

CITY COUNCIL MEETING
Tuesday, September 6, 2016 7:00 p.m.
Community Recreation Center
10640 N Clubhouse Drive, Cedar Hills, Utah

Present: Rob Crawley, Mayor Pro Tempore, Presiding
Mayor Gary Gygi, Presiding (8:04 p.m.)
Council Members: Ben Bailey, Rob Crawley, Mike Geddes, Jenney Rees,
Daniel Zappala
David Bunker, City Manager
Chandler Goodwin, Assistant City Manager
Greg Gordon, Recreation Director
David Shaw, City Attorney
Courtney Hammond, Transcriptionist
Others: Lt. Sam Liddiard, Dan Wilson, Michelle Carroll

COUNCIL MEETING

This meeting of the City Council of the City of Cedar Hills, having been properly noticed, was called to order 7:00 p.m. by C. Crawley.

Invocation given by C. Rees

Pledge of Allegiance led by C. Geddes

Approval of Meeting's Agenda

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

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

Public Comment

No comments.

CONSENT AGENDA

Appointment of Member to the Cultural Arts Citizens Advisory Committee

This item was tabled. Mayor Gygi has not yet submitted a name for the committee.

CITY REPORTS AND BUSINESS

City Manager

Almost 500 participants have signed up for flag football
The golf course netting will be replaced the first week of October
The Sparks Singers will begin using the recreation center.

There is a pressurized irrigation water main that is damaged on Canyon Road opposite Morgan Blvd. Water can be sent to the tank via another line, but not as much. It is estimated that the tank will be drained overnight, which will lead to limited pressure.

The Bayhill Park bids will be presented at the next meeting

The Tibble Fork Dam reconfiguration has led to a determination that the water meets agricultural use levels. It does not meet culinary water requirements. Cedar Hills has now begun to take water turns into irrigation ponds.

Mayor and Council

C. Rees: The Beautification, Recreation, Parks and Trails Committee will be meeting to discuss the roundabout on Cedar Hills Drive.

C. Crawley: North Pointe Solid Waste voted to join the NUERA group to purchase the landfill. The final vote was 7-4.

C. Bailey: The Cultural Arts Committee is planning a date night in November.

Review/Action on a Resolution Authorizing the City to Participate in the Utah County Community Development Block Grant (CDBG)

David Bunker stated that this resolution is for Cedar Hills to continue to participate in the CDBG program through the Mountainland Associations of Governments (MAG). The CDBG program is run through the Department of Housing and Urban Development (HUD) and allocates funding to those cities with projects that meet the standards. During the work session there was discussion and concern expressed that the city does not have formal policies that are required by the resolution.

Michelle Carroll from MAG stated that the city does not need a policy on excessive use of law enforcement. That clause addresses the larger urban areas around the country. HUD has assured MAG that though that clause is required in each interlocal agreement, there will be no follow up in regards to the policy on excessive use of law enforcement. Signing the agreement allows Cedar Hills to apply for projects. There are no low income requirements for applications for Americans with Disabilities Act (ADA) accessibility. It is a competitive application process. That average award is \$200,000-300,000 with a total annual budget of about \$1.2 million. This program is federally funded. MAG is locally managed and receives federal, state and local funds.

C. Crawley stated that he feels that the requirement prohibiting excessive use of law enforcement is already the law of the land, and the requirement in the interlocal agreement is a political statement. He feels that that this program is unconstitutional because of the limited federal powers given by the Constitution. He feels that programs that use tax dollars to give back to communities with strings attached goes against the Constitution, which he has sworn to defend. He will vote no. The Constitution would allow state and local governments to fund such a program.

C. Zappala stated that the courts have consistently ruled against C. Crawley's interpretation of the tenth amendment. One may wish that the federal government was smaller, but that doesn't

mean that CDBG is unconstitutional. He takes his oath of office seriously, and this vote does not violate his conscience with regards to the Constitution. The decision today would not affect how federal government collects taxes, but would affect whether the city could apply for those monies to help the poor or disabled in the community.

C. Bailey stated that the general belief of people of this community is that the Constitution is inspired by God. The same God has told his people to take care of the poor and needy. That is what this program does.

C. Geddes stated that he does not feel this is in violation of his oath or the Constitution.

David Shaw stated that constitutionality is not the pivotal question, but how elected officials exercise their fiduciary responsibilities.

MOTION: C. Rees—To approve Resolution 09-06-2016A, a resolution of the City of Cedar Hills, Utah, to participate in the Utah County Community Development Block Grant (CDBG) program contingent upon legal review. Seconded by C. Zappala. Vote taken by roll call.

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

Review/Action on Lakeshore Trails PUD Subdivision Fencing

Chandler Goodwin stated that Lakeshore Trails, as a PUD, must seek Planning Commission and City Council approval for the proposed subdivision fencing. The fence will sit on top of a landscaping wall. The fence conforms to city code. Staff recommends the fence not exceed six feet in height and be at least 3 feet from any power pole. The landscaping wall needs to be less than 40 inches in height and the slope cannot exceed 3:1. Access to the manholes need to be approved by the city engineer and building official. The fence will be about 500 feet long. It will provide privacy and sound protection for residents.

C. Geddes stated that he will recuse himself from voting because he is the owner of the project. The fence will be made of concrete slabs molded to look like stone, similar to the Questar fence.

C. Crawley stated that no special treatment is given to council members.

MOTION: C. Zappala—To approve the proposed fence along the Canyon Road portion of Lakeshore Trails PUD Subdivision, subject to the following items: the fence shall not exceed 6 feet in height; the fence must remain 3 feet from any power pole; access to manholes to be approved by the City Engineer and Building Official; landscaping wall to remain less than 40 inches in height; the slope is not to exceed 3:1. Seconded by C. Rees.

C. Bailey inquired about fire hydrants in that area.

David Bunker stated that there are no fire hydrants along that wall.

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

5. **MOTION: C. Bailey—To go into Closed Session pursuant to Utah State Code 52-4-204 & 52-4-205(1)(a)(c) & (e) to discuss the character, professional competence or physical or mental health of an individual, to discuss pending or reasonably imminent litigation and to discuss the sale of real property, meeting to be held in the Vista Room.** Seconded by C. Zappala. Vote taken by roll call. (7:45 p.m.)

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

MOTION: C. Rees—To exit Closed Session and Reconvene City Council meeting. Seconded by C. Zappala. (10:04 p.m.)

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

ADJOURNMENT

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

Approved by Council:
October 18, 2016

/s/ Colleen A. Mulvey, MMC
City Recorder