

CITY COUNCIL MEETING
Tuesday, February 16, 2016 7:00 p.m.
Community Recreation Center
10640 N Clubhouse Drive, Cedar Hills, Utah

Present: Mayor Gary Gygi, Presiding
Council Members: Ben Bailey, Rob Crawley, Jenney Rees, Daniel Zappala, Mike Geddes (7:15 p.m.)
David Bunker, City Manager
Chandler Goodwin, Assistant City Manager
Charl Louw, Finance Director
David Shaw, City Attorney
Courtney Hammond, Transcriptionist
Others: Lt. Sam Liddiard

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 C. Crawley
Pledge of Allegiance led by Brayden Johnson

2. Approval of Meeting's Agenda

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

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

3. Public Comment

Ken Cromar: Mr. Cromar stated that at every council meeting he checks the box on the Public Comment sign-up sheet to indicate that he would like to be contacted about the issue. He is never contacted. He feels that he was abused by the mayor and a former city councilmember at the last meeting. He was singled out for public ridicule while quietly recording the meeting because an ordinance says that the camera needs to be in the back of the room. His rights to video tape have been violated before. The current ordinance is illegal. The council should have defended him at the last meeting. The general misconception is that any statute constitutes the law of the land. An unconstitutional act is not law.

CONSENT AGENDA

4. Minutes from the February 2, 2016 City Council Meeting
5. Appointment of Matthew Laney to the Beautification, Recreation, Parks and Trails Citizens Advisory Committee

MOTION: C. Rees—To approve the consent agenda. Seconded by C. Bailey.

Yes - C. Bailey
C. Crawley

C. Rees
C. Zappala Motion passes.

CITY REPORTS AND BUSINESS

6. City Manager

There is a Timpanogos Special Service District meeting this Thursday.

On March 8 there will be an Emergency Management Town Hall Meeting at 7:00. The focus is Family Preparedness

The BYU Basketball/Cedar Hills night was a success with 100 participants.

Cedar Hills' night with the Utah Jazz is on March 8. Tickets can be purchased for \$15, which includes a hot dog and drink.

The city's theater production group will hold performances next month.

The golf course will open next week, weather permitting.

A soils community class will be held tomorrow.

The Utah County Health Department class on March 8 is on Living with Chronic Conditions.

7. Mayor and Council

C. Zappala: He wrote a letter to the Utah County Court of Adjustments regarding American Fork Canyon and concerns about Snowbird's proposal. He outlined reasons he believes that their proposal can be denied. The city conducted a survey on the commercial zone. It received 717 responses. He has been working with C. Rees to update the city code regarding the commercial zone.

C. Bailey: The Arts Committee activity is cancelled.

SCHEDULED ITEMS

8. Review/Action on an Ordinance Amending Title 1, Chapter 5, Relating to Non-flash Still Photography and Video Recording of Public Meetings

Public Comment:

Barbara Cromar: Ms. Cromar stated that at the last council meeting the mayor interrupted the meeting to ask that Ken Cromar move to the back of the room. The acoustics are bad at the back of the room and the meeting can't be seen. The only disruption due to the filming is when others take offense to his location. The only thing that the council can say regarding location of cameras is that any part of a public meeting can be recorded and that the council will protect that right.

Ken Cromar: Mr. Cromar stated that nothing more is needed in a city ordinance than what is in the U.S. Constitution. The council could add further protections. He feels that the mayor has maligned his family and has usurped power. He asked that the city attorney review and draft a new ordinance.

Council Discussion:

Mayor Gygi stated that this ordinance was well intentioned. However, Mr. Cromar is right, and he has every right to videotape the meetings.

David Shaw stated that the Constitution guarantees rights to all citizens, but those rights are not unfettered. The authority of the Council is to place time and manner restrictions on the right of

free speech, free assembly and free press to the extent that they support the health, safety or welfare of the city.

C. Zappala proposed the following changes to Section D1:

D. Nonflash Still Photography and Video Recording Permitted; Restrictions: Nonflash still photography and video recording shall be permitted provided that the public health, safety and welfare is preserved according to the provisions of this section.

1. All nonflash still cameras and video recorders shall be located at the rear of the room or the sides of the room. Camera placement shall ensure that no member of the public is blocked from viewing the meeting. To protect public safety, no cameras, tripods, or crews may be permitted in any exit path, pathway, or aisle and cords may not be run across any pathway, aisles, or exits unless permitted by the public body.

2. No Photography or Video Recording of Materials: Photographing or video recording of materials that are not public under GRAMA is not allowed.

C. Crawley stated that he is not sure the city needs this ordinance. The state code is sufficient.

MOTION: C. Rees—To approve Ordinance 02-16-2016A, an Ordinance amending Title 1, Chapter 5 Section 7 of the City of Cedar Hills Municipal Code, Relating to non-flash still photography and video recording of public meetings with the changes that Councilmember Zappala read. Seconded by C. Zappala. Vote taken by roll call.

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

9. Review/Action on a Resolution Adopting the Municipal Wastewater Planning Program

David Bunker stated that the report includes the evaluation criteria. The goal of the report is to not accrue points. There are some areas in the report where the city received points. The city has accrued points because the city does not have a sinking fund. A sinking fund would be sufficient to cover the cost of replacing the system without borrowing. The city has a sewer system management plan that was adopted in 2013. A system evaluation and capacity report will be required by September 30, 2016.

MOTION: C. Zappala—To approve Resolution 02-16-2016A, a resolution adopting the Municipal Wastewater Planning Program. Seconded by C. Crawley. Vote taken by roll call.

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

10. Review/Action on FY 2017 Capital Projects Fund and Motor Pool Fund

Charl Louw stated that the Bayhill Park plans will be finalized by the end of March, with bidding in early April. The city office building was originally designed for the public works department. When it became the main office building, the building and parking quickly reached capacity. The city is proposing an extended yard on the south for public works staging away from staff parking. The cost would be about \$14,000 for the extension of fencing. Golf course driving range netting is also proposed as an addition to the capital projects fund. The golf maintenance building will likely be cheaper than originally proposed. Other included plans are Deerfield Park and the sidewalk extension along Canyon Road. The city is putting together an asset management plan for replacement planning.

Charl Louw stated that other capital projects include LED streetlight improvements with 1/3 of funding coming from the Rocky Mountain Power rebate program, Heritage Park amphitheater access and power safety, a tree replacement plan with an arborist, roundabout improvement on Cedar Hills Drive, and Community Center flooring replacement. The Bayhill Park total is estimated at \$446,000 and will come from the unrestricted fund balance, CARE tax revenues, park development impact fees, and Utah County TRCC grants. He also reviewed the motor pool fund.

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

C. Zappala asked for input from the council. He reviewed the survey results from the resident commercial area survey. The top desired uses were: sit down restaurants, specialty retail and public recreation. People did not want auto lots, auto repair or superstores. People want specialty stores to preserve the small town feel. Numbers were split on whether to allow residential on the second floor. If it is allowed, surveyed residents do not want it restricted to 55+ living. The number of allowed residential units should be limited.

ADJOURNMENT

12. This meeting was adjourned at 8:25 p.m. on a motion by C. Crawley, seconded by C. Geddes and unanimously approved.

Approved by Council:
March 15, 2016

/s/ Colleen A. Mulvey, MMC
City Recorder