

CITY COUNCIL MEETING
Tuesday, July 7, 2015 7:00 p.m.
Community Recreation Center
10640 N Clubhouse Drive, Cedar Hills, Utah

Present: Mayor Gary Gygi
Council: Trent Augustus, Rob Crawley, Mike Geddes, Jenney Rees, Daniel Zappala
David Bunker, City Manager
Chandler Goodwin, Assistant City Manager
Greg Gordon, Recreation Director
Jeff Maag, Public Works Director
Courtney Hammond, Transcriptionist
Others: Lt. Sam Liddiard, Paul Sorenson, David Driggs, Drew Clark, Mark Allen, Ken Cromar, Chief Freeman, Angela Johnson, Charelle Hagen, Amy Augustus, Brent Schwandivelt, Andrew Jackson, Dave Fields

COUNCIL MEETING

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

Invocation given by Mayor Gygi
Pledge of Allegiance led by Chandler Goodwin

2. Approval of Meeting’s Agenda

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

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

Motion passes.

3. Public Comment

Andrew Jackson: Mr. Jackson is the executive director of the Mountainland Association of Governments (MAG). He has known and worked with the different mayors of Cedar Hills since the early ‘90s. Mayor Gygi is on the executive board and chair of the transportation committee and sits on the steering committee. During this time, Mr. Jackson has known Mayor Gygi to be fair and honest. He looks out for the needs of his city as well as the county as a whole.

Charelle Hagen: Ms. Hagen stated that she appreciates the work of the city council. Mayor Gygi has taken a lot of heat for the American Fork Canyon Vision project. She doesn’t necessarily agree with his position on American Fork Canyon, but she really doesn’t agree with those that have personally attacked Mayor Gygi. As a mayor, he should do what the residents want. The American Fork Canyon Vision group seems to be led by Snowbird and its interests. The first priority of American Fork Canyon Vision should be to preserve and protect the canyon.

Amy Augustus: Ms. Augustus stated that she hopes the council will protect the canyon. There are enough ski resorts in Utah. Snowbird says the land swap won't change the lower canyon, but it is a slippery slope. She hopes the mayor will remove himself from any committees or discussion regarding Snowbird. His reputation has been tainted, and the residents don't trust him on this issue.

Brent Schwandivelt: Mr. Schwandivelt works for UDOT. He is on the American Fork Canyon Vision committee. He is concerned with the Snowbird proposal. He is against further involvement in American Fork Canyon. The purpose of the study was to get the opinions of the public. He doesn't agree with Mayor Gygi's opinion with the canyon, but he does not believe Mayor Gygi was doing anything for any personal gain. Mayor Gygi has been an active participant and leader in MAG.

CITY REPORTS AND BUSINESS

4. City Manager

Intermountain Farmers has been hosting community classes, but the past few events have had no participants. They will cancel classes for the rest of summer classes.

Karate just began. Summer slots are still available

The golf course met its budget numbers for the fiscal year that just completed.

There is a reported increase in rattlesnakes this year.

5. Mayor and Council

C. Rees: The Planning Commission met to discuss, but without a quorum, the meeting was cancelled. Chandler Goodwin was able to explain the proposed rezoning and animal rights to those residents who attended. At a later meeting the Planning Commission discussed the Design Guidelines. The city's summer play was a success. The committee is now looking at the concert series. The State of the City will be sent electronically this September. Fireworks at Mesquite Park are littering nearby yards with firework debris. The Family Festival committee is aware of complaints of neighboring residents about hours and other issues.

C. Zappala: When C. Zappala moved to Cedar Hills the city had a bad reputation. He discovered that the city had great recreation, and was a great place to live. He realized that there were a few residents who were not able to get their way politically, so they sold stories to the press. In his time on the council the city has worked to create a positive image, including work with the champions program, the family festival committee, and greater prosperity. There is an ongoing feud between two council members and the mayor that has become contentious, bitter and petty. Too often he is uncomfortable at city meetings, and the contention has spilled over into the public forum. It needs to stop. It doesn't matter who is right. The public sees discordant public officials, and it discourages residents from becoming involved in public office. The contention and fighting needs to stop. He will not put up with contention in this or future public meetings. If he feels contention, he will ask that participants call a recess and step outside. He will also vote to table an item if contention cannot stop.

C. Geddes: The Utah County Dispatch is almost ready to construct their new facility to get out of their cramped quarters. They will soon be ready to award the contract.

C. Crawley: He agrees with most of what C. Zappala said. It is not just the fault of two councilmembers. There are problems on both sides. He did not appreciate specific residents being called out. But he agrees there needs to be greater civility. There was a fire near Timp Cove. The council has discussed issuing a Parlant message restating the fire restrictions and asking parents to talk to children about fireworks. He is spending time looking at golf course options. He has found an alternate that makes sense to talk about as a potential option.

C. Augustus: He agreed with C. Crawley. He felt that C. Zappala's comments were pointed toward two council members. It is a two-way street.

SCHEDULED ITEMS

6. Review/Action on a Resolution regarding Environmental Stewardship or American Fork Canyon

Public Comment:

Paul Sorenson: Mr. Sorenson sent an open letter to the council and mayor on July 2 discussing his views of the recent American Fork Canyon meeting. He said that the American Fork Vision group appears to be an off shoot of Mountain Accord and proposes swapping 1,000 acres of Salt Lake County land for 416 acres of land in American Fork Canyon. The overwhelming majority of attendees opposed the land swap and supported leaving the canyon undisturbed. He was disturbed that members of the city council and public had not been informed of this plan. Mayor Gygi has been involved in these discussions, yet did not inform the public or the city council. He is concerned with the lack of transparency and that Mayor Gygi did not disclose in kind gifts from Snowbird. He believes that Mayor Gygi has compromised the public's trust on this issue and that he should be replaced in his associations with any groups on this matter.

Angela Johnson: Ms. Johnson does not support the American Fork Canyon land swap. She shared comments from residents that support leaving the canyon as it is. She hopes the council will pass a resolution to preserve the land.

Ken Cromar: Mr. Cromar was at the June 29 meeting where American Fork plan was discussed. Public comment made an amazing impact on the group. Many of those who commented asked how the project got this far without the public knowing about it. He asked the group if there was anyone that had received campaign donations or in-kind donations from Snowbird. It had been discussed that Commissioner Ellertson received \$350,000. On Wednesday, Joel Wright suggested that those that had received anything of monetary value should recuse themselves from the committee. Mayor Gygi did not report any gifts of value. He would like Mayor Gygi to report tonight what he received and how he allowed himself to be used in regards to this land swap. He would like him to be replaced. He also said that C. Zappala should announce his conflict of interest in running a side business with anonymous posters.

Dave Fields: Mr. Fields is the vice president of resort operations with Snowbird. The land exchange involves providing the best ski or snowboarding experience. The agreement specifically states that no hotels, private homes or buildings will be built in American Fork Canyon. Snowbird does the right things for the right reasons. It supports an open and transparent process. Snowbird will be participating in upcoming open houses.

Council Discussion:

Mayor Gygi stated that one's perception is one's reality. In the meeting it was asked if any member of the committee received campaign donations from Snowbird. He honestly answered no. He has been working on this committee for a year and a half or so. When he became mayor the former mayor told him to meet with the people at Snowbird. He asked how to do that. The former mayor told him to talk to Marisa Wright. Mayor Gygi then contacted Marisa for information about how to meet with a Snowbird representative. A meeting was set up and he, David Bunker, Marisa Wright and Stephanie Martinez attended. He realized some people would hate the idea, and others would love it. He realized a process was needed. He met with members of MAG to begin creating a steering committee. He went to the state legislature to ask for money for the committee. They gave the committee \$100,000, at which point the steering committee was officially created with all stakeholders invited. The purpose of the meetings was to research transportation and recreation issues and options. He has told the council about it along the way. What he didn't know was that at some point in the last year Mountain Accord was working on a land swap that involved land in American Fork Canyon. He has recommended that Mountain Accord put representation on their board from Utah County. He has been trying to do what is best. The closest he came to advocating for Snowbird is when he went to the state legislature to ask for money. He never advocated for Snowbird or Save Our Canyons. He only advocated for the process. We live in a free society where everyone has rights. He feels everyone has a right to say what they feel. Mountain Accord has been working for seven years on what they are doing. American Fork Canyon Vision has been together for one and a half years and was in no position to make a recommendation. It is now shut down. He went to three events for Snowbird: two fundraisers and a helicopter ride. The city attorney has said that as long as the meals weren't over \$50, he is fine. Every councilmember and staff member knew of the helicopter ride as part of the meeting with Snowbird. He has told the American Fork Canyon Vision committee that his marching orders come from the residents of Cedar Hills. He called the Preserve and Protect committee to let them know that the residents had spoken and he supported them. He read aloud an email from Mr. Crawley from February 2014 which stated that Mayor Gygi has been actively promoting the gondola from American Fork Canyon to Snowbird. Mayor Gygi corrected him, stating that he was studying the canyon issues, not promoting development. Both C. Augustus and C. Crawley sent emails stating that the canyon development would increase property values and drive restaurants. These discussions were clearly known to the council and he did not keep them a secret. He also read an email from C. Zappala stating the content of an American Fork Canyon Vision committee meeting. The American Fork Canyon Vision used the Vista Room once and the conference room many times. The city attorney has stated that the use of the conference room for free is appropriate.

C. Augustus stated that this is a non-binding resolution, but it is a statement of a good faith effort to show that the city is interested in protecting the canyon. He read the proposed amendment. He proposed a few amendments to the resolution he wrote, including to section 10 to say that the city council would ask the mayor to voluntarily resign from any committee or group that would discuss American Fork Canyon, and section 11 to say that any representative would be appointed by the mayor with advice and consent of council.

C. Geddes stated that he would like to pass a resolution tonight. He loves recreation. American Fork Canyon needs to stay the way it is. Snowbird does a great job with Mineral Basin. He disagrees with a few of the points on C. Augustus's resolution, starting with the Snowbird Ski Bus. The ski bus has nothing to do with this action. Many youth participate and learn to ski through that program. There is no reason to hurt the youth. He is opposed to the directive against the mayor. The mayor clearly stated his position, and C. Geddes believes him. He opposes anything pointed at the mayor. All the council can do is encourage the preservation of the canyon. C. Augustus spent a lot of time on this resolution. He is thankful for his time and effort. He would like to remove items 10, 11, 12 and 13 in exhibit A.

C. Crawley stated that the most important thing is to pass a resolution. The issues with the mayor are not the most important element. He never heard about the helicopter ride until Marisa Wright's post. There are some issues that stem from philosophical differences. Mayor Gygi mentioned that all stakeholders were invited to the American Fork Canyon Vision committee. Residents are stakeholders. He encouraged Mayor Gygi to inform the council and the public about the content of those meetings. He feels that Mayor Gygi has not represented the residents on this committee. He asked the Snowbird representative how long the 416 acre land exchange has been the plan. Mr. Fields said he would have to defer to the president, though he did say that the land exchange was not a part of the original Mountain Accord plan, but came up as a compromise.

C. Rees stated that she is concerned with the ski bus provision, because it wouldn't do anything but hurt the youth of the city. She also agrees that it is time to come together as a community against a land swap. Any language that is accusatory detracts from that. She likes C. Zappala's resolution because it gets across that opposition to the land swap without being accusatory. She would like to see items 10, 11 and 12 removed from C. Augustus's proposal, but prefers C. Zappala's draft because it is more clean and to the point.

C. Zappala stated that he supports the process that the city would like to have with the canyon. Residents are nearly unanimous in preserving the canyon. The council is unanimous in wanting to support the residents. The council wants to support a process that is open and transparent. He is confident that shortly, the council will have a resolution that it can agree on. The resolution is too divisive. The issue is to preserve the canyon, not pointing fingers. The issue with the ski bus is a major problem. He has drafted a substitute resolution.

MOTION: C Augustus—To approve Resolution No. 07-07-2015A, the Cedar Hills Environmental Stewardship of American Fork Canyon, with the following changes: that item number 10 reads that the City Council for Cedar Hills formally ask our current mayor to voluntarily remove himself from all duties of serving on any and all committee for the group currently working or meeting to discuss the issues facing American Fork Canyon. I would strike 11, 12 and 13. Seconded by C. Crawley.

Further Discussion:

C. Zappala stated that he still has numerous additional problems with the resolution, including the sections in the resolution that talk about not being able to vote on a committee before

approval from the council, along with several things he would like to ask for in the resolution section.

C. Augustus stated that his resolution was passed through legal attorney.

C. Rees stated that Snowbird already owns a lot of land up American Fork Canyon where they can build gondolas. C. Zappala's resolution asks for representation on any board that discusses American Fork Canyon.

Yes	-	C. Augustus	
		C. Crawley	
No	-	C. Geddes	
		C. Rees	
		C. Zappala	Motion fails.

Further Discussion:

C. Zappala read the resolution he drafted.

C. Geddes thanked C. Zappala for his time and effort. The meat of the resolution is still the same, but it is more palatable for him with the proposed language. He stated that the Draft Accord was passed this afternoon.

C. Crawley stated that it is important that something is passed.

C. Augustus stated that he would still incorporate number 10 into this resolution.

MOTION C. Rees--To approve Resolution 07-07-2015A, a resolution affirming the city's commitment to exercising environmental stewardship of American Fork Canyon and stating the city's commitment to preserving the canyon's pristine nature, protecting the watershed and balancing recreational interests and that we approve the resolution read by Councilman Zappala this evening. Seconded by C. Geddes.

Further Discussion:

C. Zappala stated that Mr. Shaw reviewed this resolution.

Yes	-	C. Crawley	
		C. Geddes	
		C. Rees	
		C. Zappala	
No	-	C. Augustus	Motion passes.

Break taken at 8:48 p.m.

Reconvened at 8:56 p.m.

7. Review/Action to Award the Contract for the 2015 Asphalt Leveling, Edge Mill and Overlay Project to Kilgore Companies

Jeff Maag stated that the city put out bids for the fall street project, which includes asphalt leveling, edge mill and overlay on Sage Vista and Morgan Boulevard. Kilgore is the low bidder. The city has not worked with Kilgore before, but they are a reputable company. The project is supposed to be done by the middle of October, but the exact schedule will not be determined until the bid is awarded.

C. Geddes stated that he will recuse himself because he has hired Kilgore to do his project in Cedar Hills.

MOTION: C. Rees—To award the 2015 Asphalt Leveling, Edge Mill and Overlay Project to Kilgore Companies in the approximate amount of \$85,580.00. Seconded by C. Augustus.

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

C. Crawley excused (8:59 p.m.)

8. Review/Action on Allowing and Regulating the Operation of Mobile Food Trucks in the City

Chandler Goodwin stated that staff has met with Tom Karen, a food truck vendor. This proposal will allow food truck rallies to start on July 16. Food trucks will be responsible for set up, clean up and maintenance of space. The food truck vendors will need a business license and verification of Utah county health permit. The uphill incline of Cedar Hills Drive does not allow for food trucks. The only place that would be appropriate is in the parking lot, which would not require a change to the commercial parking code. A typical food truck season is April to September.

C. Augustus stated that he would like to see the season dates more specifically defined with possible exceptions allowed. He thinks this is a great first attempt, and if it needs to be adjusted, then the council can adjust it.

Mayor Gygi stated that he sees no problem proceeding with this, even though he has asked for staff to look into the Pleasant Grove ordinance.

MOTION: C. Augustus—To approve the temporary food truck operation rules in Cedar Hills as in the memo dated 7-7-2015. Seconded by C. Zappala.

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

9. Review/Action on Final Acceptance of Subdivision Improvements and Beginning of Durability for Bridgestone Plat C

Jeff Maag stated that Perry Homes has completed construction of public improvements in Bridgestone Plat C, and has requested that the performance guarantee less the durability retainer be released in the amount of \$214,005.69. They will then enter a one-year durability period. The Home Owners Association had no complaints about what was installed.

MOTION: C. Augustus—To approve acceptance of the public improvements construction related to the Bridgestone Plat C (Perry Homes) development and release the associated performance guarantee, except that portion to be held as the durability retainer. Seconded by C. Geddes.

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

Fire Marshal Bailey stated that Chief Freeman would like to close the east side of Canyon Road to all fireworks. The fire chief can make determinations about firework restrictions, though they prefer to work through the councils. He will put up no fireworks signs above Canyon Road.

Public Comment:

Marisa Wright: Ms. Wright stated that she was told that the mayor made comments that made it sound like she introduced him to the owner of Snowbird. For the record, Mayor Gygi called her to ask her to set up the meeting. She doesn't necessarily feel that was a bad idea.

Allison Wickham: Ms. Wickham stated that the first she heard about the American Fork Canyon proposal stuff was through Facebook. She has listened to the comments today. She had a question about what was removed from the resolution, which was the appointing of an individual to represent Cedar Hills. Because of the controversy she would like all that to be set aside and allow someone who is nominated separately to go in fresh.

10. ADJOURNMENT

This meeting was adjourned at 9:19 p.m. on a motion by C. Zappala, seconded by C. Augustus and unanimously approved.

Approved by Council:
August 25, 2015

/s/ Colleen A. Mulvey, MMC
City Recorder