

**CITY COUNCIL MEETING**

Tuesday, July 21, 2015 7:00 p.m.

Community Recreation Center

10640 N Clubhouse Drive, Cedar Hills, Utah

Present: Mayor Gary Gygi, Presiding  
Council Member: Trent Augustus, Rob Crawley, Mike Geddes, Jenney Rees  
Absent/Excused: Daniel Zappala  
David Bunker, City Manager  
Chandler Goodwin, Assistant City Manager  
Greg Gordon, Recreation Director  
Jeff Maag, Public Works Director  
David Shaw, City Legal Counsel  
Colleen Mulvey, City Recorder  
Others: Lt. Sam Liddiard, Chris Fowler, Brian Miller, Angela Johnson, Rob Olsen, Kevin Curtis, LoriAnne Spear, Marshall Shore

**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 C. Crawley.

Pledge of Allegiance led by Boy Scout Camden Taylor.

2. Approval of Meeting’s Agenda

Mayor Gygi acknowledged that Mr. Curtis from the Temple Shadows Home Owners Association (HOA) was present, and suggested that the Council move item 11 ahead of item 8.

**MOTION: C. Crawley—To amend the agenda to place item 11 ahead of item 8.** Seconded by C. Rees.

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

3. Public Comment

No comments.

CONSENT AGENDA

4. Minutes from the June 16, 2015 City Council Meeting

5. Appointment of Poll Workers for the 2015 Municipal Primary Election

**MOTION: C. Rees—To approve the consent agenda for tonight.** Seconded by C. Crawley.

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

C. Geddes inquired as to the minimum number of poll workers needed, and it was noted that only three are needed. C. Crawley asked if any early counting is allowed, or if all counting takes place on Election Day. Colleen Mulvey replied that although she could start counting the day before, she will do all of it on Election Day.

#### CITY REPORTS AND BUSINESS

##### 6. City Manager

David Bunker reported that a Timpanogos Special Services District (TSSD) meeting did not take place this month. Additionally, last week staff met with the Principal of Lone Peak High School, and the main focus of the meeting was to see how the two entities could work together to get programs for youth integrated into high school programs. They are working with club teams and are seeking to establish other groups such as chess and robotics clubs. There were also discussions about possibly getting the members of the volleyball team to do a class or program during the summer for other kids. A second flag football team will begin in September, and David Bunker encouraged all youth to participate. Information is available on the City's website. The youth soccer programs are also getting started and there is still time to sign up. An agreement with Stars United Soccer Club has been made to use Mesquite Park next year, and they are interested in finding some more land in Cedar Hills to develop a new soccer park.

##### 7. Mayor & Council

C. Rees: C. Rees is working on the State of the City, and reminded Council Members that she sent an email with a list of suggested topics. Additionally, she sent the 2016 FY budget for the Cultural Arts Committee to the Council for review. The budget includes items such as a date night event in September, a WinterFest in January, the Arts Festival in June, a community theater production, the annual summer concert series and supplies. Lastly, C. Rees noted that the Family Festival Committee report was included with the June 16, 2015 agenda.

Mayor Gygi: The Lone Peak Public Safety District, Finance Committee, and Mountainland Association of Governments (MAG) did not meet in July. Furthermore, he will report back on TSSD in the next meeting. The Golf Course Financial Advisory Committee was reinstated and they met last Thursday night. They will continue to meet regularly in a public setting, with the next meeting taking place on August 6 at 8:00 pm. While any Council Member is welcome to attend as a citizen, only Council Members Augustus and Crawley will be members of that committee.

C. Geddes: The Utah Valley Dispatch Special Service District did not meet since the last Council Meeting. There was a bid opening on a certain building; however all of the bids were much higher than anticipated. The Committee is going to meet in August to try and cut some costs and work out a solution. The Beautification, Recreation, Parks and Trails Committee met last week and will meet again tomorrow to discuss ideas on how to make the roundabout work. Lastly, Bahill Park is still being reviewed, and there will be a citywide breakfast on August 15.

C. Crawley: The Finance Committee did not meet in July, and he also did not have any Emergency Preparedness updates. C. Crawley reported that the Golf Course Financial Advisory Committee appointed Rick Stewart as the Chairperson, and they are going to first look at ways to improve the golf course.

C. Augustus did not have any additional updates.

### SCHEDULED ITEMS

8. Review/Action on a Resolution Indicating the Intent of the City of Cedar Hills to Adjust the Common Boundary with Pleasant Grove City (Wilson and Day Properties)

*Note: Items 8 and 11 were switched.*

Chandler Goodwin explained that there have been two residents of Pleasant Grove approach the City about boundary adjusting into Cedar Hills. Gina and Scott Day, 4495 North 900 West, had a septic tank fail and the City has been working with them on hooking on to the sewer system with the understanding that they initiate this boundary adjustment. Brent and Neva Wilson are also currently using septic, and would like to boundary adjust for similar reasons as the Day family, who are their next door neighbors on 900 West. Both municipalities need to adopt a resolution in order for the boundary adjustment to take effect, and staff was not aware of the status on Pleasant Grove's end. C. Rees asked what would happen if Pleasant Grove denies their request. David Bunker answered that the residents have the option of petitioning further on the matter.

**MOTION: C. Augustus—To approve Resolution 07-21-2015A, a Resolution Indicating the Intent of the City Council of Cedar Hills, Utah, to Adjust the Common Boundary with Pleasant Grove City, Utah, and Authorizing a Public Hearing Thereon Providing for Notice of Said Hearing.** Seconded by C. Geddes. Vote taken by roll call.

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

9. Review/Action on a Resolution Regulating Open Fires and Fireworks east of Canyon Road

Chandler Goodwin explained that based on feedback from Fire Marshal, Ben Bailey, and Fire Chief, Brad Freeman, restrictions were set on all fireworks east of Canyon Road. Signage has been posted in that area and letters have been mailed to residents notifying them of the ban. These regulations need to be formally adopted by way of a Resolution. The City does allow residents to use Mesquite Park as a permissible area for fireworks; however a resident complaint was received over the 4th of July. In response to this complaint, Public Works will cordon off 125 feet from the property line up north to designate it as a spectator-only area. In speaking with the resident, Mrs. Rosenthal, she has indicated that she is satisfied with this proposal.

C. Geddes commented that there may be scout groups that would be willing to do trash clean up the next day, such as on the 25th of July. C. Rees inquired as to whether or not a new location would be identified for future years. Chandler Goodwin replied that while the driving range has been discussed as a potential location, there are several limitations such as accessibility, parking, and various liability issues. He does not believe that staff has communicated to Mrs. Rosenthal that they will find a new venue. Mesquite Park is an ideal location for fireworks, given the flat topography of the park and adjacent parking. C. Rees remarked that the City can wait and see if the 125 foot buffer zone works; however, if unsuccessful, the City may need to make the determination that they do not have an appropriate location where fireworks may be used. Mayor Gygi directed staff to clear up all communication with Mrs. Rosenthal on the matter.

**MOTION: C. Rees—To approve Resolution 07-21-2015B, a Resolution of the City Council of the City of Cedar Hills, Utah, Adopting Specified Restrictions of Fireworks and Open Fires City Wide, Specifically that the City is Banning all Fireworks and Open Fires East of Canyon Road.** Seconded by C. Crawley.

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

10. Discussion on Restricted Access at Heiselt's Hollow Drive and Bayhill Drive

Jeff Maag explained that the Public Works Department was instructed to reduce the amount of traffic access to the Bonneville Shoreline Trail at the location of Bayhill Drive and Heiselt's Hollow. This has been completed by the use of Jersey barriers at Bayhill Drive and the installation of a gate at Heiselt's Hollow. The Bayhill Drive area is now under construction for the development of a subdivision, and once this is complete there will no longer be access in that area. The Heiselt's Hollow area has reduced the amount of traffic to the shooting areas, as was previously requested. According to Lt. Sam Liddiard, there have since been fewer incidents in that area.

C. Crawley remarked that this issue is difficult because the City doesn't want to restrict residents from using the area. However, when the privilege is abused action is required to mitigate the problem. C. Augustus added that it is disappointing that a few people have ruined it for everybody. C. Geddes stated that they may or may not even be Cedar Hills residents.

#### 11. Discussion on Traffic Control at 4600 West and Harvey Boulevard

*Note: Items 8 and 11 were switched.*

Kevin L. Curtis, 9607 Temple Shadows Drive: Mr. Curtis stated that Mayor Gygi and Mr. Bunker have been very helpful in communicating the plans and ideas relative to the traffic control at 4600 West and Harvey Boulevard. There is a safety concern as traffic approaches from the south, partially due to visibility issues caused by the angle at which a fence is situated. The City has been helpful in trying to rectify the problem, and a proposal has been made for a chicane and alterations to be made to the fence line. Mr. Curtis expressed that the preference of the Temple Shadows neighborhood is to have a four way stop installed, rather than the chicane. They realize that Harvey Boulevard is a collector road and is intended to not have traffic signage running east and west. However, until any more work goes further west across North County Boulevard they feel that the traffic would still accommodate a four way stop.

David Bunker explained that the goal of the chicane would be to slow traffic, and to also allow residents on the south side of the road to cross Harvey Boulevard in a safer manner. He noted that the City has been petitioned by the Temple Shadows HOA to provide some kind of crossing other than at the intersection. Therefore, in trying to address both issues, staff determined that a chicane would be a reasonable solution. According to City standards, four way stops should be eliminated on collector roads, such as Harvey Boulevard. There is a disparity between traffic going east to west and north to south, which causes drivers to disregard the stop sign. C. Crawley asked if a specific ratio was determined when a traffic study was completed at the intersection. David Bunker responded that a traffic count was taken which showed the total number of cars.

Mayor Gygi asked if a four way stop and a chicane could both be implemented on the road. David Bunker stated that both could be implemented, but was of the opinion that the four way stop would be unnecessary. C. Rees inquired as to what the residents view as the benefit of the four way stop over the chicane. Mr. Curtis opined that there is not enough traffic that it would either get backed up or that drivers would disregard a stop sign. He stated that the residents of Temple Shadows are accepting of staff's proposal as it has been presented. However, they prefer the four way stop as a solution for the next two to five years, which will come at a lower cost.

C. Geddes asked staff if they are aware of any accidents which have occurred at the intersection in question. Mayor Gygi mentioned an accident that took place near the school about a year and a half ago. C. Geddes asked if it would be possible to do a six month trial period with a four way stop to see if it works, and noted that this would be an inexpensive solution. C. Augustus stated that as a Council they need to rely on professional opinions, and explained that there are pros and cons to each possible solution. For instance, if stop signs are put up and then later taken down, there could be backlash from the public. C. Crawley added that if the Council did opt for a four way stop, he would want to install signs with flashing lights. Mayor Gygi concluded that a trial period with a four way stop would be a good way to try and accommodate everyone.

## 12. Discussion on Signs and Roundabouts

Chandler Goodwin read from the City Code Section 10-5-26 regarding signs and roundabouts. He noted that signage dedicated for government use are exempt from the provisions as set forth in the code. The City uses its rights-of-way as a forum for spreading the word on recreational programs and upcoming events. Chandler Goodwin spoke with Community Services Director, Greg Gordon, regarding the impact of not having signs down at the roundabout. In one year when signs were not placed at the roundabout, the City noticed between a 15 to 30 percent decrease in participation in the recreational programs. This decreased revenue totaled nearly \$10,000. It was noted that this is not an action item, and because it is a Title 10 item it will need to also be reviewed by the Planning Commission.

In response to a question from C. Rees, David Shaw explained that according to the ordinance there is no exemption for proprietary or recreational signage. However, this could be easily remedied by a simple amendment to the ordinance. Mayor Gygi agreed that the City is currently violating their own ordinance, and the Council should figure out an appropriate balance and address the issue accordingly. C. Geddes commented that in speaking with the Recreation Department, they confirmed that the City's programs suffer when there is a lack of signage at the roundabout and in the community. He suggested that signage in the roundabout always be a uniform size and sleeved on both sides of the ground. Chandler Goodwin agreed that signage should be made to be more aesthetically pleasing, and there was further discussion on the matter.

C. Crawley stated that he disagrees entirely with a former Council's decision to ban signage at the roundabout in the first place. He likes having them in that location, and feels like they provide a small town feel to the community. He stated that the code should be changed to allow signage. C. Geddes noted that a former Council Member sent pictures of the kinds of signs that have previously been placed at the roundabout, which were less than aesthetically pleasing. Mr. Shaw explained that if it is a public right-of-way where people are allowed to congregate, then people are allowed to exercise free speech. People are allowed to stand and hold signs, including political candidates; however, simply leaving a sign in an area does not necessarily constitute as free speech.

C. Rees asked if there are other locations in the City that would be just as effective as the roundabout location. Chandler Goodwin replied that the roundabout is not necessarily the only location; however the highest volume of traffic does go through that area. C. Rees suggested that the City discuss a period of time in which the signs are allowed to be posted, so that there aren't one or two signs that are permanently placed there. The Council discussed which entities would be allowed to post signs in that area, and David Shaw commented that the City can allow whatever they want with their own right-of-way. C. Augustus remarked that the residents seem split over the issue. C. Rees stressed the importance of finding a happy medium, and the Council continued to deliberate over points that were previously made. This item will be reviewed again during the second City Council meeting in September.

### 13. Discussion on St. Andrews Estates Property

Chandler Goodwin explained that the City owns a 22 lot potential subdivision, otherwise referred to as St. Andrews Estates, which is currently in the H-1 Hillside zone. This property was previously on the market up until about three years ago. Mayor Gygi commented that he requested to discuss this property because according to several real estate professionals there is a shortage of building lots in Utah County. He suggested that staff and Council start researching what uses would be best for this particular property.

C. Crawley inquired as to what prices the City wanted to charge prior to the property going on the market. C. Augustus replied that it was a lump sum purchase for the entire property. Currently there are no laterals or utilities in the area. Maintenance of the property was discussed, and C. Crawley noted that about \$500,000 was spent. C. Geddes commented that this item was brought forward when he was newly elected as a Council Member, but the Council held off on taking action because the market was still bad. He emphasized the importance of waiting until the City can maximize value on the property, and Mayor Gygi agreed. C. Augustus stated that property is only worth what a developer wants to pay for it. Therefore, he agreed with Mayor Gygi that the City needs to consult real estate professionals in order to get an idea of its value. David Shaw interjected that it would be appropriate to discuss this item during a closed session. C. Rees briefly stated that she is opposed to using the subject property for commercial use because it is close to residential areas.

### 14. Discussion on the Roles and Duties of the Mayor, City Council and City Manager

David Bunker stated that this item was placed on the agenda at the request of C. Crawley. He then turned the time over to David Shaw. David Shaw noted that he emailed materials to the Mayor and Council detailing this information. He explained that according to the current State Code, the City of Cedar Hills has a "Six Member Council form of Government". The Mayor is the Chair of the Council and presides over the meeting. Historically, this would be described as a "Council Manager form of Government with a Six Member form of City Council and also with a City Manager". In 2008, the Utah Legislature abolished the "City Manager form of Government"; however they grandfathered cities that had exercised the "Council Manager form of Government".

According to State Code, the Mayor is granted a variety of executive powers, and is in effect the Chief Executive Officer of the City. Any ordinances adopted by cities and were effective prior to May 4, 2008, are still in effect. Furthermore, they could remove the powers of the Mayor and grant them to a City Manager. In Cedar Hills, more of the administrative functions have been granted to the City Manager. Therefore, under State Code the Mayor is the Chief Executive Officer and the City Manager is the Chief Administrative Officer, each with their own rights, powers and duties. In 2001, when the powers were granted to the City Manager, this was referred to as a Reverse Preemption. Standard Preemption is when the Federal Government mandates certain guidelines for the State. While the City of Cedar Hills could change their form of government, they cannot do so without the voice of the people.

The Mayor chairs meetings, sets the agenda and is responsible for the hiring and firing the City Manager, subject to the advice and consent of the Council. The City Manager reports to the Mayor and he is responsible for carrying out the policies established by the Council. The City Manager effectively serves two authorities - the Council at large, and the Mayor. On a day-to-day basis, the administrative functions also largely fall to the City Manager, and he is responsible for overseeing the other members of staff. The City Manager is also the budget officer and responsible making sure that the City's fiscal affairs are in order. He then reports this information to the Council, who has ultimate oversight over budgetary matters.

The City Council is responsible for setting broad policies, ordinances, resolutions and anything regulatory in nature that concerns the City. Typically, they should not get involved in the management of the day-to-day affairs. The channel of communication was then clarified, in response to questions from C. Geddes and C. Crawley. In conclusion, David Shaw stated that this memo was not produced publicly; however the Council has the prerogative to share it as such.

15. Motion to go to a Closed Session pursuant to Utah State Code 52-4-204 and 52-4-205 (1)(c) to discuss pending or reasonably imminent litigation.

**MOTION: C. Rees—To go into a Closed Session pursuant to Utah State Code 52-4-204 and 52-4-205(1)(c) to discuss pending or reasonably imminent litigation.** (8:26 p.m.)

David Shaw stated that the location needs to be included as part of the motion.

**AMEND MOTION: C. Rees—To go into a Closed Session located at the Community Recreation Center pursuant to Utah State Code 52-4-204 and 52-4-205(1)(c) to discuss pending or reasonably imminent litigation.** Seconded by C. Geddes. Vote taken by roll call.

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

**\*\*CLOSED SESSION\*\***

16. Motion to adjourn Closed Session and Reconvene as City Council Meeting

**MOTION: C. Augustus—To adjourn Closed Session and Reconvene City Council Meeting.**

Seconded by C. Rees. (8:45 p.m.)

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

ADJOURNMENT

This meeting was adjourned at 8:46 p.m. on a motion by C. Geddes, seconded by C. Augustus and unanimously approved.

Approved by Council:  
September 8, 2015

/s/ Colleen A. Mulvey, MMC  
City Recorder