

CITY COUNCIL MEETING
Tuesday, July 10, 2012 7:00 p.m.
Cedar Hills Community Recreation Center
10640 N Club House Drive, Cedar Hills, Utah

Present: Stephanie Martinez, Mayor Pro Tempore, Presiding
Council Members: Jenney Rees, Trent Augustus, Gary Gygi, Scott Jackman
David Bunker, Acting City Manager
Courtney Hammond, City Meeting Transcriber
Others: Sam Liddiard, Cliff Chandler, Mark Edminster, Ken Cromar, Jan Streeter,
Angela Johnson, Sarah Brimhall, Bryant Platt, Pat Webber, Ammon Allen

COUNCIL MEETING

1. This meeting of the City Council of the City of Cedar Hills, having been properly noticed, was called to order at 7:05 p.m. by Mayor Pro Tem Martinez.

Legal counsel, Bryant Platt made the following statement:

In light of recent events the City Council urges all participants in City Council meetings to treat one another with civility and respect. While individuals may feel passionately regarding certain issues and concerns under consideration before the Council, we encourage participants to avoid incendiary language and accusations that can quickly degrade the level of our discourse and effectiveness of our interaction. Due to threats by a resident made in a recent City Council meeting, the City Council also takes this opportunity to affirm that the City Council meetings are legislative meetings. The Cedar Hills City Council has asked the city attorney to provide direction on when statements in City Council meetings may subject the speaker to liability for defamation. The city attorney has advised the City Council that statements made by the City Council members in legislative proceedings are absolutely immune from liability for defamation if the matter is reasonably related to the proceeding. It is an open question under Utah law whether members of the public are afforded the same absolute privilege or are instead subject to the lesser qualified protection provided for defamation related to comments made during City Council meetings. Accordingly the City Council encourages all participants in City Council meetings to treat each other courteously and respectfully and invites all members of the public to address any issue on its agenda and express their opinions regarding what the City Council should do and why, in a civil and lawful manner.

Mr. Platt also addressed whether copyright law or trademark law prevents the City Council, or prevents the City from putting a trademarked or copyrighted name into record. Case law says "No." Names cannot be copyrighted and are expressly exempted from the copyright statute of the United States. A name can be trademarked but only under certain circumstances and usage. Law provides for a fair usage exemption for a trademarked name, which allows for a name to be referenced. The issue in using a trademarked name is when it is used in a fraudulent manner. Trademarked names can be referenced and included in minutes.

C. Martinez stated that though no one can go back and make a brand new start, anyone can start now to make a brand new ending. This should be a new ending for our City. When residents speak during the public comment segment, the City Council is here to listen. There is no reason for anyone to behave inappropriately or call people names. There is no reason to feel that the City Council is being rude, and there is no reason for residents to treat the City Council rudely.

Invocation given by C. Gygi

Pledge of Allegiance led by C. Rees

2. Public Comment (7:14 p.m.)

Ken Cromar: Mr. Cromar stated that he was gratified that the City posted a retraction with regards to the September newsletter from last year. The City acknowledged that the original article could be, and was, misunderstood. Mr. Cromar feels that his objective is often misunderstood. His objective is always the truth. He doesn't care if people disagree with him, but he does care that correct information be out there. He is disappointed that the correction was not on the front page, but will take the small victory that the truth is out. He is grateful for the comments from the city attorney. He has filed a document with the county's office. Since then Marisa Wright made a statement in the last meeting, and in response, he has filed an affidavit to cover the new issue. It is document number 55-867 2012 at the Utah County Records Office.

Pat Webber: Ms. Webber stated that she has been in the city for three weeks. She lives next to Timp Cove Park and has seen a lot of problems, including, kids having sex in cars, drug deals, kids screaming until 1:00 a.m. The cars come in at 10:30 p.m. at night, and the sign states that the park is closed at 10:00 p.m. The chain is never brought across. She has only seen a patrol once, after she called 911 when they saw sparklers being lit on the hillside. They have had their unlocked car broken into and things stolen from their garage. They asked the city to turn on the lights at the park, and that has helped somewhat, but she feels that a police presence is needed.

CONSENT AGENDA

3. Minutes from the May 15, 2012, Town Hall Meeting and City Council Meeting; June 5, 2012, City Council Meeting and Public Hearing (7:22 p.m.)

MOTION: C. Augustus—To approve the minutes from the May 15, 2012, Town Hall Meeting and City Council Meeting; June 5, 2012, City Council Meeting and Public Hearing. Seconded by C. Jackman.

Yes - C. Augustus
C. Gygi
C. Jackman
C. Martinez
C. Rees

Motion passes.

CITY REPORTS

4. City Manager (7:23 p.m.)

Harts Gas Station is under way. Their scheduled time for completion is the end of September/beginning of October. Harts is taking the Council's recommendation to shift their sign to the center for better sight lines.

As of July 1, 2012, the City began a new fiscal year.

5. Mayor and Council (7:24 p.m.)

C. Jackman: The Lone Peak Public Safety District (LPPSD) held an emergency meeting to discuss paying for the recent Quail Fire. There were a number of entities involved, including Unified Fire, the Forest Service District, the County and LPPSD. Costs will be distributed based on the percentage of acreage burned in each of the entities. At the time it was estimated 2,200 acres burned, of which, 200 were estimated to be in the district. Alpine City Mayor Willoughby has since found out that the district is responsible for \$31,000.00, which is less than anticipated. Cedar Hills will be responsible for about a quarter of the cost, though it may end up less when responsibility is determined. The Mayor Pro Tem will be on the LPPSD board until a new mayor is appointed. City staff is now completely out of the public safety building. The district now needs to talk about how LPPSD wants to use the building.

C. Gygi: Things are in flux with the North Point Solid Waste Special Service District. Waste Management provides the curbside pickup. There is a contract that is coming up for renewal with Waste Management next May. All things are open and under consideration. Utah Valley Dispatch is still looking for a new location.

C. Augustus: The Planning Commission met and discussed the Bridgestone plat approval and made a recommendation that will be considered by the City Council next week. There will be some items to review and discuss. Sheds, outbuildings and property setbacks were also discussed, but the Planning Commission felt that they didn't have all the necessary information for a recommendation. Compensation for Planning Commission members was discussed. Some members didn't want to receive payment, but would rather do it on a volunteer basis.

C. Rees: The Beautification Committee announced July's yard of the month winners which are posted on the website. The City's Facebook page is up. Residents can "like" it for updates. The email contest was announced. A group of residents approached the City wanting to put on a "thank you" parade to thank the fire fighters for their appreciation. She is working on a City Twitter account.

C. Martinez: The Youth City Council (YCC) appointed two new mayors. Next week the YCC will be doing a ropes course team building activity. Tot soccer runs through August 10th. Flag football registration runs from July 16th through September 7th. She talked to Lieutenant Liddiard about Timp Cove Park, and they have been there nightly and have kicked people out, but they come back. American Fork Police close the gates on some parks, and if people are there, their cars get locked in and they need to call to get out, at which time they are fined. The people that use Timp Cove Park are not necessarily Cedar Hills' residents. Currently police show up at closing time to kick people out of the park. The chain will help, though they may park elsewhere and still walk in. Lieutenant

Liddiard cautioned against using neighborhood watch to confront anyone in the park. Rather, they should call the police. The City needs to pass an ordinance that sets a particular time for the police to enforce it. The police department suggested that a city official lock the gate nightly.

SCHEDULED ITEMS

6. Discussion on Metropolitan Water District Easement Exchange (7:47 p.m.)

David Bunker stated that the City has met several times with the Metropolitan Water District to understand the easement in Canyon Heights A, B and C. He feels that this agreement is beneficial to residents and he doesn't see a downside to the City. The next step would be for the district to meet with the engineering committee. The shift of the easement would need to be documented.

Ammon Allen of the Metropolitan Water District of Salt Lake and Sandy stated that the district was created in 1936 to partner with the federal government on the Provo River project which constructed Deer Creek Reservoir and the Salt Lake Aqueduct. The aqueduct is 42 miles long. The federal government was responsible for maintaining the property and making sure that the plats were recorded properly. In 2006 the district received title to all the easements and lands associated with it. In Canyon Heights a developer had a survey done in 2000 which correctly shows the easement which is typically 125 feet wide. The subdivision plat didn't show the easement in the first portion of the development. The district and developer talked about making some land swaps, though not all the paperwork was recorded. The rest of the subdivision ended up wrongly recording the easement corridor resulting in each lot having a 25 foot easement in their property on which no type of retaining wall or construction is allowed. If that corridor can be moved to the back property line and move the 25 feet to the other side of the corridor, which is City owned, the district gets better, more usable land, and residents get the use of their full lot. The district likes to maintain the corridor as clean and open as possible. They are open to trails, as well as landscaping, though no trees. In the past, the district has put a farm style, welded pipe gate with a bollard, so bikes and hikers can get in, but limiting vehicular access. They would like to see those gates on both sides of Timpanogos Cove. There are no plans to replace anything in the aqueduct. The entire length gets inspected every five years. It is in great condition. There are restrictive covenants that guarantee that the pipeline will not be moved into the area of the new easement.

MOTION: C. Jackman—To move item 8 to be the next item. Seconded by C. Rees.

Yes	-	C. Augustus	
		C. Gyi	
		C. Jackman	
		C. Martinez	
		C. Rees	Motion passes.

8. Review/Discussion on Further Consideration of the \$890,000 Utility Revenue Refunding Bonds, Series 2009 and the \$5,725,000 General Obligation Refunding Bonds, Series 2005 (8:04 p.m.)

Mark Edminster stated that on May 15, 2012 the Council adopted a parameters resolution for the refinancing on bonds. At that time he advised the Council to start down the road but not move forward on the refinancing of the GO bond because of the negative arbitrage costs. Negative arbitrage diminishes over time. He still advises the Council to wait. Until the elections, interest rates will likely stay low. Parameters resolutions are good for around a year. The other bond that was discussed was the utility revenue bonds. Wells Fargo offered to renegotiate to a 7 year fixed rate of a little over 3%, after which the rate would be reset to at least 7%. Currently the rate is 5.99%. The sense of the council was to restructure the payments to pay off the entire bond in seven years, which would come at the cost of significantly higher payments.

C. Jackman stated that he does not want to raise the utility rate to cover the early pay off.

MOTION: C. Rees—To put item 7 at the very end. Seconded by C. Augustus.

Yes - C. Augustus
C. Gyi
C. Jackman
C. Martinez
C. Rees Motion passes.

9. Discussion on Recreation Center Basement (8:20 p.m.)

C. Martinez stated that she is hoping to have a draft of the final plan at the next City Council meeting. A bouldering wall has always been in the plans. The newer plans have an expanded bouldering area with a maximum height of 10 feet. There are public recreation centers that have climbing walls. There may also be a reduced number of machines in the cardio area than originally planned.

C. Augustus stated that they are still working on programming that may affect some specifics on the finishing features.

C. Jackman stated that the key is going to be finding the right mix of space dedicated to bouldering vs. cardio vs. classroom space. He feels like specialized equipment may be more appropriate in the cardio/weight area as a draw because people often have treadmills and elliptical machines at home.

7. Review of City's Emergency Action Plan (8:39 p.m.)

David Bunker stated that the Public Works Department has an emergency plan, though it is not an all-inclusive plan that addresses natural disasters. The LPPSD has emergency plans. The City is falling back on their plan. He suggested that Fire Chief Freeman come

to a meeting to go through the plan, and also help Cedar Hills develop its own emergency plan, which would involve coordination and assigning responsibilities and leads. In the Alpine City fire, the fire was handled perfectly with no homes lost because trucks were immediately dispatched to protect the nearby homes, yet some residents felt like things were poorly handled because so much acreage was burned. Communications to residents needs to be part of the plan so there isn't that type of disconnect. The City has a long, dry summer ahead of us. Chief Freeman is concerned about the fire potential in Cedar Hills. Vigilance is vital.

C. Gygi stated that Facebook, Twitter and texting can be great vehicles for live feeds to keep residents updated for everything from an emergency to updates on the recent pressurized irrigation system breakdown. He feels like a disaster plan is somewhat worthless, because in an emergency, first responders are inundated. The best thing to tell residents is to be self reliant.

C. Martinez stated that it is so important to have a dedicated Public Communications Officer so that the message is consistent. She also wants a plan for how the City will get information through coordination with other cities. During the Quail Fire, American Fork Canyon was closed, but Cedar Hills was never notified. The City needs to let residents know that the City uses robo-calls for emergencies so that they can register additional phone numbers.

C. Rees stated that as the designated Communications Officer, she will need to get her information from either the City Manager or Mayor. She is currently using Facebook, the website, the forum and the robo-calls. Twitter will be coming.

Lieutenant Liddiard stated that the federal government came up with NIMS (National Incident Management System). Any agency that receives federal grants needs to be trained in that system. During a major incident, a command center should be set up, and made up of police, fire, city officials, and any one else involved. The representative in the command center makes the decisions and dispatches others to make those decisions happen.

C. Augustus stated that a few staff members and/or council members should get CERT (Community Emergency Response Teams) certified.

EXECUTIVE SESSION

10. **MOTION: C. Jackman—To go into Executive Session, Pursuant to Utah State Code 52-4-204 and 52-4-205 to discuss litigation and competency.** Seconded by C. Rees (9:05 p.m.)

Yes - C. Augustus
C. Gygi
C. Jackman
C. Martinez
C. Rees

Motion passes.

11. Motion to Adjourn Executive Session and Reconvene City Council Meetings (9:27 p.m.)

MOTION: C. Jackman - To Adjourn Executive Session and Reconvene City Council Meeting. Seconded by C. Augustus.

Yes	-	C. Augustus	
		C. Gygi	
		C. Jackman	
		C. Martinez	
		C. Rees	Motion passes.

ADJOURNMENT

12. Adjourn

This meeting was adjourned by 9:27 p.m. on a motion by C. Jackman, seconded by C. Augustus, and unanimously approved.

Colleen A. Mulvey, CMC
City Recorder

Approved by Council:
September 18, 2012