

SPECIAL CITY COUNCIL MEETING
Tuesday, July 2, 2013 9:00 p.m.
10640 N Clubhouse Drive, Cedar Hills, Utah

Present: Gary Gygi, Mayor
Councilmembers: Scott Jackman, Stephanie Martinez, Jenney Rees, Daniel Zappala
Absent/Excused: Councilmember Trent Augustus
Others: David Bunker, City Manager
Chandler Goodwin, Assistant City Manager
Colleen Mulvey, City Recorder
Brad Freeman, Lone Peak Fire Chief
Ben Bailey, Lone Peak Fire Marshal
Sgt. Ludlow, American Fork Police

COUNCIL MEETING

1. The special meeting of the City Council of the City of Cedar Hills, Utah having been properly noticed was called to order at 9:01 p.m. by Mayor Gygi.

Invocation given by C. Rees

Pledge of Allegiance led by C. Martinez

2. Approval of Meetings Agenda

David Bunker stated that there may be an action item after the discussion in the Executive Session. It was pointed out that an action item needs to be publicly noticed ahead of time; therefore direction to staff may result after the discussion in the Executive Session.

MOTION: C. Rees – To amend the meeting agenda by adding that the Executive Session will be to discuss the purchase, exchange or lease of real property. Seconded by C. Jackman.

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

3. Public Comment
No comments.

SCHEDULED ITEMS

4. Review/Action on a Resolution Regulating Open Fires and Fireworks

David Bunker stated that this resolution regulates and bans any aerial fireworks and open fires within 200 feet of any open undeveloped property citywide. He added that it can be modified or adjusted as a result of the discussion tonight.

Mr. Bunker said that the state code has changed and that the city council can limit the use of fireworks and open fires. He pointed out that one of the criteria is that the Fire Marshal can have recommendations, also that the law has changed so that cities don't just blanket ban fireworks citywide for no apparent reason.

C. Jackman stated that we recently passed a resolution to do this same thing for all property east of Canyon Road, and asked if this resolution would supersede that.

Mr. Bunker stated that that resolution that has already been passed remains in effect, this new resolution would be in addition to that.

Mayor Gygi said that he would like to state his input, as already mentioned, aerial fireworks and open fires are already banned east of Canyon Road. It is a very dry summer again and his feeling from the people east of Canyon Road is that they would prefer that we take extra caution. Mayor Gygi encouraged the council to err on the side of caution, and be more restrictive, rather than less restrictive. To ban everything east of Canyon Road and anywhere in the city that is undeveloped with dry grass, to rule that no less than 200 feet from those areas would we allow fireworks to be used. He pointed out that he realizes that this is going to be disheartening for some people, but sometimes we have to make sacrifices and this one of those insurances where it would make more sense to be restrictive.

Fire Chief Freeman stated that he looked up the fireworks restriction resolution from last year and it first started on June 19th where all aerals were banned from Canyon Road east. On June 29th we met again because the conditions were getting bad with the high winds and the heat, so we banned all fireworks from Canyon Road up and all aerals and open fires throughout the city. After the Quail Fire, conditions got worse and we banned fireworks completely for the City of Cedar Hills. Chief Freeman stated that this year we are in a worse fire season than last year especially if the weather patterns stay the same. He said that with the new law restrictions are up to the council, he added that with this resolution it is going to be hard to enforce the 200 foot rule, there has got to be a clear line to enforce to make it easier to enforce. He stated that he hopes that we pass something that is restrictive but is easy to understand and enforce.

C. Rees asked what his recommendation was for dry empty or vacant lots and how we handle those areas.

Chief Freeman said that that is huge problem in Cedar Hills and in Highland City because of all the grassy areas. He said that his recommendation is to be very restrictive, he would prefer to ban fireworks all together, but with the new law that becomes more difficult.

Mayor Gygi stated that with enforcement it is difficult to measure off 200 feet, but if we do not put specifics then how do we enforce violations. We should have some parameters that we should discuss.

Chief Freeman said that Highland City puts restrictions on specific neighborhoods, and Alpine City drew a line on their map, which is easiest to enforce.

C. Martinez asked what his opinion is on an all-out ban on aerial fireworks but to allow ground fireworks within the city.

Chief Freeman stated that Cedar Hills is hard to enforce because of splitting aerial and non-aerial, the other cities are banning specific areas and don't differentiate between the two which is a little bit easier to enforce.

C. Jackman stated that if you don't like the idea of enforcing 200 feet, are there other areas besides east of Canyon Road in Cedar Hills that you would want to restrict.

Chief Freeman stated that the only other areas that he thinks are fairly dangerous are along the bottom of The Cedars development and the area just south of the driving range. He said that in the flat lands where you may have some open fields, those are easier to fight fire in than the areas with heavy brush where we don't have easy access.

C. Jackman asked if his recommendation is for a specific distance from that neighborhood.

Chief Freeman said that if you could draw a line on certain streets we will try to enforce it.

Mayor Gygi pointed out that the residents appreciate knowing what rules are.

Chief Freeman suggested doing a map and shade out the restricted areas so people could easily see where the restrictions are.

Mr. Bunker stated that they have started a map, but with so many areas where there are vacant and undeveloped lots it becomes cumbersome, and where do you stop.

Mayor Gygi stated that we need to narrow the focus and find some areas where we know that we have agreement. A place to start is that we ban everything east of Canyon Road, and then ban aerals throughout the city.

C. Martinez said that if we are banning everything east of Canyon Road are we okay with having them allowed in a city park.

Mayor Gygi said that it would be a specific park, Heritage Park because that makes the most sense, more so than Mesquite or Sunset Park.

Mr. Bunker expressed his concern with lighting fireworks at Heritage Park because of all the trees; there are many that have dead branches.

Mayor Gygi stated that if Heritage Park doesn't work then there is really not a place to encourage people to go.

Chief Freeman stated that Alpine City is paying for an extra truck to be stationed at the city park where they are allowing fireworks, and we can do the same thing for Cedar Hills. He said that that truck is solely for the fireworks and not dispatched out for other calls.

C. Rees said that her biggest concern is that this summer is actually worse than last year, the fire danger is much higher and there are water shortages everywhere.

Mr. Bunker expressed his concern with encouraging the entire city to go to one central location because when you put that much fire power in one location, something is bound to happen. Then they will say that the city council directed them to go there and so I am not liable for any damage.

C. Zappala stated that he is not convinced about banning aeriels everywhere in the city. He is comfortable with restrictions east of Canyon Road, but is not convinced that aeriels are any different or less dangerous than ground based fireworks. C. Jackman and C. Rees agreed.

C. Jackman stated that they listed three fairly large areas west of Canyon Road that we would want to potentially ban with restriction of 200 feet. The areas are Bayhill and Cottonwood Drive and all of the area around it, the golf course, and all of the undeveloped commercial area. Mr. Bunker added the Oak Road North area.

C. Zappala commented that if you try to draw a reasonable line around these areas, then you've got two thirds of the city. He then read an excerpt from the new legislation and said that he thinks that we could argue that if we did want to ban citywide we could because we have enough intermingled wild land in the city, and that it is hard to pick apart areas.

C. Jackman stated that he is okay with banning fireworks completely within the city, but that he is not okay banning open flames throughout the city unless they are restricted to fire pits and things that have already been approved for that type of use.

Fire Marshal Bailey stated that with fire pits, the danger is with the embers that come off of the wood. The ones that are gas are pretty safe, or anything covered with a screen are okay for use.

Chief Freeman commented that the problem lies with people being responsible, using a screen and being 25 feet from a fence or property line.

C. Jackman stated that it seems like its leaning towards banning everything everywhere.

Fire Marshal Bailey stated that this time of year that is the safest thing to do, until further notice.

C. Rees said that her main concerns are with property, people's homes, and the firefighter's safety.

Mr. Bunker pointed out that water is so tight this year and we are doing everything we can in our city to keep our water resources up and running. Fires put a burden on the entire pressurized irrigation and culinary water system, and once we get behind, it is hard to recover when it is this hot and this dry.

Mayor Gygi stated that that is a good point and that should be a part of our messaging, that if we have a fire it is multi-faceted and it may affect people's ability to be able to water their lawns and we may have to ration.

C. Martinez commented that we have areas where homes are intertwined with Pleasant Grove City that will be affected.

Mr. Bunker stated that he has checked with Pleasant Grove City and they do have some bans and they have identified the homes that are in Cedar Hills that are banned from fireworks, so they are very congruent with where we are headed.

Mayor Gygi commented that Mayor Call has said that they will work with us on this issue. Mayor Gygi then asked if the council wanted to create specific areas to restrict or to ban throughout the whole city.

C. Rees stated that her personal opinion is to ban the whole city; there are too many areas within the city that have super dry vegetation. She added that last year most people were appreciative that we were taking precautions to prevent any incidents.

C. Martinez again pointed out that there are areas where houses intertwine with Pleasant Grove's boundary.

C. Zappala stated that if we are going to approach them then a ban should be anything north and east of Murdock Canal.

Mayor Gygi stated that we cannot bind Pleasant Grove to do anything, but he will call Mayor Call and ask to make sure those areas that are meshed with us are asked to comply with the same restrictions as well.

MOTION: C. Jackman—To adopt Resolution 07-22-2013A, a resolution of the City Council of the City of Cedar Hills, Utah, adopting specified restrictions of fireworks and open fires citywide. Whereas, the City of Cedar Hills wishes to protect vulnerable areas from the risk of fire. Now therefore, it is hereby resolved by the City Council of the City of Cedar Hills, Utah County, Utah, as follows: Section 1) The City of Cedar Hills hereby declares support of the Lone Peak Public Safety District's (LPPSD) efforts to limit fire risk by the restriction of fireworks and open fires citywide. Section 2) This resolution shall take effect immediately upon its approval and adoption; and further direct that the Mayor and staff work with Pleasant Grove City on these restrictions. Seconded by C. Rees. Vote taken by roll call.

Yes - C. Jackman

C. Martinez
C. Rees
C. Zappala Motion passes.

C. Zappala commented that there are going to be parts of the city where they are unhappy with this decision. He asked how long these restrictions will last.

Chief Freeman stated that it is being left open because it depends on the weather conditions. C. Rees added that last year we left that to the discretion of LPPSD.

MOTION: C. Jackman—To go into executive session pursuant to State Code 52-4-204 and 52-4-205 to discuss the purchase, exchange or lease of real property.

Seconded by C. Martinez. (9:48 p.m.)

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

MOTION: C. Jackman—To adjourn Executive Session and reconvene regular City Council meeting. Seconded by C. Martinez. (10:05 p.m.)

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

C. Jackman stated that the council directs the mayor and city manager to move forward in the process of the sale of the seven city owned lots on Cottonwood Drive.

ADJOURNMENT

7. This meeting was adjourned at 10:06 p.m. on a motion by C. Jackman, seconded by C. Rees and unanimously approved.

Approved by Council:
August 6, 2013

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