

CITY COUNCIL MEETING  
Tuesday, August 27, 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  
Absent/Excused: Daniel Zappala  
David Bunker, City Manager  
Chandler Goodwin, Assistant City Manager  
Jeff Maag, Public Works Director  
Greg Gordon, Recreation Director  
Colleen Mulvey, City Recorder  
Courtney Hammond, Transcriptionist  
Others: Lt. Sam Liddiard, Keith Irwin, Corey Jackson

**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 Gygi.

Invocation given by Mayor Gygi

Pledge of Allegiance led by C. Augustus

2. Approval of Meeting's Agenda

**MOTION: C. Rees—To approve the agenda as is.** Seconded by C. Martinez.

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

3. Public Comment

Judy Arnold: On June 15, the first Little Free Library in Cedar Hills opened. The library has been busy. Many have requested more Little Free Libraries throughout the city that allow residents to share their books with others. The most ideal location would be in the parks. Building them would be a great Eagle Scout project. The Youth City Council could hang the boxes. The only cost is one time charter fee of \$35 from the organization Little Free Library. With a little more advertisement, the book donations would increase. Many patrons have indicated that they have read more this past summer because of the Little Free Library.

## CITY REPORTS AND BUSINESS

### 4. City Manager

- ULCT is holding their annual conference on September 11–13.
- Geneva Rock staged materials on St. Andrews property. Geneva Rock treats the city well. In return for staging they did some grading at the site which took four days.
- The September 3 meeting will be cancelled. The next City Council will be September 17.

### 5. Mayor and Council

C. Jackman: The Lone Peak Public Safety District will not make the deadline to vote on the special taxing district on November's ballot. That gives them more time to discuss and make plans.

C. Augustus: The Planning Commission heard a presentation by Blu Line Designs. He would like to pass along council feedback to Blu Line Designs and the Planning Commission. The building is scheduled to be 62 feet high, which puts them 10 feet over setback for the 2 side buildings. The Planning Commission talked about making the two side buildings 4-stories high. Blu Line gave additional details, including photographs with the building superimposed to scale to get a feel for the impact to the community. The Planning Commission and the residents that were present reacted positively. Ideally Blu Line would like to have utilities in the ground by winter. The development would be a phased approach. There are many moving pieces, including a contract with the city for lease of its 9 acres. Chandler Goodwin stated that the building is proposed to be 62 feet. The Commercial Development Guidelines have a maximum occupied space of 50 feet. There is then a formula to determine setbacks from the nearest property. It is 30 feet, plus every foot over 30 feet would need an additional 2 feet of setback. Lowering the height of the side buildings would help them meet the setback. C. Augustus also reported that the Planning Commission also talked about how their recommendations are received by City Council. They are concerned that the City Council doesn't care about their feedback. They are concerned that their strong feelings are not relayed with the same fervor, especially when it is different than staff's recommendation. They talked about possible solutions, including having a commission member come to City Council meetings, and writing letters or Planning Commission memos. Mayor Gygi stated that he talked to Commissioner Dodge about having a commissioner present any time the Planning Commission's recommendation conflicts with staff's recommendation.

C. Martinez: Soccer started. Youth City Council is going to be at the next meeting to present at the work session. They will be doing a fundraiser next month. They also had a pool party.

C. Rees: A press release was issued about Tree Fitness. The *State of the City* is set to go out next month.

## SCHEDULED ITEMS

### 6. Review/Action on the Canvass of the Election Returns for the 2013 Municipal Primary Election

Colleen Mulvey stated that the City Council acts as the canvass board. C. Jackman, C. Augustus and C. Rees reviewed the tally sheets and the statement of disposition of ballots. The ballots are secured at the city offices and need to be held for 22 months

before they can be destroyed. She opened and read the 9 provisional ballots and 2 absentee ballots that were received:

Provisional ballot from precinct 1: Stephanie Martinez, Daniel Zappala  
Provisional ballot from precinct 2: Daniel Zappala, Jared Bradley  
Provisional ballot from precinct 2: Corey M. Jackson, Jared Bradley  
Provisional ballot from precinct 2: Rob Crawley  
Provisional ballot from precinct 4: Stephanie Martinez, Daniel Zappala  
Provisional ballot from precinct 4: Daniel Zappala, Jared Bradley  
Provisional ballot from precinct 4: Corey M. Jackson, Jared Bradley  
Provisional ballot from precinct 4: Corey M. Jackson, Jared Bradley  
Provisional ballot from precinct 5: Daniel Zappala, Corey M. Jackson  
Absentee ballot from precinct 4: Rob Crawley, Daniel Zappala  
Absentee ballot from precinct 5: Rob Crawley, Keller Penrod

**MOTION: C. Jackman—To accept and certify the results of the 2013 Municipal Primary Election and canvass, and declare City Council candidates Rob Crawley, Stephanie Martinez, Daniel Zappala and Jared Bradley to be nominated to the Municipal General Election on November 5, 2013.** Seconded by C. Augustus. Vote taken by roll call.

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

**MOTION: C. Rees—To move item on social media to last item before executive session.** Seconded by C. Martinez.

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

8. **Review/Action on a Resolution Regarding the Municipal Wastewater Planning Program**

Jeff Maag stated that the Utah Department of Environmental Quality requires the city to pass a resolution stating that it has prepared a municipal wastewater planning program report. This report is similar to past reports. Some of the financial questions refer to the sinking fund. The city does not fully fund the replacement cost of the system. That is typically done through bonds. But the city does have the funds in place to fully maintain the system. The city does have a basic operations and safety plan, but it has not been updated regularly. It needs to be reviewed and updated, and it is on the public works department's agenda.

**MOTION C. Augustus—To approve Resolution 08-27-2013A, a resolution adopting the Municipal Wastewater Planning Program for the City of Cedar Hills, Utah.** Seconded by C. Martinez. Vote taken by roll call.

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

9. Discussion on Snowplow for SR 146/Canyon Road

David Bunker stated that he attended a meeting with Pleasant Grove City to discuss maintenance of SR-146. The latest discussion has UDOT keeping SR-146. Maintaining these north-south connections is difficult. The state has said they want the cities to snowplow the road. Cedar Hills would be responsible for the portion from SR-92 to the canal. This will cost from \$10,000–15,000 per year. That would mean that the city’s 10-wheeler would be dedicated to Canyon Road. Pleasant Grove proposed the county splitting the cost with the cities, which would mean that the county would pay the city \$5,000 for snowplowing, with Cedar Hills making up the difference. The cost to the city isn’t just in equipment, salt and manpower, but there is also liability, which is not calculated in that number. It would also mean that the city’s major vehicle would be primarily dedicated to Canyon Road, when the city has several priority roads. He is concerned with how this will affect the budget as well as how the Public Works department will manage keeping all the roads clear.

Jeff Maag stated that he is concerned with getting the entire city cleared, which would mean earlier start times and more manpower. He is also concerned that there is only one 10-wheeler. If there is a breakdown, there will be problems. The numbers that were arrived at are with today’s dollars. In discussions with the county, it should be clarified if the number will be adjusted as costs change.

C. Jackman stated that liability is a major issue and should be included in the dollar figure. He feels this agreement is worth looking into, however, because the cities will do a better job clearing the road than the county will.

C. Rees stated that the city has had no success getting the county or UDOT to maintain the road. Now the city is being asked to spend money on snowplowing.

C. Augustus stated that Pleasant Grove probably has more equipment. Cedar Hills has a finite set of resources.

10. Review/Action to Award a Professional Services Contract for the Impact Fee Analysis Study

David Bunker stated that based on the city’s procurement policy, the city may select the most qualified professional firm. Staff recommended contracting with Bowen Collins &

Associates. Their proposed fee is approximately \$48,000. They would be teaming up with Zion's Bank on the completion of this study. Bowen Collins has been working with other cities for these studies and is well aware of all the legal implications. They recently completed the utility rate study. They are familiar with the city's systems. The full \$48,000 is in the budget, but broken up into different areas, including water and sewer funds.

**MOTION: C. Martinez—To approve a professional service contract with Bowen Collins & Associates for the completion of the Impact Fee Facilities Plan and Impact Fee Analysis.**

Seconded Augustus. Vote taken by roll call.

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

11. Discussion on Golf Course Driving Range Fencing

Greg Gordon stated that Mr. Botida owns the home next to the driving range, and has complained about the many balls that hit his home. The city has explained that legally the golf course and city are not liable, but rather the golfer is. There are several potential solutions. The most complete solution is to raise poles 2 through 5 to 80 feet with nets, which would cost \$18,100. Twenty-foot poles could also be installed on Mr. Botida's property line at the cost of \$20,100. Columnar trees can be installed on Mr. Botida's property line for \$2,500. Finally, the city could install liability signs for \$1,000, which is the option staff recommends. He worries that any installation could set a precedent for other neighbors along the golf course who are also getting hit by balls. Steel poles are more durable and have more give than the current wood poles. While golfers know they are liable, they often flee if they know they have broken a window, or caused damage.

C. Rees stated that while \$1,000 for liability signs isn't a lot of money, if golfers already know they are liable, and the problem is still happening, she doesn't see the point in spending any money for the liability signs. She prefers to do nothing at this time.

C. Augustus stated that Mr. Botida isn't the only one getting hit with golf balls. He isn't sure it is appropriate to protect one person's home, when many are or can be hit.

12. Discussion on the Utah Valley Dispatch Special Service District Contract

David Bunker stated that Utah Valley Dispatch has proposed a new service contract to the Lone Peak Public Safety District (LPPSD). During budget discussions, there were certain members of LPPSD who discussed joining Pleasant Grove City's dispatch. This proposal states that the agreement would automatically renew for five years. It would only be possible to leave on that five year mark. It also states that LPPSD can't leave if any of its three member cities remain.

C. Augustus stated that giving a one-year notification of termination makes sense, as does a lock-in period. In this case, he doesn't agree with the five-year contract. He feels the city needs to have the ability to leave by giving a one-year notice. For him the deal killer is the termination fee.

C. Martinez stated that he doesn't like that LPPSD is the only entity that is being asked to sign this type of agreement.

C. Rees doesn't agree with the five-year termination clause. She is also concerned with what may happen if American Fork police moves to a different dispatch.

Break (8:37 p.m.)

Reconvened (8:40 p.m.)

13. Discussion on the North Pointe Solid Waste Special Service District Contract

C. Augustus stated that this proposal locks Cedar Hills into a six year period for five consecutive terms with a buyout of about \$100,000. One of the clauses states that if the city decides to withdraw the district can immediately drop services, even though the city would be required to give an 18-month notice.

David Bunker stated Intermountain Regional Landfill (IRL) is another option. Alpine has left the district and contracts with IRL. He has a problem that the district would charge tipping fees based on projected waste stream even if the city was gone. The district has assets. The city as a member should have some ownership of a portion of the assets. It bothers him that the city would have to buy out without a share in the assets.

Mayor Gygi stated that the city will make it known that it has issues with this proposal. Competition is a good thing.

14. Discussion on Approving a Name Change for North Clubhouse Drive

David Bunker stated that the council asked the city to check with Sammy's and Tree Fitness if the address were to change. The financial cost would be relatively inconsequential; it is more an issue of convenience. They both said they could make the change, but would prefer not to.

C. Rees stated that her feeling is that no residents have asked for it, some residents are opposed to it, staff is opposed to it and Sammy's and Tree Fitness are opposed to it. She sees no reason for a change.

C. Augustus stated that some residents in his neighborhood have asked for a name change.

C. Martinez feels that Clubhouse Drive isn't an appropriate name, but hasn't heard a name proposal that she likes yet.

15. Review/Action on City Logo and Branding

David Bunker stated that this item was discussed in work session and the goals and plan are in the packet. If the council wants to proceed with a tagline, it should come up with a plan to decide what the tagline should be.

C. Rees stated that she is willing to take the creative to residents. The tagline that survey respondents liked was *Utah County's Trailhead to Adventure*. One of the goals is to change negative perception, which will largely be accomplished by the videos, focus on Cedar Hills Champions, festivals and events, etc.

C. Jackman stated that it is important to use residents for the creative because there are a lot of talented professionals in the city. He prefers the tagline "*Trailhead to Adventure*." He would like to do some refinement of the plan with timeline and goals so that the project is worked on throughout the year.

C. Augustus stated that he doesn't want to spend money attracting commercial when currently there is a developer that is in the process of buying the remaining land in the commercial area.

Mayor Gygi stated that whether a developer is involved or not, it is important to brand the city as business-friendly. He is meeting with LDS church stake presidents in the area to talk about ways to combat the perception that Cedar Hills is a religiously intolerant city. He feels this should have been a discussion item, rather than a review/action item.

C. Martinez stated that she would like to consider what the end vision is for the events and festivals. For instance, some of the events she feels like are too big, particularly some of the free activities that are geared toward residents that draw in many non residents.

**MOTION: C. Jackman—To table this item.** Seconded by C. Rees. Vote taken by roll call.

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

16. Discussion on Cedar Hills Water Outlook

Mayor Gygi stated that the city is using more Pressurized Irrigation (PI) water than planned or expected.

David Bunker stated that the city has allocated 710 acre feet of CUP water. Currently the city is close to 800. The city can go over the 710 allocation, but it is based on a 5-year average. If the city consistently uses more than 710 a year, it will become a problem with limits being place on how much CUP the city can draw. The city uses too much water.

The PI water that the city is using should be enough for 9,160 homes, which means usage is about 4 times more than it should be. Next month a representative from Siemens will present on putting meters on PI. The city also needs to look at what it is doing on its property.

C. Jackman stated that in the past when the city has placed water restrictions, water usage went up. PI meters have been discussed in the past, but it was expensive and maintenance was an issue. He is interested to see the proposal from Siemens.

7. Discussion on Social Media

**MOTION: C. Jackman—To continue this item until next time or until Mr. Johnson can be present.** Seconded by C. Rees.

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

- 17. Motion to go into Executive Session, Pursuant to Utah State Code 52-4-204 & 52-4-205, to discuss the Purchase, Exchange or Lease of Real Property
- 18. Motion to Adjourn Executive Session and Reconvene City Council Meeting

NO EXECUTIVE SESSION

ADJOURNMENT

- 19. This meeting was adjourned at 9:30 p.m. on a motion by C. Rees, seconded by C. Martinez, and unanimously approved.

Approved by Council:	<u>/s/ Colleen A. Mulvey</u>
<u>October 15, 2013</u>	Colleen A. Mulvey, CMC
	City Recorder