

**SPECIAL CITY COUNCIL MEETING**  
**Tuesday, August 25, 2009 7:00 p.m.**  
**Public Safety Building**  
**3929 W Cedar Hills Drive, Cedar Hills, Utah**

Present: Mayor Mike McGee, Presiding  
Council Members: Ken Kirk, Marissa Wright, Jim Perry, Eric Richardson (via phone),  
Charelle Bowman  
Konrad Hildebrandt, City Manager  
Kim E. Holindrake, City Recorder  
Others: Cliff Chandler, Michael Stuy, Karen Herd, Scott Jackman

**COUNCIL MEETING**

1. This meeting of the City Council of the City of Cedar Hills, having been properly noticed, was called to order at 7:07 p.m. by Mayor McGee.

Invocation given by C. Wright

Pledge led by C. Kirk

**SCHEDULED ITEMS**

2. Review/Action on a Special Events Ordinance

See handouts.

**Staff Presentation:**

Konrad Hildebrandt stated that the ordinance has been developed through analysis of multiple cities' ordinances from very intensive such as Salt Lake City and Park City to less intensive such as Holladay and Murray. He reviewed each section of the ordinance.

**Council Discussion:**

**Section 6-7-5: Exemption from Permit Requirement:**

- C. Kirk wanted to ensure that in Section 6-7-5 the phrase "constitutionally protected activities" gives the right to free speech and assembly. Konrad Hildebrandt stated that if it does not disrupt or interfere with traffic on public streets or the use of public places by other members of the public, then it is allowed.
- C. Perry agreed that people have the right to assemble and to free speech but not the right to shut down access to a park.

**Section 6-7-6: Permit, Application Procedures, Paragraph B:**

- Konrad Hildebrandt stated that the department over special events will probably be the Assistant City Manager. Other departments will be included through the process in Section 6-7-7.
- C. Bowman questioned why it wasn't run through the Community Services Department.
- C. Kirk felt that "Department over Special Events" is ambiguous. He would like to have a specific department so residents can easily make contact.

- C. Perry stated that the Community Services Department is for City events, and this is not a City event. This Ordinance is making sure the third party is getting the proper permits. The City recently got an Assistant City Manager. He doesn't want the ordinance to be outdated. He doesn't want to lead residents down a dead end path. He suggested using the wording, "obtain from the City".
- All references to "the Department" will be changed to "the City".

Section 6-7-6: Permit, Application Procedures, Paragraph C:

- C. Perry would like 30 days because 60 days seems excessive.
- C. Bowman asked how this applies to the current resident seeking a special events permit. She doesn't have a problem with the 60 days. The Planning Commission reviewed the ordinance and was okay with 60 days. If a church event comes in less than 60 days, the City Manager can approve it.
- C. Kirk sees 60 days as a benefit to the applicant.
- C. Richardson stated that 60 days may be needed for staff to work it through. Sixty days should be the maximum, not the standard. The staff should review and facilitate the application as soon as possible.
- Mayor McGee stated that if an application is denied, the applicant may need the 60 days. There is an appeal process in place to the City Manager if someone comes in under the 60 days. The City doesn't receive a dozen requests per year for block parties.
- Konrad Hildebrandt stated that there is no advertising until a permit is issued. Staff wants to get the application processed as quickly as possible. If the request is for trash clean up, electrical, blocked roads, toilet facilities, etc., then schedules will need to be arranged. The applicant will be told it will cost "x". Then the applicant can decide what they do and don't need.
- C. Perry stated that the wording "event shall be denied" is discouraging.
- Konrad Hildebrandt stated that less than 60 days doesn't make it better for staff. If it takes two weeks, the applicant can't advertise until then or get anything in the newsletter.
- C. Perry stated that the City shouldn't advertise someone's private things in the newsletter. If you open it up, you have to advertise for everyone.
- Mayor McGee stated that the City newsletter is for advertising City related items only.
- The consensus of the Council was to leave it at 60 days.

Section 6-7-6: Permit, Application Procedures, Paragraph D:

- C. Perry questioned the legal right to advertise. It's free speech.
- Mayor McGee stated that if someone advertises and then the event doesn't occur, they are out their advertising money.
- C. Kirk stated that if someone advertises an event in the City and then it gets denied, they aren't going to do advertising to cancel the event. Then the City gets an influx of people wondering where the event is at.
- The consensus of the Council is to remove Paragraph D.

Section 6-7-7: Permit, Application Processing:

- C. Kirk questioned distributing the application to the other entities. If the Police Department has questions, staff doesn't have the answers. The applicant should contact the police and fire departments directly.
- C. Perry stated that the City should have the judgment to send the applicant where they need to go for approvals. The applicant will bring back written approval.
- Konrad Hildebrandt stated the he views the American Fork Police as a City department. Staff can easily email the application to the departments and get their feedback and answers. This is not a burden to the staff.
- C. Richardson stated that if it is between City departments, then the staff takes care of it as one point of contact. If they need the Health Department, then the applicant is sent there.
- C. Perry requested the language, "The City shall inform the applicant of the agencies for which approval is required from them to contact for their specific event and for which agencies the City will ensure approval".

Section 6-7-8: Permit; Fees, Paragraph A:

- Konrad Hildebrandt stated that the application fee is \$100. If it is a recurring special event, they can specify the dates and pay one application fee. Additional fees from other agencies will be required for each date.

Section 6-7-8: Permit; Fees, Paragraph C:

- The Council discussed and the consensus was to change the last part of the paragraph to read: "and shall be paid directly to the agency by the applicant and providing proof of payment prior to the issuing of the special event permit.

Section 6-7-8: Permit; Fees, Paragraph D:

- Subparagraph 2 to be deleted regarding parades.
- Subparagraph 4 to be deleted.
- Subparagraph 6 to read, "Approved community events at the discretion of the City Manager or designee such as City of Cedar Hills official events".

Section 6-7-9: Permit; Approval and Issuance:

- Add "and to the City Manager" to Paragraph B.

Section 6-7-10: Permit; Liability Insurance and Indemnification:

- Konrad Hildebrandt stated that the fees and insurance will be identified in the City's fee schedule. Other cities were all over the place on insurance requirements.
- Mayor McGee stated that UVU requires one million and that costs \$75. The difference between 1 million and a half million is about \$10.
- Delete Paragraph B.2.
- Rephrase Paragraph B.4., "City of Cedar Hills official events"
- Paragraph C to read, "In consideration for the issuing of a special event permit and the use of City streets or City property, the applicant shall sign a Safe Harmless Agreement provided by the City." This language to also be put on the application.

Section 6-7-11: Appeal Procedures:

- Appeals are to go to the City Manager; and if aggrieved by his decision, it goes to the City Council.

Section 6-7-12: City Liability:

- C. Perry stated that disclaimers and waivers should not be in the ordinance. They need to be on the permit so they are current and updated.
- C. Kirk feels this is a basic statement. The ordinance provides the information and public information.
- Konrad Hildebrandt stated that the City may be sued anyway.
- C. Perry stated that if the City Attorney says to put it in then that make a difference. He wants a legal review of the ordinance.

Section 6-7-13: Violation; Penalty:

- A Class B Misdemeanor is defined in the City Code.

**MOTION: C. Wright – To approve Ordinance No. 8-25-2009A, an ordinance amending Title 6 of the City Code of the City of Cedar Hills, Utah, adding Chapter 7, Cedar Hills Special Events, as amended.** Seconded by C. Bowman. Vote taken by roll call.

Yes - C. Bowman  
C. Kirk  
C. Perry  
C. Richardson  
C. Wright Motion passes.

3. Review/Action on Resolution Adopting Fees (Special Events fees)

See handouts.

Charelle excused at 8:00 p.m.

**MOTION: C. Perry – To approve Resolution No. 8-25-2009A, a resolution adding, amending, or deleting certain fees to the official fees schedule of the City of Cedar Hills, Utah.** Seconded by C. Kirk. Vote taken by roll call.

Yes - C. Kirk  
C. Perry  
C. Richardson  
C. Wright Motion passes.

4. Review/Action on Appointment of Poll Workers for the 2009 Municipal Primary Election

See handouts.

Staff Presentation:

Kim Holindrake stated that according to state law the Council is to appoint poll workers for the election. Two names have been added to the list. Each precinct requires three poll workers and three counting poll workers. There are also two poll managers for each voting location to deal with voter identification and provisional ballots. There are also alternate poll workers. Some of the out-of-city poll workers are City staff. Poll workers are required to be at the polling location from 6:30 a.m. to about 9 p.m. It is a very long day, and they cannot leave the polling location. The counting poll workers work from 6:00 p.m. to about 9 p.m.

Council Discussion:

- C. Perry voiced his concerns that the same residents are participating along with City officials and staff. He thinks it is great that these people are willing to serve but would like to see others participate.
- C. Kirk stated that he volunteered as a poll worker without compensation.

**MOTION: C. Wright – To appoint those names presented as Poll Workers for the Municipal Primary Election to be held September 15, 2009.** Seconded by C. Perry.

Yes	-	C. Kirk	
		C. Perry	
		C. Richardson	
		C. Wright	Motion passes.

EXECUTIVE SESSION

5. Motion to go into Executive Session, Pursuant to Utah State Code 52-4-205
6. Motion to Adjourn Executive Session and Reconvene City Council Meeting

No Executive Session.

ADJOURNMENT

7. Adjourn

This meeting was adjourned at 9:10 p.m. on a motion by C. Kirk, seconded by C. Richardson, and unanimously approved.

Approved by Council:  
September 22, 2009

/s/ Kim E. Holindrake  
Kim E. Holindrake, City Recorder