

CITY COUNCIL MEETING  
Tuesday, September 17, 2013      7:00 p.m.  
Community Recreation Center  
10640 N Clubhouse Drive, Cedar Hills, Utah

Present: Mayor Gary Gygi, Presiding  
Council Members: Scott Jackman, Stephanie Martinez, Jenney Rees, Daniel Zappala, Trent Augustus (8:30 p.m.)  
David Bunker, City Manager  
Chandler Goodwin, Assistant City Manager  
Jeff Maag, Chief Building Official  
Colleen Mulvey, City Recorder  
Others: Lt. Sam Liddiard, Eric Johnson, Ben Bailey, Mark Cram, Emily Cox, Mike Geddes, Youth City Council, Marisa Wright, Rob Crawley

COUNCIL MEETING

1. This meeting of the City Council of the City of Cedar Hills, having been properly noticed, was called to order at 7:05 p.m. by Mayor Gygi.

Invocation given by C. Rees

Pledge of Allegiance

2. Approval of Meeting's Agenda

**MOTION: C. Rees—To move item 5 before item 4.** Seconded by C. Jackman.

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

3. Public Comment

Angela Madsen: Ms. Madsen asked the City Council to consider changing the noise ordinance when it comes to concerts in the park and movies in the park. Their yard backs to the park and it is so loud that the windows in the house will shake. She is especially concerned about school nights. She would like to see those type of events end at 8:00 on weeknights and 9:00 on weekends during the school year and a little later during the summer.

Sean Madsen: Mr. Madsen stated that he enjoys the concerts, and doesn't want them to stop, but he has talked to neighbors who also agree that it can be loud and late during the school year.

REPORTS/PRESENTATIONS/RECOGNITIONS

5. Youth City Council Presentation

Colleen Mulvey swore in the Youth City Council.

C. Martinez stated that she is excited for the YCC. The city is lucky to have them.

C. Rees thanked the YCC for the time and effort they put into the city

4. Presentation by Siemens regarding Utility Cost Savings

Staff Presentation:

Mayor Gygi stated that city staff has been working with Siemens Group on potential savings on utility costs, including pressurized irrigation (PI) metering.

Mark Cram of Siemens proposed funding projects through the savings those projects generate. In this way the city can do infrastructure projects without the need to bond. The savings generate over time. State law requires that the savings generate more than the project costs, that the funding not exceed 20 years and that all savings go directly to the city. The first phases of the process are done at no cost to the city. It is a high level review that estimates numbers and savings. If the city decides to go ahead with an investment-grade audit, the city would enter into a contract and there would be a financial commitment. The projects that have been discussed with the city include city-wide pressurized irrigation water metering, city-wide street lighting, secondary water connection to all parks and pumping cost efficiency. Siemens accuracy for identifying savings is 99.96%. He suggested that the no cost feasibility study to be as broad as possible. The options can narrow at the next phase.

David Bunker stated that Siemens is one of a kind. There aren't other firms that take this approach. The only thing to compare it to is the costs and risks of the city doing the entire process on its own.

Council Discussion:

C. Zappala stated that he would like to see references and comments from other cities. He would like to see the alternatives and what any alternative would entail.

C. Jackman stated that water metering is the most interesting project to him because it gives the city a chance to monitor its resources. It would be irresponsible to not go as far as the no-cost portion goes.

C. Rees stated that she likes the idea of going forward with the no-cost feasibility study.

CONSENT AGENDA

6. Minutes from the July 16, 2013 City Council Meeting

**MOTION: C. Martinez—To approve the minutes from the July 16, 2013 City Council Meeting.** Seconded by C. Rees.

Yes - C. Jackman  
C. Martinez

C. Rees  
C. Zappala                      Motion passes.

CITY REPORTS AND BUSINESS

7. City Manager

- David Bunker met with Bowen and Collins on the impact fee analysis. The schedule was mapped out, and it will go into January. The plan is to have an open house toward the beginning of January with a public hearing at the end of January.
- The *State of the City* report is out. C. Rees did a great job.
- There is a Timpanogos Special Service District meeting on Thursday.

8. Mayor and Council

C. Jackman: No report

C. Zappala: Attended a Utah Valley Dispatch meeting. He will send an email regarding some items discussed. The major issue is the contract with Lone Peak Public Safety District (LPPSD). The council needs to decide whether the city wants to remain with Utah Valley Dispatch or make changes. The budget site is up and running and gets 5–10 visits a month.

C. Martinez: The Youth City Council is doing a car wash on September 30 at the roundabout by Walmart. It is a fundraiser for Santa’s Workshop. The Pumpkin Walk/Haunted Creek is on October 28. The golf course had a third month of \$100,000+. Tree Fitness is now operating out of the basement. Natalie Scott is the new part-time staff for events.

Mayor Gygi: Thanked those council members who attended ULCT conference meetings. He asked the council to prepare notes and presentations on what they learned that is valuable. He will begin having discussions on SR 146 maintenance and snowplowing.

C. Rees: The *State of the City* report went out. City social media usage is growing.

SCHEDULED ITEMS

9. Review/Action on Fire Restrictions

The LPPSD Battalion Chief Ben Bailey reported that Chief Freeman has recommended lifting the fire restrictions west of Canyon Road. Restrictions should stay in place east of Canyon Road because the dry plants don’t absorb the water well. While it has been wet recently, a dry spell would dry things quickly. The firework season is closed anyway city-wide until December. The restrictions on the east side allow fires if they are in a pit with a screen.

**MOTION: C. Jackman—To approve Resolution No. 09-17-2013A, a resolution of the City Council of the City of Cedar Hills, Utah, making adjustments to the current fire restriction policy.** Seconded by C. Martinez.

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

10. Discussion on Non-residential Rental Fees

Chandler Goodwin stated that the City Council passed a business license rental fee. About 90% of the rental units are owned by non-residents. City Council asked him to look into the possibility of charging a larger fee for non-resident rental units. Eric Johnson stated that the cost of the fee should be reasonably related to the cost of providing the service. Because there is no additional cost for resident vs. non resident, he does not recommend charging more for non-resident owned rentals.

11. Discussion on City Code Regarding Rental Units

Staff Presentation:

Chandler Goodwin stated that current code has four types of family (1) an individual living alone, (2) two or more people all of whom are related to a designated occupant by blood, adoption, legal guardianship and up to two other unrelated persons who do not pay rent; (3) up to four unrelated individuals who live together as a single housekeeping unit; (4) two unrelated individuals and any children of either of them livings as a single housekeeping unit. There is also a definition for “related” as well. This is a hard code to enforce and is usually only enforced when there is a complaint. Most problems in the city come from non-owner occupied units. He suggests making some changes, including changing family option #2 to require that all occupants be related to the head of household and require that the head of household reside in the dwelling unit. He would also like to require that there be no more than one accessory apartment per dwelling, that the door and/or entrance needs to be constructed on the side or back, that they not share cooking or sleeping facilities, and that the main dwelling must be owner occupied. The purpose of these changes is to enforce code related to non-owner occupied units and accessory apartments.

David Bunker stated that if there is no head of household, there is no person responsible for enforcements or violations. The head of household may need to be defined so there can be enforcement and accountability.

Council Discussion:

C. Zappala stated that he feels the real issue isn't so much the number of people in a house as much as the nuisance that it may cause. If the house is well managed without any negative impact, no one cares how many people live in the house or their relationship to each other. The nuisance code may be a better way to address the problems.

C. Martinez stated that in the winter time street side parking becomes an issue, which is a problem with rental units. The code addresses parking but in such a way that moving their car daily meets the code, but is still an issue because there are too many cars on the street, even if they get moved regularly. So, the nuisance code may not be enough.

C. Jackman stated that he doesn't want to create code to address the outliers. He wants to create a reasonable code that applies to the majority of the people and is easy to enforce.

Public Comment:

Marisa Wright stated that her neighborhood has many renters. Many homes are being rented to two different families, and many of the rentals are poorly maintained.

12. Discussion on a Policy for the Public Use of Conference Rooms, During and After Regular Business Hours

Staff Presentation:

David Bunker stated that with the completion of the addition and the basement there are additional facilities for the city to use and to rent to others. He proposed charging \$30/hour to rent one side of the basement and \$50/hour for both sides. The conference room can be rented for \$30/hour. There are groups in the city, such as HOAs and non-profits that want to use facilities for free. In the past, the city has allowed this during city office hours if the facility is not being used and they have the ability to book two weeks in advance. The issue comes up when they want to use facilities after hours, but that involves staff time. Having a staff person present would likely mean using the event hostess. Everyone else on city staff already works 40 hours. He doesn't want to have to pay overtime.

Council Discussion:

C. Jackman stated that after hours rentals are problematic. Staff needs to be present for liability reasons. The building can't just be left open. It needs to be a city wide policy with all of the city buildings, even if it involves subsidization. He wants to make sure that these policies are reviewed regularly to make sure it still makes sense. He would rather have the problem of having too many people wanting to use the building, and allowing people to use the building for community events may be a good way to get people into the building. Another option is to require a refundable deposit, and have staff just come to unlock and lock the building.

C. Rees stated that she thinks it is fair to charge for after-hours rentals. She doesn't want to charge those that teach free community classes.

C. Martinez stated that she wants it to be as easy as possible to use the building. Free community classes should be able to be booked long term, and not on a two-week basis. Sammy's is open until 9 p.m. and the building is open during that time. She would like to get to a point where there is an employee here during those hours. She suggested looking into a volunteer employee who could be in the building after hours and trade for services, such as a golf pass.

Mayor Gygi stated that this will likely be a process and the city is in transition. The city wants to get to a point where the building is open all the time. Currently there are blocks of time where the building is closed. Revenue in the budget was reduced this year. He suggested asking Charl Louw to review the budget to see if it is feasible to subsidize with staff time.

C. Augustus stated that he wants the community to be here. Unless the fee recoups the costs, he leans toward subsidizing the costs of having a staff member present.

C. Zappala stated that he wants to use the building for community events. If it is a non-community event, he favors subsidizing by providing a staff member. He is also happy with allowing community events to schedule the building more than two weeks out.

13. Review/Action on Proposed Parks and Trails Code

Chandler Goodwin stated that staff made the changes suggested in the last meeting. He looked into the provision prohibiting offensive language. Eric Johnson opined that prohibiting offensive language violates the First Amendment of the Constitution. Alcohol is defined in the state code, so he doesn't feel it is necessary to define it in this ordinance.

**MOTION: C. Martinez—To approve 09-13-2013A, an ordinance amending Title 6 of the City Code of the City of Cedar Hills, Utah, relating to Parks and Public Properties.**

Seconded by C. Zappala. Vote taken by roll call.

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

14. Discussion on Parks Curfew

Staff Presentation:

Chandler Goodwin stated that the current park curfew is 10:00 p.m., but the park rules state 10:30 p.m. A special permit could be extended for the Family Festival or for others that want special events with later noise curfew hours.

Council Discussion:

C. Zappala stated that he would like to see a noise curfew for movies/concerts of 8:00 p.m. on weeknights, and 9:00 p.m. on weekends. From Memorial Day to Labor Day those curfews could be pushed back one hour to 9:00 p.m. on weeknights, and 10:00 p.m. on weekends. The current park curfew of 10:00 p.m. can stand.

C. Gygi stated that he would like to see an exception carved out for Family Festival.

C. Rees stated that she would like to see the summer hours be later than 9:00 or 10:00. It is just getting dark at those hours.

15. **MOTION: C. Jackman—To go into Executive Session, Pursuant to Utah State Code 52-4-204 and 52-4-205, to discuss the Purchase, Exchange or Lease of Real Property.**

Seconded by C. Rees. (9:06 p.m.)

Yes	-	C. Augustus	
		C. Jackman	
		C. Martinez	

C. Rees  
C. Zappala                      Motion passes.

16. **MOTION: C. Jackman—To Adjourn Executive Session and Reconvene City Council Meeting.** Seconded by C. Martinez.

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

ADJOURNMENT

17. This meeting was adjourned at 9:38 p.m. on a motion by C. Jackman, seconded by C. Martinez and unanimously approved.

Approved by Council:  
October 15, 2013

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