

**CITY COUNCIL MEETING**  
**Tuesday, July 19, 2016 7:00 p.m.**  
**Community Recreation Center**  
**10640 N Clubhouse Drive, Cedar Hills, Utah**

Present: Gary R. Gygi, Mayor, Presiding  
Councilmembers: Ben Bailey, Rob Crawley, Jenney Rees, Mike Geddes (7:32 p.m.) Daniel Zappala (7:41 p.m.)  
David Bunker, City Manager  
Chandler Goodwin, Assistant City Manager  
Greg Gordon, Recreation Director  
Jeff Maag, Public Works Director  
David Shaw, City Attorney  
Colleen Mulvey, City Recorder  
Others: Cameron Burr, Steve Gentry, 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 7:02 p.m. by Mayor Gygi.

Invocation given by C. Rees

Pledge of Allegiance led by Boy Scout, Peyton Seegmiller.

2. Approval of Meeting's Agenda

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

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

3. Public Comment

No comments.

**PUBLIC HEARING**

4. Amendments to the City Code Title 10, Chapter 4, Article B-5 Access Requirements to Include Flag Lot Developments as a Permitted Use within the R-1 15,000 Zone

No comments

5. Amendments to the City Code Title 10, Chapter 5, Related to Development and Setbacks

No comments

**CONSENT AGENDA**

6. Minutes from the June 21, 2016 City Council Meeting

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

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

## CITY REPORTS AND BUSINESS

### 7. City Manager

David Bunker shared several updates with the Council. First, he reported that the Timpanogos Special Service District canceled their most recent meeting. He reminded everyone that the City Breakfast will be held August 13<sup>th</sup> at 8:00 am at the Recreation Center.

Mr. Bunker reported that a street project will begin on August 5<sup>th</sup>, and will conclude the following week. Ideally, this will be sufficient timing for striping the roads in front of Cedar Ridge Elementary, on Cedar Hills Drive. He stated that he had sent out a summary of the street projects in a management report to the City Council, which also contains a video link with further information. This project is a two-step process, and the process of which is similar to chip sealing; however, instead of using regular chip material, they will be using a product called Utelight, which is a lightweight aggregate. Mr. Bunker stated that it is a great product that will hopefully suit the City's needs. Some of the advantages in using this product are that it won't pose any risk to windshields and doesn't ravel as much.

Mr. Bunker also reported that the plants and soils class was canceled this month, but they will be back on track next month. Lastly, Mr. Bunker relayed that Ms. Sheri Whitehead is starting a community group called the Spark Singers. They will be assisted by Vocal Point, a performing group based out of Brigham Young University. Additional details are forthcoming.

### 8. Mayor and Council

C. Rees announced that Keith Irvin resigned as Co-Chair of the Family Festival Committee, and they are currently looking for some additional members. In addition to a new Co-Chair, they are looking for someone who can handle sponsorships. C. Rees also reminded everyone of the upcoming City Breakfast on August 13<sup>th</sup>.

Mayor Gygi reported that the Mountainland Association of Governments (MAG) is currently on a summer hiatus, and therefore he had nothing new to report. He stated that in last meeting with Lone Peak Public Safety, there were some issues raised during a Closed Session; however, those issues cannot be discussed openly at this time.

C. Bailey stated that the Arts Committee didn't meet this month, and he therefore had nothing new to report.

C. Crawley reported that the North Pointe Solid Waste Special Services District met, and they have been discussing the possibility of purchasing the Bayview landfill in south Utah County. As of now North Pointe doesn't have a landfill, so they pay third party groups to transport their waste. It was noted that further discussion on this item would take place later in the meeting.

## SCHEDULED ITEMS

9. Review/Action on an Ordinance Amending the City Code Title 10, Chapter 4, Article B-5 Access Requirements to Include Flag Lot Developments as a Permitted Use within the R-1 15,000 Zone

Chandler Goodwin stated that last summer a series of lots adjacent to Canyon Road were rezoned from half acre lots to third acre lots. The lots were already being used as third acre lots, so this action took non-conforming lots and made them legal. He explained that tonight the Council will review a proposal for a flag lot development in the same area. Mr. Goodwin presented an aerial map of the subject property, and reviewed the density that this new development would create. He noted that the proposal received positive recommendation from the Planning Commission.

**MOTION: C. Rees—To approve Ordinance No. 07-19-2016A, amending the City Code Title 10, Chapter 4, Article B-5 Access Requirements to include Flag Lot Developments as a permitted use within the R-1 15,000 Zone.** Seconded by C. Bailey. Vote taken by roll call.

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

**10. Review/Action on an Ordinance Amending the City Code Title 10, Chapter 5, Related to Development and Setbacks**

Mr. Goodwin explained that Section 10-5-29 of City Code pertains to decks, porches, patios, pergolas, awnings, hot tubs, and recreation equipment including swing sets, slides, and trampolines. Staff is proposing to remove the language pertaining to the installation of recreation equipment, because there isn't clear direction in the code relating to the proper installation of such items. Installation of recreation equipment may require an excavation permit; however, the fact that a resident obtains any recreation equipment for their property is of little to no interest to the City. Mr. Goodwin explained that he has never received a phone call regarding recreation equipment, but he does discuss home additions such as decks, porches, patios and pergolas on a regular basis. The Planning Commission debated whether or not to leave language relating to hot tubs in the ordinance; ultimately, they decided to leave it in for now, but that may change in future as well.

C. Rees stated that she likes the proposed changes, and doesn't think recreational equipment should be regulated.

**MOTION: C. Crawley—To approve Ordinance No. 07-19-2016B, amending the City Code Title 10, Chapter 5 related to Development and Setbacks.** Seconded by C. Rees. Vote taken by roll call.

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

**11. Discussion on City Owned Property that is Improved and/or Maintained by Residents**

Mr. Gentry stated his address as 4213 West Sandalwood Drive, and explained that his property lies between Sandalwood Drive and the south side of the property abutting up to North Oak Road. He explained that adjacent to his property, there is a 10 foot easement belonging to the City that is currently full of weeds, in addition to an unsightly concrete wall. He has sprayed the

area about once a year for the last 10 years. In the interest of trying to be a good neighbor, he would like to put something in that area that is more aesthetically pleasing.

Mr. Gentry proposed digging out 12 to 15 inches of soil, a lot of which is road base that was used to install the wall. He stated that he would like to put in top soil at his own expense, and then put in ground cover and plant bushes. In speaking with Mrs. Jenny Peay, the City's Code Enforcement Officer, she informed Mr. Gentry that this was not allowed. Therefore, he decided to approach the City Council on the matter. He explained that he originally intended to install irrigation pipes that would water the area automatically, but Mrs. Peay stated that this was also not allowed. Mr. Gentry stated that he has no interest in hand watering the area, and so if irrigation pipes are not allowed then the area will remain a weed patch. He asked the Council for their feedback on how to proceed.

Mr. Goodwin stated that the City owns a lot of land. He presented several photos of situations in which residents have used City property for personal use, and noted that each issue is unique. In the first photo, the property owner built five to ten feet beyond his property line, and therefore commandeered City property. In the second photo, several homes along the golf course were shown. A few of them have put planter boxes out on City property, as well planted grass and taken care of weed control as far up as the pond. The third photo also showed where grass has been planted and maintained by residents on City property, near the clubhouse on the golf course. The fourth photo was of Harvey Boulevard near Highland Gardens. Mr. Goodwin explained that while nobody in the area has commandeered the property in question, he did receive a call from a nearby homeowner indicating that they'd like to use the area for a garden. He noted that the City has plans to widen Harvey Boulevard in that particular area, and so staff does not want anyone putting in a garden or planter boxes in that location. The last photo was an aerial image of Mr. Gentry's property, and showed the 10 foot strip of weeds to which Mr. Gentry referred earlier. Mr. Goodwin explained that there are several other instances in which residents have used City property for personal uses; while it is not necessarily a problem, it does need to be addressed.

Mr. Goodwin stated that staff proposes reviewing requests by way of the conditional use permitting process, which entails a review by staff in the zoning and building department. Through the permitting process, staff reviews location, easement types, utilities on the property, and maintenance needs. In some instances, as in the case of Mr. Gentry's proposal, staff would be particularly concerned about irrigation adjacent to a retaining wall. Other areas of further review would include future uses for the property, and geographical considerations such as slopes and water features. In some instances, the City may even consider selling the property to the resident.

C. Rees asked if there would there be any additional cost to the resident to obtain a conditional use permit. Mr. Goodwin stated that conditional use permits have a fee of \$100, but they can discuss whether or not a fee should be implemented for these types of situations.

C. Crawley asked if there are any easements, thoroughfares or roadways which run through private property that have become public after being heavily used for a certain amount of time.

If so, he wanted to know if there are any issues in which it would be difficult for a resident to reclaim property.

Mr. Goodwin was unaware of any such situations. However, he made reference to a piece of property that is owned by Mr. David Blake and is located east of the fire station. Mr. Goodwin explained that for years this property has been used as a parking area near the foothills. Refusing to allow Mr. Blake to ever develop that lot would deny him of his property rights.

Mayor Gygi stated that he hopes the Council can recognize that there is likely going to be certain instances in which the City would not be able to grant a resident's request to utilize City property for personal reasons. However, he was of the opinion that Mr. Gentry was an exception. Mr. Goodwin agreed that each case should be reviewed on a case-by-case basis.

*Note: Mayor Gygi was excused at 7:24 p.m. C. Crawley assumed the role of Mayor Pro-Tem.*

C. Rees stated that she likes the idea of granting conditional use permits for these types of situations, but did not want to charge a fee, especially if the resident plans on beautifying City property. She explained that conditional use permits should be granted with the understanding that staff will assess all issues as previously mentioned. Furthermore, residents need to understand that the City may need to reclaim the property in the future due to needs that may potentially arise later. In general, C. Rees expressed appreciation for residents who wish to beautify City property.

C. Crawley agreed with C. Rees's remarks. He added that the City is a customer service team, and they should seek to provide the residents with the best service possible.

Mr. Goodwin suggested that written agreements with the residents be created, in order to address all of the points that have been raised throughout the discussion. He suggested that the Council turn this responsibility over to staff, because they are knowledgeable of all potential issues relating to land use and utility needs throughout the City. Based on tonight's discussion, staff will draft language in the City's code and present that information to the Council at a later date.

C. Rees asked if the conditional use permits would be reviewed by the Planning Commission. Mr. Goodwin explained that there are three approval authorities for conditional use permits, depending on the type of use. There was further discussion on the roles that each respective body plays in local government. C. Rees asked if there would be an appeal authority, and Mr. Goodwin answered in the affirmative; the City Council would act in this capacity.

**MOTION: C. Bailey—To amend the agenda and move item 17 to be heard next.** Seconded by C. Rees.

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

17. Review/Action on a Resolution Adopting Specified Restrictions of Fireworks and Open Fires

Fire Chief Freeman stated that fire conditions are starting to get really bad. He reported that there was a fire over by the high school recently, and it took all four of the department's brush trucks to put it out. He explained that the wheatgrass was over his head and was extremely dry. Chief Freeman stated that this weekend will be unseasonably hot with high winds. He reported that there is an arsonist in the County that has lit three fires out at Five Mile Pass this season, and the City had another fire that was lit intentionally the other night. Chief Freeman noted that Alpine City has tightened their fireworks restrictions, and Highland has maintained very strict ordinances as well. As such, Chief Freeman requested that the City of Cedar Hills review their ordinance. Because his department is responsible for three areas, it would be difficult for them to mitigate emergencies if fires were ignited throughout their jurisdiction all at the same time. Furthermore, it is difficult to get mutual aid on holiday weekends.

C. Bailey clarified that fireworks are allowed July 21<sup>st</sup> through July 27<sup>th</sup>, and then not again until the New Year holiday. However, he agreed with the remarks that were made by Chief Freeman.

C. Crawley asked if there were any suggestions on specific areas within the City's ordinance that should be changed. C. Bailey stated that currently aeriels are prohibited east of Canyon Road, but suggested that they prohibit all types of fireworks in that same area. Furthermore, they could prohibit open fire pits; a screen over a pit or a propane tank would be fine. The Council discussed the dates for which these restrictions would be enforced.

*Note: C. Geddes arrived at 7:32 p.m.*

**MOTION: C. Bailey—To approve Resolution No.07-19-2016A, a resolution of the City of Cedar Hills, Utah, adopting specified restrictions of Fireworks and Open Fires in portions of the City.** Seconded by C. Rees.

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

12. Review/Action on an Ordinance Amending the City Code Title 6, Chapter 8, Relating to Smoking and Electronic Cigarettes, Park Curfew and Noise in City Parks

Mr. Goodwin stated that the County has requested that the City codify the prohibition of smoking in public parks. While no-smoking is listed as a park rule, it is not explicitly stated in the code. Staff proposes the following changes.

1. The definition of park to include ball diamonds, soccer fields, recreation area or public trail.
2. The definition of smoke or smoking to be stated as follows:  
“...possessing, carrying, or holding a lighted pipe, cigar, or cigarette of any kind; e-cigs or any other lighted smoking equipment or the lighting, emitting, exhaling or smoking of a pipe, cigar, and cigarette of any other lighted or electronic smoking equipment.”

Under Section 6-8-8 which prohibits alcoholic beverages, smoking of any kind would also be added.

C. Crawley asked for clarification as to whether or not alcoholic beverages will still be prohibited. Mr. Goodwin answered affirmatively, and explained how it will be notated in the amended ordinance. C. Rees recalled that consumption of alcoholic beverages in public parks is prohibited as per State code as well.

In relation to curfew laws, Mr. Goodwin explained that parks are currently closed from 11:00 pm to 5:00 am, which is synonymous with the entire County. Noise is another issue; while a person can be in a park until 11:00 pm, noise must be contained at an earlier hour. According to the City's ordinance, amplified sound from Labor Day to Memorial Day must cease after 8:30 pm. During the summer, it must cease at 9:30 pm on weekdays, and 10:30 pm on the weekends. Mr. Goodwin noted that anytime residents reserve park space for personal use, they are given a list of the City's park rules and regulations.

C. Bailey asked if there are any parks that allow smoking within a 15 mile radius. Mr. Goodwin was unaware of any, but stated that generally smoking in public places is prohibited. C. Geddes asked if the golf course was excluded. Mr. Goodwin stated that the golf course is not listed under the code definitions as a public space; therefore, it is not considered a park. C. Rees recalled that what differentiates the golf course from other recreational areas is that one has to pay to use the facility. In that sense, the golf course operates as more of a business.

**MOTION: C. Rees—To approve Ordinance No. 07-19-2016C amending the City Code Title 6, Chapter 8 relating to smoking in city parks.** Seconded by C. Bailey. Vote taken by roll call.

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

### 13. Discussion on Installation and Operation of Solar Panels

Mr. Goodwin stated that in the past year, the City has received 95 applications for solar installations on homes, 87 of which have been approved. Recently they received an application for ground mounted solar panels to be placed in a back yard. Staff started looking at what other cities are doing to regulate solar. Mr. Goodwin explained that there can be detrimental effects on solar panels in the surrounding areas. As people try to use efficient energy sources, they sometimes create unintended consequences for those around them, such as glare or flickering.

Mr. Goodwin presented the Council with a copy of West Jordan's ordinance on solar panels, which addresses the broader category of all renewable energy sources. He stated that West Jordan's ordinance seeks to mitigate some of the detrimental effects that these installations could have, by requiring certain setback and height requirements. Staff plans on conducting further research on the matter, and will bring back recommendations to the Council.

C. Geddes asked why some of the 95 applications were denied. Mr. Goodwin explained that in some instances, what the applicant proposed did not meet building requirements. Furthermore, some of the current applications are still pending and haven't been reviewed yet. Mr. Goodwin explained that a certain amount of width is required for access between the edge of the roof and where the solar panels begin. In some cases, applicants have had to go back to the engineer and redesign the system.

C. Rees stated that she understands the need for some kind of regulation, but wants to make sure that as a City they don't make it challenging for residents to be able to install these types of resources. Mr. Goodwin replied that it is not staff's goal to make the process challenging. However, if a resident came in and proposed ground mounted solar, the City currently doesn't have any kind of language in their ordinances that indicates how close they can be in proximity to neighbors. Furthermore, height restrictions are not outlined, and the City wants to protect view sheds and property values. A percentage of landscaping and green space should also be maintained.

C. Geddes briefly commented on a windmill that is located in Highland.

*Note: C. Zappala arrived at 7:41 p.m.*

C. Crawley stated that the City needs to lean towards freedom of the individual in their private property rights, as long as those decisions don't affect someone else's private property. Mr. Goodwin agreed with his remarks.

#### 14. Review Action on a Resolution Adding, Amending, or Deleting Certain Fees to the Official Fees, Bonds and Fines Schedule of the City of Cedar Hills

David Bunker presented to the Council proposed modifications to the fee schedule, and explained that the new fees are in regards to the City becoming a passport acceptance facility. The City recently applied to become a passport acceptance facility and was approved. Mr. Bunker explained that there aren't very many passport acceptance facilities in the area; typically, they are in post offices. The closest one is in Lehi, and they are by appointment only. The area has a lot of residents who travel, and this would provide the citizens with a much needed service. He then presented the fee schedule for the new service.

C. Crawley inquired as to whether or not an analysis on the new costs and revenues has been conducted. Mr. Bunker answered affirmatively, and indicated that the City will see a positive cash flow. At first, manpower will be supplied by current City staff; however, labor may need to be added later if they start to get really busy. In response to a question from C. Crawley, Mr. Bunker explained that labor is the most significant expense.

C. Geddes asked who regulates the fees, and Mr. Bunker noted that they are set by the State. The only exception is for the photos, which will be taken on the spot. Staff proposes charging \$10.00 for this service.



C. Zappala asked what the difference is between the application fee and the acceptance fee. Colleen Mulvey explained that the acceptance fee is the money that Cedar Hills receives for operating services per application. She noted that the City will collect \$25 per application, and the rest will go to the United States Department of State. The Council further reviewed and discussed the fee schedule as it was presented.

**MOTION: C. Geddes—To approve Resolution No.07-19-2016B, a resolution adding, amending, or deleting certain fees to the official Fees, Bonds and Fines Schedule of the City of Cedar Hills.** Seconded by C. Bailey.

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

C. Zappala requested that they revisit Item #12 on tonight's agenda. He inquired specifically on the language which classifies trails as parks, and was concerned that they were changing their ordinance to impose a curfew on trails in addition to parks. He stated that he feels that this particular action is not needed, and asked if the motion could be amended.

Mr. Bunker stated that staff was concerned because there are several trails that go through parks. C. Zappala wondered if they could specify that any trails that run through parks are subject to the same curfew as parks.

C. Bailey added that several trails go behind private homes, which can pose safety concerns. C. Zappala suggested that if any complaints are made about activities taking place on trails late at night, then at that point the City can reassess whether or not to impose a curfew on the trails as well.

C. Crawley stated that there was not enough support to revisit the item tonight, but indicated that they could revisit the matter in a future meeting, if need be.

#### 15. Review/Action to Amend the Cedar Hills Grill Concession Agreement

David Bunker stated that the City currently has an agreement with Sumting Asian, LLC, which is owned and operated by Cameron Burr. In Section 15 of the agreement, Concession Rights, it currently states that the tenant may not serve alcohol on the premises, except for catered events with proper licensing. Mr. Burr has proposed that he be able to serve alcohol out of the grill area, to be consumed on the premises, and not during a catered event. Mr. Bunker reviewed the proposed changes to the agreement.

Mr. Burr stated that he talked to Greg Gordon and Wade Doyle about the issue. While the term "alcohol" generalizes liquor and beer, his interest is only in serving canned or bottled beer. He is not making a request to serve mixed drinks or draft beers.

C. Geddes inquired as to what is currently taking place when there is a wedding that serves alcohol, and the party obtains a license for a bartender. He asked if these events are limited to canned or bottled beer, and Mr. Burr answered in the negative. These parties are required to pay a fee as well as purchase their own alcohol. Mr. Bunker explained that if a private event wished to have alcoholic beverages served at their event, they could hire a bartender, who would be licensed through the State Department; these events are considered to be catered. If Mr. Burr were licensed to provide this service, then the third party could be eliminated altogether.

There was some discussion as to what type of alcohol consumption currently takes place on the premises, and what changes the proposal would bring. The Council discussed the pros and cons of approving the changes.

C. Zappala explained that State Law says that a person cannot consume liquor in a public building, park or stadium except as provided by a specific title. He asked Mr. Shaw if they are aware of the exceptions in State Law that would allow them to serve alcohol in this public facility.

Mr. Shaw answered that while there are exceptions, he doesn't think that they apply in this case. The question in his mind is whether or not this is a public place when it has been leased to a private vendor. Typically, when premises are leased, the owner also leases all other rights to the property, except for the right to sell.

C. Zappala asked if it becomes an exception once a private vendor has actually been granted a license. Furthermore, he asked if the licensing regulations in the State's code act as an exception; in other words, a third party has legal license to serve alcohol in the building, therefore consumption may also take place on the premises. Mr. Shaw stated that while this would address the right to serve alcohol on the premises, it would not address the issue of whether or not the golf course is considered a public place.

C. Zappala stated that given the murky nature of the law, as a City they have already decided to allow private parties for the purpose of a catered event to serve alcohol; therefore, he wanted to know if as a City they can legally discriminate between who can or cannot serve alcohol. Mr. Shaw explained that the argument would be similar to that of leasing laws, in that the City will have relinquished their rights to a third party for a temporary amount of time. C. Zappala asked if Mr. Burr could technically sue the City if they didn't issue the license, on the basis that the City is being discriminatory. Mr. Shaw agreed that C. Zappala raised a good point.

There was continued discussion on what constitutes as discrimination. Mr. Shaw explained that discrimination occurs when there is a cause of action that takes place only in the event of a protected class. C. Zappala explained that there is a difference between being arbitrary and capricious. Mr. Shaw explained that a third party may have the right to overturn the Council's decision based upon not being treated fairly.

C. Geddes expressed concerns with having minors work in an area where alcohol is served, and asked Mr. Burr how this issue would be mitigated. Mr. Burr stated that he will make sure that there is always someone present who is of age, and who has received the proper certification

from the State. C. Geddes asked if the alcohol will be locked up. Mr. Burr answered that he is planning on buying a cage that will be stored in the cooler with a pad lock and key. Only the manager will have the key in their possession.

C. Crawley brought up two reasons to postpone a decision on this item. First, he argued that it was noticed as a change of an agreement with Mr. Burr, and not as an action item that would change the policy of alcohol consumption on the golf course altogether. Second, Mr. Crawley stated that there are still some ambiguities that require further clarification. Mr. Crawley stated that in his opinion, they have already agreed to allow people to cater; therefore, he doesn't see any reason why Mr. Burr couldn't cater just like any other caterer.

**MOTION: C. Bailey to approve an amendment of Section 15 of the Concession Agreement to allow alcohol sales according to regulations established by the Utah Department of Alcoholic Beverage Control.** Seconded by C. Geddes.

C. Rees suggested that the motion specify the types of alcohol that Mr. Burr will serve (canned and bottled beer only), as well as what areas on the premises will allow for consumption thereof (grill area).

**C. Bailey accepted the amended motion as stated above.** Seconded by C. Geddes

Mr. Shaw explained that with respect to the landlord tenant law, the tenant does have specific rights; this change would be adding upon those rights.

C. Crawley expressed concerns with allowing the consumption of alcohol on City property. C. Bailey stated that business owners also have rights; if certain businesses are allowed to serve alcohol on the premises, then all businesses need to be given that same right. He reiterated that by leasing the grill area, as a City they are relinquishing their rights to that area temporarily. There was brief deliberation between C. Crawley and C. Zappala on whether or not this allowance was tied to larger moral issue.

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

No - C. Crawley Motion passes.

*Note: Mayor Gygi returned at 8:19 pm.*

**16. Review/Action on an Ordinance 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**

Mr. Shaw explained that the City Recorder has worked hard to put together a record retention schedule. As per GRAMA policy, cities have a right to adopt their own ordinance governing the maintenance of records. Currently, the City defers GRAMA requests to the State Statute. Staff is proposing a repeal of Title, 1 Chapter 8, and replacing it with Chapter 8A, which is more specific to the retention schedule. The new chapter states that the City Recorder is the official Records Officer of the City, and therefore can exercise the duties listed under the State Statute. With regards to records classification, staff has not put forward any language relative to protected private or controlled records, but rather has suggested that the City continue to defer to the State Statute for the that information.

The ordinance lays out the application process for the City records and the appeals track. The appeals track will first go to the City Manager and then to a local record appeals board, which will be comprised of one City employee and two residents; one of the residents must have professional training in records management. Beyond the local appeal board, the request would go to the district court. Mr. Shaw explained that while the Council can adopt an alternative approach, staff has made this proposal as a way of being more efficient and responsive to the citizenry in records requests.

C. Rees asked what the benefits would be to organizing a local appeals board and bypassing the State Records Committee. Mr. Shaw replied that a local appeals board would simply ensure that requests are handled more quickly. Mayor Gygi asked if residents can go to either board, and Mr. Shaw answered affirmatively.

C. Zappala asked how people would become appointed to the local appeals board. Mr. Shaw explained that they would be appointed by the Mayor with the advice and consent of the Council. C. Zappala stated that if someone has a grievance with the City, the State Records Committee may have more authority based on their level of expertise. Mr. Shaw clarified that this matter is merely a policy decision for the Council to consider.

C. Crawley expressed concerns with whether or not citizens would view this policy as a biased method of handling requests. Mr. Shaw again reviewed how a local appeals board would be comprised.

C. Rees explained that the State Records Committee is comprised of legal expertise, an individual with extensive knowledge of governmental records, and a citizens' advocate. She agreed with C. Zappala, that the State Records Committee would lend more credibility. She inquired as to how they would ensure that their local board is up to date on GRAMA laws, which change frequently. Furthermore, she inquired as to how the City will ensure that citizens feel that their requests are being handled in a fair manner. Mr. Shaw acknowledged that these were all valid points, but argued that there were pros and cons to going through either appeal body.

Mayor Gygi stated that while the City may be ready to discuss the retention schedule, perhaps they could further research the issue of whether or not to go through a state or local appeals board. He did not see a need to rush on a decision tonight.

C. Zappala inquired as to how many other cities have established a local appeals board. Mr. Shaw stated that he did not know that information.

C. Geddes asked staff what they think the procedure would be moving forward in working with the state ombudsman. Mr. Bunker explained that it is not a requirement to use the ombudsman. However, the City has sought guidance from the ombudsman in the past in order to reach a consensus when there has been disagreement.

C. Rees explained that she has attended a lot State Records Committee meetings, and stated that they have a wealth of knowledge and background on these types of issues. She was concerned that this expertise would be lost if they opted to go through a local appeals board. Furthermore, she agreed with C. Crawley that going through a local appeals board may raise concerns as to whether or not citizen requests were being handled in an unbiased manner.

C. Geddes inquired as to which individuals would specifically be recommend as board members. Mr. Shaw stated that this was a conversation for another meeting. He also indicated, in response to a question from C. Geddes, that board members would not be paid.

C. Crawley stated that the current system is working, and was of the opinion that the proposed changes would add more complication to the City. He suggested that the Council not pass the amendments. Mr. Shaw explained that the other option is to provide the appellant with the option of going either way; they could either go through the local appeals board or the State Records Committee. The Council discussed an appropriate motion to make on the matter.

**MOTION: C. Rees—To approve Ordinance No. 07-19-2016D, an Ordinance repealing Title 1, Chapter 8 or the City Code of the City of Cedar Hills, Utah relating to Government Records Access and Management; and enacting Title 1, Chapter 8A except for the appeal to a Local Records Appeals Board.** Seconded by C. Crawley. Vote taken by roll call.

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

#### 18. Discussion on Allowing Short Term Rentals and Airbnb's

Mayor Gygi stated that short term rentals are an issue that is affecting all cities. There are several short term rentals of which the Council is unaware, and he feels that they should discuss whether or not any type of regulations are necessary. He suggested that staff contact Garden City officials, who deal with a lot of short term rentals in the Bear Lake area.

Mr. Goodwin explained that there are two short term rentals in Cedar Hills. They don't receive very many complaints on them, but when they do the complaints are no different than any other rental property; they mostly relate to property upkeep and parking issues. Mr. Goodwin explained that staff looked at what other cities do as far as regulating these business licenses, and

there is a spectrum as to what it prohibited. Mr. Goodwin explained that short term rentals are not as much of an issue in Cedar Hills as they are in other cities.

C. Geddes asked if the two short term rentals in Cedar Hills are licensed, and Mr. Goodwin answered in the affirmative. However, the question arises as to whether or not they are paying a room tax for the evening, which is collected upon by the City and County. Staff would like direction from the Council as to how to move forward.

Mayor Gygi explained that other cities are creating a checklist of requirements that short term rentals need to meet, and which subsequently need to be inspected by a city official. He recalled that there was one short term rental that burned to the ground in Garden City, which subsequently prompted a lot of discussion around the State of Utah. Mr. Goodwin explained that the City currently has a checklist of requirements for long term rentals, such as apartment units. Furthermore, they also have requirements in place for rental units in which the property owner does not reside.

C. Rees suggested that as a City they regulate short term rentals similar to other rentals. She was in favor of allowing property owners do what they want with their property within their existing restrictions. Mr. Goodwin explained that they could issue conditional use permits for these types of uses, through which they could also address additional needs such as parking. He noted that all conditional use permits are reviewed by staff.

Mayor Gygi stated that regulations for short term rentals are slightly different than those for owner occupied units, and agreed with Mr. Goodwin that they may need additional regulations. C. Zappala agreed with C. Rees that they should allow property owners to do what they want with their property, but also agreed with Mayor Gygi that it would be wise to codify any additional requirements that may be needed due to the nature of a short term rental.

#### 19. Discussion on the Bayview Landfill

C. Crawley explained that the Bayview landfill proposal is for several cities to jointly purchase a landfill that is located in south Utah County, with the theory that over time they would save money. However, at this point there are still several unknown factors. C. Crawley explained that there are plenty of free market opportunities in this area, and he made mention of a local business that provides this same service; this local business owner would suffer greatly if this purchase was finalized. C. Crawley explained that from his vantage point, the decision of whether or not to participate with the other cities comes down to a philosophical issue. He was in favor of having a more limited government, whereas moving forward with the deal would give local governments more land and responsibilities.

C. Geddes commented that historically, government has been less efficient than the private sector. However, this service could technically constitute as a utility.

Mayor Gygi indicated that he was in agreement with C. Crawley's perspective, and asked the Council what the next step should be. He asked if the next logical next step is to wage a campaign to shut down North Pointe and have the private sector take over, should they as a City

opt out of participating in the purchase of the landfill. C. Crawley stated that he thinks there are a lot of private entities that would be interested in purchasing North Pointe, because it's a thriving industry in the private sector. Mayor Gygi stated that North Pointe isn't operating poorly; however, his understanding is that the landfill in the south Utah County is losing \$750,000 a year. C. Crawley explained that in theory, the joining of cities would reverse that decline.

Mr. Bunker explained that there are two separate waste needs; transferring trash and land filling trash. North Pointe transfers trash; it doesn't provide landfill services. He provided an overview of how the new jointly owned landfill would work with the other partnering cities. He stated that they would be in direct competition with private companies, which could pose a lot of challenges.

C. Zappala asked what would happen if North Pointe goes along with this deal, and Cedar Hills doesn't want to participate. Mr. Bunker advised C. Zappala to direct his question to the legal department. As of now, the City has signed an agreement to send their waste to the transfer station. However, buying into a landfill might be considered a modification to their agreement, thereby allowing Cedar Hills to pull out. Alternatively, Cedar Hills could utilize the local landfill and construct their own transfer station.

Mayor Gygi asked if there was a buy-in for the joint purchase of the landfill. Mr. Bunker responded in the negative, and explained that North Pointe would use extra financial reserves to purchase the landfill.

Mr. Bunker expressed concerns with jumping into the landfill business. He agreed with C. Crawley and Mayor Gygi that going through the private sector would be the best option. He explained that it is a competitive industry, and noted that the trash rates have actually gone down over the last several years.

C. Geddes pointed out that if North Pointe ever sold, then the City would stand to lose some cash. Mayor Gygi stated that the next step is to see what other cities are interested in doing. Mr. Bunker was concerned that if they get involved with a large group, the interests of Cedar Hills may not be as strongly considered than if this service were locally controlled. Staff agreed to further research the matter and keep the Mayor and Council apprised of upcoming changes.

#### ADJOURNMENT

20. This meeting was adjourned at 9:00 p.m. on a motion by C. Rees, seconded by C. Geddes and unanimously approved.

Approved by Council:  
August 16, 2016

/s/ Colleen A. Mulvey, MMC  
City Recorder