

**CITY COUNCIL MEETING**  
Tuesday, May 17, 2016      7:00 p.m.  
Community Recreation Center  
10640 N Clubhouse Drive, Cedar Hills, Utah

Present:            Jenney Rees, Mayor Pro Tempore, Presiding  
                      Mayor Gary Gygi, Presiding (7:24 p.m.)  
                      Council Members: Ben Bailey, Daniel Zappala, Mike Geddes  
                      Absent/Excused: Rob Crawley  
                      David Bunker, City Manager  
                      Chandler Goodwin, Assistant City Manager  
                      Courtney Hammond, Transcriptionist  
                      Greg Gordon, Recreation Director  
                      Jeff Maag, Public Works Director  
                      David Shaw, City Attorney  
                      Others: Lt. Sam Liddiard, Christopher Bramhall, Fire Chief Freeman

**COUNCIL MEETING**

1. This meeting of the City Council of the City of Cedar Hills, having been properly noticed, was called to order at 7:03 p.m. by C. Rees

Invocation given by C. Zappala

Pledge of Allegiance led by C. Bailey

2. Approval of Meeting's Agenda

**MOTION: C. Zappala—To approve the agenda, as is.** Seconded by C. Bailey.

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

3. Public Comment

No comments.

REPORTS/PRESENTATIONS/RECOGNITIONS

4. Waste Management Report on Municipal Solid Waste and Recycling Totals

Beth Holbrook of Waste Management gave a report on the city's recycling statistics. The city's recycling has improved from 7.1 to 8 percent. Mixed paper is the majority of recyclable material. Because of low fuel prices, recycling value is down.

**MOTION: C. Bailey—To move item 11 before item 8.** Seconded by C. Zappala.

Yes    -      C. Bailey  
                  C. Geddes  
                  C. Rees

C. Zappala Motion passes.

CONSENT AGENDA

5. Minutes from the April 5, 2016, April 19, 2016 and May 3, 2016 City Council Meetings

C. Zappala stated that he would like the Minutes from May 3 to include more details of the discussion with the Utah League of Cities and Towns.

C. Rees stated that in the April 5 Minutes, when C. Zappala read her remarks about the golf netting, the minutes should say that while she was visiting the Harr's property, a golf ball hit the house, not the net.

**MOTION: C. Zappala—To approve minutes from the April 5 and the April 19 council meetings, and table the minutes from May 3.** Seconded by C. Bailey.

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

CITY REPORTS AND BUSINESS

6. City Manager

There is a Timpanogos Special Service District meeting this Thursday

Rainy weekends have affected golf course play

Jr. golf clinics will be held in June

The regular soccer season will finish next month

There are 108 participants registered for T-ball

Tot soccer had 206 participants

The Vista Room is currently rented about 4 days /week

7. Mayor and Council

C. Zappala: The Lone Peak Public Safety District (LPPSD) is moving forward with the existing budget. Looking forward, Highland City would like to find a way to stabilize the budget from year to year.

C. Rees: The Beautification, Recreation, Parks and Trails Committee held a service day project, planting flowers at the roundabout and laying rock at the sign at the entrance to Cedar Hills. The Family Festival starts on May 31 and runs throughout that week.

Mayor Gygi: The LPPSD will be discussing the method with which cities are charged for public safety services.

C. Bailey: Sat in on the LPPSD meetings as a citizen. He thanked Mayor Gygi and C. Zappala for their support of the LPPSD. Saving lives should always be the priority.

## SCHEDULED ITEMS

### 11. Discussion on Open Fires and Fireworks

David Bunker stated that there is a potential for wildfires along the east bench. He suggested having a standard policy for open fires and fireworks and adjusting it if conditions permit.

Chief Freeman stated that he would like to see a minimum restrictions policy that can be changed as conditions warrant. He would propose a standing policy of no aerial fireworks above Canyon Road and screened open fires permitted. With a standard resolution, a new one wouldn't have to be passed every year.

Mayor Gygi stated that he would like to get this figured out before the next meeting when people begin buying fireworks.

### 8. Review/Action on Amendments to the City Code, Title 10, Chapter 5 Related to Conditional Use Permits

Chandler Goodwin stated that this version includes a table that lists the land use authority for each type of conditional use permit.

David Shaw recommended clarifying under the Land Use Authority heading of the table the items that list Planning Commission/City Council as the Land Use Authority. He suggested adding a footnote to clarify what that means

Chandler Goodwin specified that for those items that list Planning Commission/City Council as the Land Use Authority, the Planning Commission makes a recommendation to the City Council, which makes the final determination. That process is outlined in the subdivision requirements.

C. Zappala would like to see it specified that assisted living in the chart refers to assisted living in a residential zone. The section on public hearings needs further clarification.

Christopher Bramhall stated that this ordinance deals only with conditional uses, and does not refer to the land use authority for permitted uses within that zone

David Bunker stated that the land use authority is outlined within each zone for permitted uses.

**MOTION: C. Zappala—To approve Ordinance 05-17-2016A, an ordinance adopting Title 10, Chapter 5, Section 37 of the Cedar Hills Municipal Code regarding conditional use permits, subject to the following changes: (1) add a footnote in the table for when the land use authority is listed as both Planning Commission/City Council that the footnote specify that the City Council is the land use authority and clarify the process in those cases; (2) specify that the assisted living facility is in the residential zones; (3) for the column on requiring a public hearing, change to “yes” for commercial uses in the SC-1 zone; (4); make sure the name of the shopping center zone matches; (5) clarify the public hearing language so that in the first sentence it says that a public hearing shall be held for**

**conditional uses that are identified as requiring a public hearing in the conditional use table.** Seconded by C. Rees. Vote taken by roll call.

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

9. Discussion on Amendment to the City Code, Title 9, Chapter 1, Related to Appeal Authority

Mr. Bramhall stated that he was asked to look at the city's appeal authority. There is a very well organized and thought out process for appealing zoning decisions already in the city ordinance. There are a couple of tweaks that could be made. By statute, the land use authority has to be stated for any land use application. The city ordinance doesn't do that, but there is a default decision in the state code that says that when the land use authority is not specified, the default is the City Council. The only time the City Council is expressly listed as a land use authority in the Cedar Hills code is with condominium projects. There is an indirect reference to the City Council approving subdivision plats. The Planning Commission was the land use authority for all conditional use permits until the conditional use table was created. The code anticipates that the City Council can delegate to the Planning Commission or zoning administrator the ability to make certain decisions. He recommended going through the process of identifying all the types of applications received by the city and allocating them to the correct land use authority. City ordinance designates the Board of Adjustment to hear all appeals. A few things need to be added: by statute the ordinance needs to designate who hears appeals for fees charged by the city. It could be the City Council, though because they set the fee schedule, they may not be the best appeal authority.

C. Rees worries about an unelected body being able to overturn the decisions of an elected body

David Shaw stated that some cities use an independent individual as the appeal authority, such as a land use expert. If the City Council brought an appeal to the city attorney, there would not be a conflict of interest unless it was an issue on which his firm had given advice.

Mayor Gygi stated that he thinks that it would be best to leave the appeal authority with a local body.

10. Discussion on Amending the City's Records Access and Management Program by Adoption of an Ordinance that Establishes the Classification, Designation, Retention, Access, Denial, Appeals Process and Records Management Program Specific to the City of Cedar Hills

David Bunker stated that this was discussed in work session. This is an updated ordinance proposal. The city has adopted the state retention schedule. There is a provision that if the city would like to have a retention schedule different from the state, it can pass an ordinance to adopt its own retention schedule. This proposal reflects the circumstances of the city. The city recorder and deputy city recorder have sought input from city departments.

12. **MOTION: C. Zappala—To go into Executive Session pursuant to State Code 52-4-204 and 52-4-205(1)(c) & (e) to discuss pending or reasonably imminent litigation and to discuss the sale of real property. Said closed session to take place in the basement of the recreation center.** Seconded by C. Rees. (8:22 p.m.) Vote taken by roll call.

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

13. **MOTION: C. Zappala—To adjourn Closed Session and Reconvene City Council Meeting.** Seconded by C. Geddes. (8:59 p.m.)

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

**ADJOURNMENT**

14. This meeting was adjourned at 8:59 p.m. on a motion by C. Zappala, seconded by C. Geddes and unanimously approved.

Approved by Council:  
June 21, 2016

/s/ Colleen A. Mulvey, MMC  
City Recorder