

CITY COUNCIL MEETING
Tuesday, January 19, 2016 7:00 p.m.
Community Recreation Center
10640 N Clubhouse Drive, Cedar Hills, Utah

Present: Mayor Gygi, Presiding
Council: Ben Bailey, Rob Crawley, Mike Geddes, Jenney Rees, Daniel Zappala (7:24 p.m.)
David Bunker, City Manager
Chandler Goodwin, Assistant City Manager
David Shaw, City Counsel
Greg Gordon, Recreation Director
Charl Louw, Finance Director
Courtney Hammond, Transcriptionist
Others: Lt. Sam Liddiard, Marisa Wright, Mark Allen, Joel Wright, Phil Warnock, TJ Lockbach, Bill Norton

COUNCIL MEETING

1. This meeting of the City Council of the City of Cedar Hills, having been properly noticed, was called to order at 7:00 p.m. by Mayor Gygi.

Invocation given by C. Bailey

Pledge of Allegiance led by Ethan Rutger

2. Approval of Meeting's Agenda

MOTION: C. Rees—To approve the agenda, as is. Seconded by C. Crawley.

Yes	-	C. Bailey
		C. Crawley
		C. Geddes
		C. Rees Motion passes.

3. Public Comment

Marisa Wright: Ms. Wright stated that she is a member of Protect and Preserve American Fork Canyon. The Board of Adjustment of Utah County is meeting next month, which means that in as little as a month Snowbird could be in the canyon. The water issue is a big issue. Mine tailings can easily be disrupted, affecting water quality and wildlife. Avalanche control can disrupt the tailings. Highland's resolution is not strong enough. She asked the council to add legal force, if necessary. She has seen a report that shows that there are measurements of arsenic and heavy metals in the water on the Salt Lake side. There have been efforts to mitigate, though they have not been entirely successful. Because of contamination, the higher reservoirs cannot be stocked.

TJ Lockbach: Mr. Lockback stated that there is no community garden in the area. He would like direction on how to get one started.

Bill Nolton: Mr. Nolton thanked the elected officials for standing up to the sovereign citizens in the city. He asked the council to not be intimidated by them.

CITY REPORTS AND BUSINESS

4. City Manager

This Saturday there is municipal training at Provo City Hall sponsored by the Utah League of Cities and Towns. Jr. Jazz has started. Cedar Hills' BYU basketball night is on January 30. Tickets are available through the city.

5. Mayor and Council

C. Geddes: The dispatch building is under construction, though weather has delayed the project. Footings should be poured this week. The building completion is still scheduled for the end of September. Expenditures to date have been almost \$1 million. Utah Valley Dispatch is in serious need of employees.

Mayor Gygi: City council members are required to participate in trainings. Training is available at meetings and also online. The Lone Peak Public Safety District board discussed personnel issues at its most recent meeting.

C. Crawley: He worked on the American Fork Canyon resolution. He thanked council and staff for getting the resolution done.

C. Bailey: He expressed public condolences to family of the officer shot and killed in Salt Lake.

SCHEDULED ITEMS

MOTION: C. Rees—To move item 6 until after item 8. Seconded by C. Crawley.

Yes - C. Bailey
C. Crawley
C. Geddes
C. Rees Motion passes.

7. Discussion on Temporary Zoning Ordinance and Completion Timeline for General Plan Amendments to the Guidelines for the Design and Review of the Planned Commercial Development Projects, and Municipal Land Use Ordinances

Chandler Goodwin stated that so far the discussion has centered on the locations and boundaries of subzones, as well as the uses in each subzone.

8. Discussion on Amendments to the City Code Regarding Half-way Houses

Chandler Goodwin stated that currently the city has no code for halfway houses. Any halfway house that would apply to the city would fall under the rights for peoples with disabilities in the fair housing act. It is unlawful to make finding housing difficult for protected groups. Alpine settled a lawsuit when they were sued for not allowing a rehab house for 16 people.

C. Bailey stated that there was a halfway house in the city a number of years ago. He asked staff to look into researching whether there were any problems that arose from that facility.

6. Review/Action on Acceptance of the 2015 Fiscal Year Audit

Charl Louw stated that this it the city's first year auditing with Kennington and Christianson.

Phil Warnock presented the 2015 Fiscal Year Audit. He did not encounter any significant difficulties in performing the audit. There were no audit adjustments, or unresolved disagreements with management. The opinion is unmodified. There was a finding that the unrestricted fund balance exceeded the 25% of total revenue allowed. He recommended that the city monitor the fund balance more closely.

Charl Louw stated that the city had transferred money out of the unrestricted fund balance to come into compliance with state code before the audit.

MOTION: C. Zappala—To accept the 2015 annual financial report. Seconded by C. Rees. Vote taken by roll call.

Yes - C. Bailey
C. Crawley
C. Geddes
C. Rees
C. Zappala Motion passes.

9. Review/Action on Adoption of a Resolution Regarding the Environmental Stewardship of the American Fork Canyon

Public Comment:

Mark Allen: Mr. Allen stated that he is with Protect and Preserve American Fork Canyon. The group has grown to over 10,000 people. He has issued many GRAMA requests to find out how this has happened. Through his research he has discovered that four email accounts have been deleted. He is expecting GRAMA records from Mayor Gygi for records related to the canyon. Snowbird was a large campaign donator to Mayor Becker. Protecting the canyon is very important. He would like to see a strongly worded resolution, including an Environmental Impact Statement. Mill sites on the land show arsenic, lead and uranium.

C. Zappala read the proposed resolution. The Mountain Accord process in Salt Lake brought together the interests from a wide group of stakeholders. Based on public comment he suggested making a few changes. Specifically, to request an independent developmental “and environmental” impact report be submitted. He would also propose that the City of Cedar Hills encourages the Utah county board of adjustment to maintain public easement and access to the land.”

C. Crawley stated that he would like to add a statement that Cedar Hills is willing to committing its resources to protect the health and safety and welfare of its residents.

David Shaw stated that this is a non-binding resolution. There is no statement as to what extent the city is willing to contribute resources. Such a statement would neither add nor subtract from the resolution.

C. Geddes, C. Rees and C. Bailey stated that they prefer the original version, without adding anything about committing resources.

Mayor Gygi stated that before the city were to spend any money on legal resources, it would need to come before the residents. He does not like the idea of including an open ended commitment.

The final resolution is as follows:

RESOLUTION OF THE CEDAR HILLS CITY COUNCIL CONCERNING THE ENVIRONMENTAL STEWARDSHIP OF THE AMERICAN FORK CANYON

WHEREAS Cedar Hills has environmental, economic, social, and historical interests in American Fork Canyon; and

WHEREAS Cedar Hills desires to establish best practices and policies regarding the management and care of the Canyon; and

WHEREAS Cedar Hills has an obligation and a vested interest to protect the watershed, and the sources and quantities of water; and

WHEREAS Cedar Hills is committed to protecting the health, safety, and welfare of its residents,

WHEREAS there is a potential for a negative impact on the City water system; and

WHEREAS there is a need to balance new development with existing recreational uses in the Canyon that value isolation and the natural mountain environment.

NOW THEREFORE BE IT RESOLVED:

The City of Cedar Hills believes that the proposed development by Snowbird does not meet the intent of the CE-1 zone listed in Utah County code sections 5-5-A-2 and 5-5-A-3 and does not meet the conditions listed in Utah County code sections 3-47-H-3 and 3-47-H-7;

The City of Cedar Hills urges the Utah County Board of Adjustment to consider the potential impact on area watershed and water supply and require the applicant to provide all applicable studies to address this issue, including the long term effect of any undesirable elements that could be transferred to the ground water; and

The City of Cedar Hills encourages the Utah County Board of Adjustment to request Utah County staff and elected officials to obtain additional input from stakeholders that use the surrounding property and commission an independent developmental impact report that is free from bias of the developer;

The City of Cedar Hills urges the Utah County Commission to establish a transparent, public, and collaborative process for coordinating the land uses in American Fork Canyon that brings together all interested stakeholders, similar to the Mountain Accord process that has been used successfully in Salt Lake County; and

The City of Cedar Hills urges the Utah County Commission to suspend further development in American Fork Canyon until such a collaborative process has been completed.

MOTION: C. Zappala—To adopt resolution 01-19-2016A, a Resolution of the Cedar Hills City Council concerning the environmental stewardship of the American Fork Canyon, as presented in this meeting tonight. Seconded by C. Crawley. Vote taken by roll call.

Yes	-	C. Bailey	
		C. Crawley	
		C. Geddes	
		C. Rees	
		C. Zappala	Motion passes.

10. Discussion on an Amendment to the FY2016 Budget for Payment of Legal Fees to ETJ Law, Inc.

Mayor Gygi stated that there was a failure of the system to work properly in this situation. Certain committees have funds that have been allocated. The golf course committee does not have funds. They made a request for resources in order to have the city's past and current attorney come to give a history of the financial obligations and bond arrangements for the golf course. No one objected to that proposal until later, at which time Mr. Crawley and Mr. Augustus asked that Mr. Johnson not go. The city later got the bill, and some felt it should not be paid. He wants to talk less about that particular bill or amount, and more about how committees without funds can ask for and receive funds.

C. Geddes stated that last year the Parks and Trails Committee came up with a redesign for which it had no funds. He came back to the council to ask for funds. There is a procedure in place, but it fell through the cracks with the golf course committee.

David Bunker stated that there is a written process to be followed, which is through the budget process. If it is not in the budget, the budget needs to be amended. For legal issues, the city has a legal contract with Kirton and McConkie. If the city wants to procure another attorney for a particular reason, then it needs to come back to city council to procure a contract with another attorney.

C. Rees recommended that there be a policy when a committee wants to use funds. The same policy should apply to council and staff in areas where it increases costs, such as with legal costs.

C. Zappala stated that he is less concerned with legal resources because the city now has a flat rate. However there may be other service contracts that multiple groups can dip into which would increase city costs. Those types of contracts and funds should be monitored and a policy developed, if necessary.

Mayor Gygi stated that he is looking into Mr. Johnson's invoices. The cost will likely go down.

ADJOURNMENT

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

Approved by Council:
February 2, 2016

/s/ Colleen A. Mulvey, MMC
City Recorder