hereby certify that the attached Ordinance is a true, accurate and complete copy thereof as adopted by the Council at a public meeting duly held on December 5, 2017 (the "Meeting"). The Meeting was called and noticed as required by law as is evidenced by the attached Certificate of Compliance with Open Meeting Law. The persons present and the result of the vote taken at the Meeting are all as shown above. The Ordinance, with all exhibits attached, was deposited in my office on December 5, 2017, and is officially of record in my possession.

IN WITNESS WHEREOF, I have hereunto subscribed my signature and impressed hereon the official seal of the Issuer, this December 5, 2017.

(S E A L)

Colleen A. Mulvey, City Recorder

**CERTIFICATE OF COMPLIANCE WITH
OPEN MEETING LAW**

I, Colleen A. Mulvey, the undersigned City Recorder of the Issuer, do hereby certify, according to the records of the Issuer in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-202, Utah Code Annotated, 1953, as amended, I gave not less than 24 hours public notice of the agenda, date, time and place of the December 5, 2017, public meeting, held by the Issuer as follows:

(a) By causing a Meeting Notice, in the form attached, to be posted at the Issuer's principal offices, at least 24 hours before the convening of the meeting, the Meeting Notice having continuously remained posted and available for public inspection until the completion of the meeting; and

(b) By causing a copy of the Meeting Notice to be delivered to a newspaper of general circulation in the Issuer at least 24 hours prior to the convening of the meeting.

(c) By causing a copy of the Meeting Notice to be posted on the Utah Public Notice Website at least 24 hours prior to the convening of the meeting.

In addition, the Notice of 2017 Annual Meeting Schedule for the Issuer, attached hereto, specifying the date, time and place of the regular meetings of the Council to be held during the 2017 calendar year was posted on December 8, 2016, at the principal office of the Council and provided to at least one newspaper of general circulation within the Issuer on December 8, 2016.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this December 5, 2017.

Colleen A. Mulvey, City Recorder

(S E A L)

(Attach Meeting Notice)

(Attach Notice of 2017 Annual Meeting Schedule)

Exhibit A

December 6, 2017

Utah State Tax Commission
210 North 1950 West
Salt Lake City, Utah 84134

RE: Notice of Imposition of Local Sales and Use Tax in Cedar Hills, Utah.

To Whom It May Concern:

This letter provides notice as required by Utah Code Section 59-12-1402(5)(b)(i)(B) that on December 5, 2017, the City Council of the City of Cedar Hills, Utah (the "City") adopted an ordinance imposing a 0.1% local sales and use tax (referred to as the "PARC Tax") within the City for the purpose of financing parks, cultural, recreational and botanical organizations or facilities within the City. The PARC Tax is imposed under the authority of Title 59, Chapter 12, Part 14 of the Utah Code. The PARC Tax will take effect on April 1, 2018, and will remain effective for ten years after that date. For transactions subject to the PARC Tax pursuant to Section 59-12-103(1)(b)-(m), the effective date shall be the first day of the billing period that begins after April 1, 2017, if the billing period for the transaction begins before April 1, 2017. For catalogues sales (as defined by the Utah State Tax Commission) where the amount of the tax due is based on tax rates published in the catalogue, the effective date shall be June 1, 2017.

Sincerely,

Colleen A. Mulvey, MMC
City Recorder for Cedar Hills, Utah



CITY OF CEDAR HILLS

TO:	City Council
FROM:	Chandler Goodwin, City Manager
DATE:	12/5/2017

Planning Commission Agenda Item

SUBJECT:	Review/Action on Amending Title 1, Chapter 5-3, and Title 1 Chapter 6A, Related to the Powers and Duties of the Mayor and City Manager
APPLICANT PRESENTATION:	n/a
STAFF PRESENTATION:	Chandler Goodwin, City Manager

BACKGROUND AND FINDINGS:

Mayor Gygi has asked to have this item on the agenda, specifically related to removing certain powers and duties from the City Manager and granting those powers and duties to the mayor. The proposed powers and duties are as follows:

1-6A-6 (G) Appoint, remove, promote and demote, or cause to be appointed, removed, promoted, and/or demoted any and all officers and employees of the city, and regulate and prescribe the powers and duties of all such officers and employees subject to all applicable personnel ordinances, rules and regulations, as well as state law;

1-6A-6 (Q) Serve as budget officer for the city

These powers and duties would then be part of the role of the Mayor 1-5-3.

PREVIOUS LEGISLATIVE ACTION:

These powers and duties were last amended in 2001

FISCAL IMPACT:

n/a

SUPPORTING DOCUMENTS:**RECOMMENDATION:**

Review proposal, make any recommendations necessary

MOTION:

APPROVAL: To approve the changes to powers and duties of the City Manager and the Mayor by amending title 1-5-3 and 1-6A as presented {SUBJECT TO THE FOLLOWING CHANGES}.

DENIAL: To not approve the proposed changes to 1-5-3 and 1-6A amending the powers and duties of the City Manager and Mayor



CITY OF CEDAR HILLS

TO:	Mayor and City Council
FROM:	Colleen Mulvey, City Recorder
DATE:	12/5/2017

City Council Agenda Item

SUBJECT:	Setting the Time and Place of City Council Meetings for 2018
APPLICANT PRESENTATION:	n/a
STAFF PRESENTATION:	Colleen Mulvey, City Recorder
BACKGROUND AND FINDINGS: In accordance with UCA 10-3-502, the city is required to set by ordinance the time and place for holding its regular City Council meetings.	
PREVIOUS LEGISLATIVE ACTION:	
FISCAL IMPACT: n/a	
SUPPORTING DOCUMENTS: Proposed Ordinance and 2018 Public Notice/Schedule of regular City Council meetings.	
RECOMMENDATION: To approve the proposed 2018 City Council meeting schedule.	
MOTION: To adopt Ordinance No. _____, an Ordinance setting the time and place of the regular meetings of the City Council of the City of Cedar Hills, Utah.	

ORDINANCE NO. _____

AN ORDINANCE SETTING THE TIME AND PLACE OF THE REGULAR MEETINGS OF THE CITY COUNCIL OF THE CITY OF CEDAR HILLS, UTAH.

WHEREAS, §10-3-502 UCA requires that the time and place of regular City Council meetings be set by ordinance, which meetings shall be held at least once each month, and

WHEREAS, §52-4-202 UCA requires the City to adopt and give notice of its annual meeting schedule.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR HILLS, UTAH:

**SECTION I
ESTABLISHMENT OF TIME AND PLACE OF COUNCIL MEETINGS**

The regular meetings of the City Council of the City of Cedar Hills for the year 2018 shall be held according to the attached schedule, commencing at 7:00 p.m. The location of said council meetings shall be the Cedar Hills Community Recreation Center at 10640 N Clubhouse Drive, Cedar Hills, Utah.

**SECTION II
CONFLICTING ORDINANCES REPEALED**

All other ordinances that are in conflict herewith are hereby repealed.

**SECTION III
EFFECTIVE DATE**

This ordinance shall take effect upon its passage and posting.

PASSED AND ORDERED POSTED BY THE CITY COUNCIL OF THE CITY OF CEDAR HILLS, UTAH, THIS 5TH DAY OF DECEMBER, 2017.

APPROVED:

ATTEST:

Gary R. Gyi, Mayor

Colleen A. Mulvey, City Recorder

ORDINANCE NO. _____

**AN ORDINANCE SETTING THE TIME AND PLACE OF THE REGULAR MEETINGS
OF THE CITY COUNCIL OF THE CITY OF CEDAR HILLS, UTAH
PUBLIC NOTICE OF REGULAR MEETINGS
FOR THE CITY COUNCIL
2018**

The City of Cedar Hills, Utah, hereby gives notice that the City Council will hold its regular meetings beginning at 7:00 p.m. at the Community Recreation Center, 10640 N Clubhouse Drive, on Tuesdays according to the following schedule:

MONTH	DATES	TIME
January	2 and 16	7:00 p.m.
February	6 and 20	7:00 p.m.
March	6 and 20	7:00 p.m.
April	3 and 17	7:00 p.m.
May	1 and 15	7:00 p.m.
June	19	7:00 p.m.
July	17	7:00 p.m.
August	7 and 21	7:00 p.m.
September	18	7:00 p.m.
October	2 and 16	7:00 p.m.
November	6 and 20	7:00 p.m.
December	4 (holiday schedule)	7:00 p.m.