

CITY COUNCIL MEETING  
Tuesday, March 19, 2013 7:00 p.m.  
Community Recreation Center  
10640 N Clubhouse Drive, Cedar Hills, Utah

Present: Mayor Gary Gygi, Presiding  
Council Members: Trent Augustus, Scott Jackman, Stephanie Martinez, Jenney Rees, Daniel Zappala  
David Bunker, City Manager  
Courtney Hammond, Transcriptionist  
Greg Gordon, Recreation Director  
Others: Lt. Sam Liddiard, Gary Maxwell, Mike Olson, Josh Walker, Debby Lauret, Ryan Hunter, Vern Pine, Marshall Shore

**COUNCIL MEETING**

1. This meeting of the City Council of the City of Cedar Hills, having been properly noticed, was called to order at 7:04 p.m.

Invocation given by Augustus

Pledge of Allegiance led by Martinez

2. Approval of Meeting's Agenda

**MOTION: C. Zappala—To table item 7 from the agenda Review/Action of Consideration of Resolution Approving Water Revenue Refunding Bonds.** Seconded by C. Jackman.

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

3. Public Comment  
No comments.

**CITY REPORTS AND BUSINESS**

4. City Manager

- There is a Timpanogos Special Service District meeting this Thursday.

5. Mayor and Council

C. Rees: Four press releases will go out this week. The Beautification, Parks and Trails Committee will be discussing Arbor Day, tree planting for Sandy Hook victims, and the Murdock Canal Trail opening.

C. Martinez: The Youth City Council (YCC) will be helping with the Easter Egg Hunt. Friday night is the Teen Egg Hunt at 8 p.m. for ages 11–15 with flashlight. There will be

an after party with music. They are looking for a sponsor to provide pizza. The Easter Egg Hunt for 0–10 year olds will be on Saturday at 11 a.m. at Heritage Park. The deadline for applications of next year's YCC will be April 30. Tot soccer registration is ongoing.

C. Augustus: The Planning Commission will meet on Thursday. North Pointe Solid Waste Special Service District will meet next week.

C. Zappala: Utah Valley Dispatch reviewed its 2012 accomplishments, including answering 97% of calls within 10 seconds. They have begun to charge some entities that were getting services for free. They have also overhauled their policies and improved morale. Their budget was tentatively approved, keeping things status quo with a minor increase to cities' fees. Two major decisions are upcoming: (1) whether cities are willing to pay 5 ½% more to hire 2 additional dispatchers to improve dispatch times (2) assessing current needs in terms of space and personnel. A firm was hired to research how big of a facility is needed, overhead, what it would cost, and how to finance it. His students are nearing completion on a finance app which will take all finance reports to allow a breakdown and navigation of city finances.

Mayor Gygi: Asked C. Augustus to find out how recycling would affect the city's tipping fees.

## SCHEDULED ITEMS

### 6. Presentation by American Fork Chamber of Commerce

Members of the American Fork Chamber of Commerce introduced themselves. Mike Olson of the American Fork Chamber of Commerce proposed a partnership with Cedar Hills. The American Fork Chamber of Commerce primarily represents the northeast side of Utah County—American Fork, Highland, Alpine and Cedar Hills to promote unity in the businesses community. Community member benefits include: representation by a City Council Member on the Chamber Board; inclusion in the Chamber magazine; at least one monthly luncheon held annually within Cedar Hills; access to the chamber's website called *Chamber Nation* with Cedar Hills own landing page; access to a text cloud; platinum level sponsorship at chamber annual events; all the benefits of gold level participation. The annual investment is based on number of city employees, bringing the investment required to \$1,700. The local golf tournament has been at several different locations, most recently at Thanksgiving Point because they provide the best deal. It is bid out every year.

Josh Walker stated that the benefits of going with the American Fork Chamber of Commerce over Lehi's or Utah Valley's is that the required investment is significantly lower and the focus is more local

Debbie Lauret is also on the board of the Utah Valley Chamber. The Utah Valley Chamber is interested in partnering with the local chambers where it makes sense. The American Fork Chamber is willing to help out with a city event, such as the Family Festival, tournaments, etc. For instance, they do a steak fry at the American Fork Steel Days.

7. Review/Action of Consideration of Resolution Approving Water Revenue Refunding Bonds in the Approximate Amount of \$844,000 to Save Interest Expenses on the City's Water Revenue Bonds Issued in 2009, and Related Matters  
Tabled.

8. Review/Action on Appointment of Chair and Vice Chair for the Beautification, Recreation, Parks and Trails Committee

David Bunker stated that there have been a few names submitted for chair and vice chair. The mayor has had an opportunity to discuss the positions and is ready to make recommendations.

Mayor Gygi stated that he would like to appoint Boyd Wilkins as chair and Adrian Juchau as vice chair.

**MOTION: C. Rees—To affirm Mayor Gygi's appointment of Boyd Wilkins as Chair, and Adrian Juchau as Vice Chair for the Beautification, Recreation, Parks and Trails Citizens Advisory Committee.** Seconded by C. Martinez.

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

C. Jackman stated that this is the only ad hoc committee where the mayor has to appoint a chair and vice chair. He would recommend looking into changing the bylaws so that the committee can appoint its own chair and vice chair.

9. Review/Action on Resolution for Cedar Hills in Support of Protecting the Fundamental Right of the People to Keep and Bear Arms, as Secured under the Second Amendment of the United States Constitution (C. Augustus)

C. Augustus stated that the federal government has been proposing laws that may restrict gun rights. Several other cities have enacted resolutions to allow residents to understand what their position is on these issues. He has been watching Highland City as well as cities in Montana and the Midwest. He is interested in passing a resolution to give residents and the city guidance. This would be a resolution. Ordinances are local laws, while resolutions are the exercising of administrative powers.

C. Jackman stated that a resolution is more than just verbal support. While not binding, it is important. He is not convinced that the federal government is taking away any second amendment rights, but rather is proposing regulation. The Second Amendment is interpreted in many ways. He worries this resolution would be making noise when no noise is necessary. The council hasn't adopted resolution on other Constitutional

Amendments. He feels the resolution is strongly worded and implies that it comes from the entire city. He is not convinced all residents would want to say this in this way, or at all.

C. Rees stated that the city has no authority when it comes to Second Amendment rights other than where weapons may be discharged. She is not sure it is appropriate for the city to make a resolution about something over which it has no jurisdiction or power. It is a strongly worded resolution and implies that the “we” is all residents of Cedar Hills. She is a strong proponent of Second Amendment rights, but does not know how the rest of the city feels and is uncomfortable making such a statement in others’ names.

C. Zappala stated that he is bothered by the wording in second to last paragraph on page 2 that states the city “within its lawful powers will take any and all action necessary to protect and defend” Second Amendment rights. It is a provocative statement. This resolution also opposes “restrictive firearm laws” which is vague. It could mean background checks, ammunition clips, etc. C. Zappala read two opinions written by Supreme Court Justice Antonin Scalia, one of the most conservative justices. In the first he stated that the Second Amendment gives citizens the right to possess firearms without the qualification of participation in militia. His second opinion stated that like most rights, it is not unlimited. Concealed weapon prohibitions have been upheld. C. Zappala stated that he is uncomfortable with this resolution because it provides a one-sided case history of the Second Amendment. This is a selected reading of how the Supreme Court has interpreted the Second Amendment.

**MOTION: C. Augustus—To approve Resolution 03-19-2013A, a resolution for Cedar Hills in Support of Protecting the Fundamental Right of the People to Keep and Bear Arms, as Secured under the Second Amendment of the United States Constitution.** No second. Motion dies.

C. Augustus asked the council for feedback about what they want changed.

**MOTION: C. Jackman—To continue item 9 and direct the city council to talk to C. Augustus about what they would like to see changed.** Seconded by C. Augustus.

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

10. Review/Action on Awarding a Contract for the Recreation Center Concessions

David Bunker stated that he met with responsive bidders for a concession center contract. He met with three local bidders and felt that the process helped the committee identify the strengths of each of the companies. Some things that were discussed included menus, breakfast options, a healthy menu for exercisers, hours of operation, signage, décor;

potential partnership with schools and scout groups, equipment and maintenance, catering services, marketing plans, fees, and the city contract. There was one standout. The committee unanimously agreed that Sammy's Famous Pie Shakes best met all qualifications. The contract is a sample meant to be negotiated. He proposed directing the mayor to negotiate and finalize the contract and making it subject to legal review. The next city council meeting is in April. He would like to get concessions up and running soon. It will take Sammy's two weeks to open. There is golf traffic now. The city's proposal for fees was utilities plus \$1,200/month or 10% of sales, whichever is greater. That is not in the contract, but Sammy's verbally agreed to it during the meeting.

C. Rees stated that her only concern is that she hasn't had a chance to read through the contract. She doesn't want to approve it until the council has had a chance to review it.

C. Martinez stated that she sat in on the interviews, and Sammy's stood out. They have a lot to offer to the Recreation Center building. She likes that they are a destination restaurant, and that they don't mind that the Recreation Center is off the beaten path. There are some contract negotiations necessary. She was not a proponent of leasing out the space, but after seeing the proposal and seeing what the city was able to accomplish itself, she likes the idea. The city needs to get Sammy's here sooner rather than later.

C. Zappala stated that the renewal language should say December 31. He likes that signage and changes to building is subject to city approval. He also feels that the requirement for insurance is appropriate.

C. Augustus stated that he sat in on the meeting. One big thing that Sammy's keyed in on was that this needs to be a partnership with the city. They mentioned looking at the city's calendar and bringing in events such as music, poetry readings, etc. The contract is asking for an audit. He worries that might make their (Sammy's) books open to GRAMA (Government Records Access Management Act) requests.

C. Jackman stated that Harts has also been and promised to be a community partner. He likes that Sammy's has the same type of mind frame. He is comfortable moving ahead with a motion stating that Sammy's is the chosen vendor with approval to start contract negotiations subject to council and attorney approval.

**MOTION: C. Jackman—To select Sammy's Famous PieShakes as the concession company of choice and authorize the mayor to enter into contract negotiations with Sammy's subject to council and attorney approval.** Seconded by C. Martinez.

Further Discussion:

C. Martinez stated that the city needs to have a plan B, if subject negotiations fail.

C. Rees stated that the committee is probably the best body to make the recommendation for the next step if Sammy's negotiations fail.

C. Jackman stated that this is a great opportunity. The probability of contract negotiations failing is low. If that happens, the city could set up shop again.

C. Rees and C. Jackman stated that are willing to meet at a special meeting to approve the contract, but feel strongly that the contract needs to be approved by the city council.

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

C. Martinez requested that if the negotiations aren't going well, the council be alerted so that a plan B can be devised.

11. Review/Action on Resolution Declaring April as Child Abuse Prevention Month

David Bunker stated that nationally, April is recognized as Child Abuse Prevention Month. He has been in contact with the Utah chapter of the Child Abuse Prevention organization. They have provided the city with pinwheels. The city plans on installing the pinwheels at the public safety building as the city's contribution to the campaign. They would be up for a week. More information is available at their website.

Mayor Gygi stated that he sits on the board of this organization. They came before MAG (Mountainland Association of Governments) and made a proposal to have a pinwheel garden in all cities. The mayor of Provo made a motion to have them send the pinwheels to every city which was unanimously approved. The city can get more pinwheels if necessary.

C. Rees suggested allowing residents to take the pinwheels after the first week to put in their yards.

**MOTION: Augustus—To adopt Resolution 03-19-2013A, a Resolution of the City Council of the City of Cedar Hills, Utah, Adopting a Proclamation Designating April as Child Abuse Prevention Month.** Seconded by C. Jackman.

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

12. Review/Action on Resolution Declaring March 26, as Purple Day—Worldwide Epilepsy Awareness Day

David Bunker proposed that the council accept March 26 annually as International Epilepsy Awareness Day. It is also called Purple Day. Staff has been asked to wear purple on that day. The main purpose is to raise awareness of epilepsy. There is more information available at purpleday.org.

C. Rees stated that this proposal was brought to her by a Cedar Hills resident who has a son with epilepsy and she serves on the board. Purple Day is recognized annually on March 26.

**MOTION: Martinez—To adopt Resolution 03-19-2013B, a Resolution of the City Council of the City of Cedar Hills, Utah, adopting a Proclamation Designating March 26<sup>th</sup> as Purple Day—Worldwide Epilepsy Awareness Day.** Seconded by C. Rees.

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

13. Fiscal Year 2014 Budget Presentation

David Bunker presented Water, Sewer and Storm Drain revenue projections. This proposal for revenue accounts follows the Bowen & Collins study. Impact fees are based on an estimated 20 ERUs in this fiscal year. Finance Director, Charl Louw has reviewed the motor pool plan. The city buys vehicles at the state contract price, uses the vehicles for three years, and then sells them. The city's vehicles range from \$100-200/month to run. The plan is very cost effective. The large trucks depreciate rapidly the first five years. The city does not put a lot of mileage on those vehicles. It would be more cost effective for the city to maintain those vehicles for a longer period of time, a 7-10 year period of time, rather than the 3-year cycle. It draws the vehicles out of warranty, but the additional maintenance costs will be less than the initial depreciation costs of holding them for a short period of time. Three vehicles are to be replaced in FY 2014. There are nine public vehicles.

14. Discussion on the Family Festival

Mayor Gygi stated that the Bank of American Fork agreed to sponsor dinner & a movie.

C. Martinez stated that she met with C. Rees, Mayor Gygi and Greg Gordon to talk about the volunteer committee. They are putting together an organizational chart. There will be a chair and a chair-elect and a past chair so that there is a three year cycle. There will be 10 vice chairs and a treasurer. C. Martinez and C. Rees wrote some bylaws and passed them along to David Bunker and Mayor Gygi. The committee will need to be officially formed. The pieces are in place to bring it officially to the council. There were three people on the radar as recipients for the charity fun run. Madison Profit is set on having the fun run benefit a cancer survivor named Trisha. There are two other possible

recipients. The funds won't come to the city, but donations can be made through Madison Profit.

Greg Gordon stated that there are a couple of areas on the organization chart that can be merged. He suggested that he be the treasurer because he already acts as such for the carnival and has the city card, etc. He met with Maceys in Pleasant Grove to be the caterers for dinner and a movie. The main goal is to get the price point down as low as possible. Last year the price was \$15/head. He would like to get it down to lower than \$10/person. Maceys is offering a great deal for a steak/chicken, baked potato, roll, drink, salad, dessert and dinnerware at less than ½ last year's price. They will also bring tables to allow more people to sit down. There may be a kids offering as well. The goal is to have sponsors sponsor a specific event. He signed a contract today with the carnival company for 12 rides, which includes 2 bounce slides. The ferris wheel will be there unless it is broken. There are about 40 parade entries.

C. Augustus stated that traditionally the council is involved with dinner and a movie. He wants that to continue.

15. Discussion on Recycling Program (Opt-Out Options)

Mayor Gygi stated that he would like to get behind the opt-out option. His research has shown that tipping fees go down with opt-out. Pleasant Grove runs an opt-out program and has an 80% recycling participation.

C. Augustus stated that there has been some backlash for programs that automatically put people in the program and making them opt-out.

C. Jackman stated that his problem with opt-out is that it punishes people for forgetting or not being proactive about opting out.

C. Rees stated that Pleasant Grove gave residents a 3-month opt out period. After that residents could still opt out but with a fee to pick up the can. Pleasant Grove saved a lot of money and recycling went up significantly. In some communities there is no opt-out option, everyone pays for recycling.

C. Zappala stated that there was a public education program study a year or so ago as part of research to see what kind of flyer/advertisement led to higher recycling rates. The surprising outcome was many people (95%) claimed they were recycling, when the actual rate is much lower.

C. Martinez asked staff to look into bids with an opt-out program. The numbers have been in past proposals.

16. Discussion on Sign Ordinance in Public Facilities Zone

David Bunker stated that if the city were to have a private entity come into the Grill, they would want some signage. It would help if they could have a Sammy's sign on the golf course sign. The current sign ordinance doesn't allow private entities to advertize in the public facilities zone. The council needs to consider how a private entity that is a partner with the city can advertise.

C. Zappala stated that he wants to look into making changes to the sign ordinance to allow signs and advertisements to allow the new entity to thrive.

C. Rees stated that she also wants to look at the sign ordinance. She asked staff to look at fixing the golf course sign so that it is more visible.

C. Augustus stated that he is worried about the reach and scope of possible changes to the sign ordinance.

C. Jackman stated that the council needs to be careful about wording. He wants to support those business partners to be as successful as possible.

Mayor Gygi asked staff to do some research and come up with a proposal.

ADJOURNMENT

17. This meeting was adjourned at 9:24 p.m. on a motion be C. Jackman, seconded by C. Rees and unanimously approved.

Approved by Council:  
April 2, 2013

/s/ Colleen A. Mulvey  
Colleen A. Mulvey, CMC  
City Recorder