

CITY COUNCIL MEETING

Tuesday, February 18, 2014 7:00 p.m.
Community Recreation Center
10640 N Clubhouse Drive, Cedar Hills, Utah

Present: Mayor Gary Gygi, Presiding
Council Members: Trent Augustus, Rob Crawley, Michael Geddes, Jenney Rees,
Daniel Zappala (7:29 p.m.)
David Bunker, City Manager
Chandler Goodwin, Assistant City Manager
Colleen Mulvey, City Recorder
Eric Johnson, City Counsel
Courtney Hammond, City Meeting Transcriptionist
Greg Gordon, Recreation Director
Others: Lt. Sam Liddiard, Ken Cromar, Ken Kirk, Diane Kirk, Corey Shupe,
Doug Young, Glenn Dodge, David Driggs, Darren Lowder, Kim Gronneman

COUNCIL MEETING

1. This meeting of the City Council of the City of Cedar Hills, having been properly noticed, was called to order at 7:01 p.m. by Mayor Gygi.

Invocation given by Chandler Goodwin

Pledge of Allegiance led by Johnny Turgeon

2. Approval of Meeting’s Agenda

MOTION: C. Rees–To amend the agenda to move item 8 to the end so C. Zappala can be here for that discussion. Seconded C. Augustus.

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

3. Public Comments

Kim Gronneman: Mr. Gronneman has read about some of the GRAMA requests that have been made. From his understanding the statute that guides GRAMA requests states that the City Council doesn’t have to make the person pay, but can uses its discretion. No matter what is presented, the City Council is not in the position to judge whether the motive is in the public interest. He asked the Council to treat all residents equally and not give special treatment. He would like the city to require everyone to pay up to what is legally acceptable.

Ken Kirk: Mr. Kirk stated that with regards to GRAMA requests everyone should be treated the same. If the law says you should charge, and it’s not in the benefit of the community, then everybody should be charged for the compilation fee. As a past member

of the board on North Pointe, he stated that he feels this Interlocal agreement is to guarantee tonnage to the transportation company.

CONSENT AGENDA

4. Minutes from the January 21, 2014 City Council Meeting

MOTION: C. Rees–To approve the minutes from the January 21, 2014 City Council meeting. Seconded by C. Augustus.

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

CITY REPORTS AND BUSINESS

5. City Manager

- The golf course was open today. Indoor golf lessons that will begin next week.
- There are two weeks left in the Jr. Jazz program.
- More than 60 residents attended the annual BYU basketball invitation.
- On Saturday from 10-2 there will be a meet and greet at the Vista Room with local event vendors.
- February 28 will be the bid opening for the city street projects.

6. Mayor and Council

C. Crawley: Met with the group called Cedar Hills Citizens for Responsible Government a week ago along with C. Zappala. He felt it was a good meeting and established some common ground. The citizen's group has postponed taking the GRAMA request appeal to State Records Committee. While the meeting had no Council authority, it did establish some goodwill. He is concerned with the amount of money spent on GRAMA requests and attorney fees in fulfilling GRAMA requests. He feels that a way to reduce that cost is to meet and talk. He would like to see more meetings going forward with this group.

Mayor Gygi: He created a water conservation committee, which met last week.

C. Augustus: He attended a North Pointe meeting two weeks ago. He is working with Utah Valley Homebuilders Association to have them review the impact fee proposal.

C. Rees: She issued a press release on the upcoming meet and greet in the Vista Room. The Youth City Council is discussing a dodge ball tournament.

SCHEDULED ITEMS

7. Discussion on Concept Plan for Cedar Hills Towne Center by Blu Line Designs, located at 4600 West Cedar Hills Drive

Staff Presentation:

Chandler Goodwin stated that the concept plan went before the Planning Commission in January for conceptual approval. This is the congregate care facility. Blu Line Designs has integrated much of the public comment into their current proposal, including lowering the height of the building. The Planning Commission recommended conceptual approval, which gives no vesting powers, but a green light to go into the next phase.

Corey Shupe of Blu Line Designs stated that the development is shown in conjunction with the Amsource property. They were able to add a small park near the Amsource land and bordering the residents. The newest plan also removes ingress/egress on 9900 North. The proposal has a main street leading from Cedar Hills Drive to the movie theater. The developer is proposing on dedicating 5 feet along the property line to the neighboring residents for additional landscaping. They have added more brick to continue the same design elements in the other parts of the commercial development. The height of the building is well within the city guidelines given the 200-foot setback. To make a fully vertical mixed use community work you need much higher density. The way to make it work here is using a horizontal mix, such as in this concept.

Council Discussion:

Mayor Gygi complimented Blu Line on listening to the council and residents. He appreciates burying the telephone poles, covered parking acting as a buffer and deeding 5 feet to residents. The entire concept plan requires the 9 acres that the city owns. He is concerned that there is no contract for those 9 acres. He is not willing to approve such high density without a contract for the full development. There is already a lot of senior living in Cedar Hills. He is concerned that the unit count is at 300 units. That seems too high. His concern is less about traffic, but that if the units are not filled, it may prohibit Blu Line from finishing the rest of the project.

C. Geddes commended Blu Line for the changes that have been made. He has no problem with the height. There is a concern with younger families moving into the units if they are not filled. He would like to see more tapering at the end of the wings.

C. Rees stated that most residents are okay with 3 stories, but feel anything taller is too high. At a previous meeting it was clarified that no one under the age of 19 can live in the facility.

C. Crawley stated that the guidelines encouraged 2-3 story buildings. The biggest concern he has heard is the number of units. He would like to see the number come down.

C. Zappala stated that while the guidelines permit the height, those are guidelines and not ordinances and the council is not required to approve it just because it fits the design guidelines. The mixed-use office retail is intended to be retail on the ground floor with residences above. His preference would be to have retail on the bottom floor. But he would be more willing to approve something that falls outside the commercial design guidelines if there were a lower unit count and most of the building was 3 stories.

C. Augustus thanked Corey Shupe and Doug Wright. He has been with the project since the beginning, and is impressed with their willingness to listen and change the plan based on resident feedback. This building could be brought down in size, but it wouldn't be the best way to maximize the commercial potential in the limited area.

9. Review/Action on Adopting a Resolution Proclaiming the week of February 24–March 1, 2014, as “Non-Traditional Student Awareness Week”

Staff Presentation:

David Bunker stated that Governor Herbert has asked that the cities participate in “On PACE to 66% by 2020.” The plan is to get 66% of the adult population in Utah to have a post-secondary degree or certification by 2020. February 24 - March 1 would be designated as Non-Traditional Student Awareness Week to encourage adults to get back into school to get a post-secondary degree.

Trisha Nielson is the non-traditional student recruiter at Utah Valley University (UVU). She invited all Cedar Hills residents to the UVU’s men’s basketball game on Thursday February 27 and to the open house beforehand at 6:00 p.m.

MOTION: C. Augustus–To adopt Resolution 02-18-2014A, a resolution of the City Council of the City of Cedar Hills, Utah, proclaiming February 24-March 1, 2014 as “Non-Traditional Student Awareness Week” in Cedar Hills. Seconded by C. Rees. Vote taken by roll call.

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

10. Review/Action on North Pointe Solid Waste Interlocal Agreement

Public Comment:

Mike Dunn: Mr. Dunn is the manager of DCD transfer station in Orem. He stated that the Intermountain Regional Landfill has changed the game. There is no reason for the city to look at just one proposal.

Staff Presentation:

David Bunker stated that North Pointe has proposed an Interlocal agreement that would modify the terms. The initial term would be six-years followed by 12 two-year terms. The required notification to withdraw would be 13 months. Withdrawing would also involve relinquishing all assets. If the city were to withdraw it would have to buy its way back into the district. All waste stream would have to come into North Pointe regardless of where the waste hauler is. Tipping rates are \$31.50/ton. The city tips 3,650 tons a year. Intermountain Regional Landfill has submitted a proposal of \$15/ton, but that does not include hauling. DCD Transfer submitted a proposal of \$28/ton guaranteed for five years and an agreement to accept the vouchers residents currently receive to haul trash to the landfill.

Council Discussion:

C. Augustus stated that any assets/capital improvements that the city currently has in North Pointe would stay with the district. He anticipates that fees will increase over time.

One of his biggest concerns is the lengthy contract term. This decision will bind a future council.

C. Crawley stated that the assets don't actually translate to money back to the city.

C. Rees stated that she would like to see the hauling fees before making any decisions.

MOTION: C. Rees–To table this item until we have numbers back from Waste Management. Seconded by C. Augustus.

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

11. Discussion on City Code Section 10-5-18, Fences

Staff Presentation:

Chandler Goodwin stated that the city code has special requirements for fencing along parks and trails. Open fencing required along parks and trails is 40% open fencing. This item would need to go to the Planning Commission for recommendation.

Council Discussion:

C. Rees stated that there are residents that live on Sugarloaf Drive backing on Canyon Road. They are not allowed privacy fences. She understands the reason for having open fences along closed in trails. However, this is a situation where the fences back up to roads. Her recommendation is to open up the restrictions to allow for privacy fences when there won't be a privacy fence on the other side of the trail.

C. Augustus stated that The Cedars West fencing is bound by a development agreement that restricts all fencing to open iron fencing. He asked that the development agreement be checked to ensure that same thing doesn't apply on the east.

C. Zappala doesn't mind the Planning Commission looking at this because the way that backyards are situated, he is skeptical that a privacy fence would actually provide privacy. The feel you get from walking on a trail changes when there is a fence along one side. That area would be a solid fence on one side, asphalt and rocks, which seems really unpleasant. If the ordinance is changed, he would like to see landscaping changed so the trail isn't solid concrete.

8. Discussion on GRAMA Request Fees and Charges

Staff Presentation:

David Bunker stated that during the calendar year 2013 there were about 50 GRAMA records requests; in 2012 there were about 56. Some are easy to fill with documents that

the city can easily access. The average request takes 30 minutes or less. There are also large requests that take many hours to fill.

C. Crawley stated that he asked for this to be on the agenda because this has been a sore spot for the city. It has resulted in a lack of civility. He feels that communication is the key to break down walls. There has been a lack of communication in the past. He would like an explanation of how GRAMA fees are calculated and how to determine if the request is in the public benefit or personal interest.

Eric Johnson stated that GRAMA makes government records open and accessible to any member of the public. Most of the cost of maintaining records is maintained by the tax base. Some items are charged to the individual requestor, specifically copying costs and compiling costs. One of the rules in GRAMA is that the first 15 minutes are free. If the estimated actual cost exceeds \$50, the city is entitled to ask for prepayment of the estimated fee before it compiles the records. On the issue of whether a request primarily benefits the public, it is an individual assessment. It would be wise for the requestor to state if they felt their request was in the public interest. As a general matter, the city regularly charges those compiling fees, which is good public policy. For the city to arbitrarily decide when it will provide records for free and when it would charge, the city would run afoul of equal protection laws.

Public Comments:

Mayor Gygi read a letter from Tonya and Brian Edvalson: The Edvalson's stated that any GRAMA request should be assessed a charge for the time it takes for city staff to compile the records. These requests take up considerable time and effort. They feel some of the large requests take up an egregious amount of time.

Ken Cromar: Mr. Cromar is the lead researcher for the group called Cedar Hills Citizens for Responsible Government. He thanked C. Zappala and C. Crawley for their visit with the group. The council is the only entity that can vote on the expenditures of Cedar Hills. He made a GRAMA request on October 1, 2013 which was met with ridicule and harsh comments. He has cut the request back to 1/3 size. He believes that communication is the best answer. Sorting emails takes just a few moments. He doesn't understand how that could cost \$900. He hopes that an appeal is not necessary. The city spent \$30,000 to collect \$700 last time. That was not a wise use of money.

Darren Lowder: Mr. Lowder has followed this topic on the forum. He doesn't understand what this group is after. He appreciates the council members efforts in trying to define what is to the public benefit. The majority is a safe approach when you look for a reasonable standard. There are a lot of GRAMA requests made. The majority of residents would say that GRAMA is a good thing. Most would say that what has been requested from this group is not reasonable. He appreciates that information on this be in the city newsletter so residents know where money and time is being spent. There are other issues in the city that can't be attended to when all the time is spent on these large requests.

Joe Phelon: Mr. Phelon stated that the council is asked to make hard and controversial decisions. He asked them to make the best decisions for the community. He also spoke regarding the commercial development south of Walmart. Some residents that live in close proximity have voiced concerns. The developer has made adjustments to

accommodate the concerns. He asked that the council approve the development. It is a positive addition and will jumpstart more retail. As a citizen, he values the ability to petition the city for records. He recommended that each household be given 3 GRAMA requests a year with a 1-hour total allotment. Any time above or beyond that should be paid at an hourly rate. He is concerned with any waste in taxpayer money. Excessive records requests can add to the taxpayer burden.

John Howard: GRAMA is a good thing. There needs to be a fee involved. Requestors need to pay for excessive requests. He would like a quantifiable measurement to determine if the request is for the public benefit.

Council Discussion:

C. Crawley stated that whenever there is a problem there is a lack of communication. The city needs to continue to sit down and meet with this group to make sure that there is understanding on both sides. The other option is spending a lot of money preparing a very large request. Last time the attorney reviewed all the emails that were released. Going forward, staff can review most of the documents, with any questions going to the attorney. Working to clarify the scope would bring down the cost. He would like to see each GRAMA request. The citizens group was not aware last time of the amount of time and money it would take to compile and redact. That is why communication is the key.

Mayor Gygi is concerned about taxpayer money. The 2012 GRAMA request came at a time with a mayor pro tempore, part time recorder and interim city manager. There weren't any other options for a reviewer other than the city attorney. The costs this time around will be less. But it will still cost money. Most residents would agree that the taxpayers shouldn't have to pay for someone's political endeavors.

C. Rees stated that GRAMA laws have a purpose. Communication has been ongoing on this and the last GRAMA requests. There have been many meetings between this group and the council and staff. Her concern is that all GRAMA requests be handled fairly and equitably every time. No one from the city has ever said that they do not want to provide the records. It has always been a matter of payment. The same procedure needs to be followed every time to protect the city. This current GRAMA request has been an issue because the requestor has asked that the records be provided for free. The city has never fought GRAMA requests, just the cost.

C. Zappala stated that numbers have been bandied about the actual cost and what is charged. He would like to see a record of the costs involved in GRAMA requests, showing both the direct cost of compiling the record, which is borne by the requestor, and the redaction and legal costs. When someone is asking for something for free from the city, it really means that the taxpayers are paying and public funds are shifted from one fund to fulfilling GRAMA requests. From a technical perspective it is not easy to redact something from a pdf.

C. Geddes agreed with C. Zappala's proposal. He wants to be completely equitable for all GRAMA requests and treat all groups and people the same. It is the council's responsibility to spend money prudently.

C. Augustus echoed the point that there is no such thing as free. These voluminous requests cost time and money. Some of these requests are also asking for unedited emails, which the city cannot do legally. It is important that the city handle GRAMA requests correctly, which takes time and care. GRAMA requests should be narrowly defined. The redaction process and costs have been explained in the past and the requests are still coming in asking for unedited emails.

ADJOURNMENT

12. This meeting was adjourned at 9:10 p.m. on a motion by C. Rees, seconded by C. Augustus and unanimously approved.

Approved by Council:
March 4, 2014

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