

**CITY COUNCIL MEETING**

Tuesday, May 6, 2014 7:00 p.m.  
Community Recreation Center  
10640 N Clubhouse Drive, Cedar Hills, Utah

Present: Mayor Gary Gygi, Presiding  
Council Members: Trent Augustus, Rob Crawley, Mike Geddes, Jenney Rees,  
Daniel Zappala (7:35 p.m.)  
David Bunker, City Manager  
Chandler Goodwin, Assistant City Manager  
Charl Louw, Finance Director  
Courtney Hammond, City Meeting Transcriber  
Others: Corey Shupe, Lt. Sam Liddiard, Glenn Dodge, Marshall Shore, John  
Dredge, Doug Young, Donald Steele, LoriAnne Spear, Angela Johnson, Lyle  
Smart, Chief Freeman

**COUNCIL MEETING**

- 1. This meeting of the City Council of the City of Cedar Hills, having been properly noticed, was called to order at 7:00 p.m. by Mayor Gygi.

Invocation given by C. Crawley  
Pledge of Allegiance led by C. Rees

- 2. Approval of Meeting’s Agenda

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

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

- 3. Public Comments  
No comments.

**PUBLIC HEARING**

- 4. Preliminary Plan for Cedar Hills Retail Center by Amsource, located at 4800 West Cedar Hills Drive in the SC-1 Commercial Zone  
No comments.

**REPORTS/PRESENTATIONS/RECOGNITIONS**

- 5. Government Finance Officers Association’s Distinguished Budget Presentation Award and Certificate of Recognition for Budget Presentation by Finance Director Charl Louw  
Mayor Gygi stated that the city has received a budget award from the Government Finance Officers Association. The city has been awarded this in the past. Tonight a special award is being awarded to the city’s Finance Director, Charl Louw.

C Rees stated that this award is the highest form of recognition in government finance and reporting. It demonstrates a commitment to the spirit of transparency.

Charl Louw stated that staff has worked for the past year and a half to add new items to the budget report, including adding a statistical section with more schedules to show trends. They also worked on a section that helps the council and residents understand why certain things happened in the budget.

#### CONSENT AGENDA

##### 6. Minutes from the April 1, 2014 City Council Meeting

**MOTION: C. Crawley—To accept the minutes.** Seconded by C. Geddes.

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

#### CITY REPORTS AND BUSINESS

##### 7. City Manager

The Timpanogos Special Service District board approved a 13.8% fee increase to meet debt obligations. The increases are based on a study by Bowen Collins.

T-ball registration has been extended through this week.

Soccer registration is now open.

This Saturday is Golf Appreciation Day.

May is golf month declared by Governor Herbert.

##### 8. Mayor and Council

C. Rees: The Easter egg hunts went well. She will be interviewing applicants for next year's Youth City Council. The Family Festival schedule is complete and will include a new item this year—Service Day. The theme for the festival is "There's No Place Like Home." Nathan Osmond will be performing. She issued a press release regarding the finance award presented to Charl Louw.

Mayor Gygi: Has been meeting with the county and state regarding ownership of SR-146. He will be attending the Highland City Council meeting on 20<sup>th</sup> about the maintenance shed that sits in Highland and the possibility of annexing that land into Cedar Hills.

C. Crawley: The Beautification service project was on Saturday. It went well, and they were able to serve five families.

C. Augustus: A North Pointe Solid Waste staff member resigned after 20 years and made allegations against some staff members.

C. Geddes: The Planning Commission met on April 8 to discuss some items that the council will discuss tonight.

#### SCHEDULED ITEMS

##### 9. Review/Action on a Decisions Survey by Cicero Group

David Bunker stated that this is just a discussion item tonight. The Decisions Survey is intended to help the council assess resident needs and desires so it can budget and prioritize.

Kiersten Adams of Cicero Group is here to discuss the process.

Kiersten Adams stated that the Cicero Group uses three methodologies: landline telephone surveys, which have highest response rates and precise locations; email for those who don't have a landline phone or aren't home when calls are made; and postcards, which will be mailed by the city to every household in Cedar Hills directing them to a URL that has the survey. They plan on getting at least 300 surveys, which will give a representative sample. The length of the survey shouldn't exceed 7-9 minutes. There are safeguards to ensure that the same person does not take the survey more than once.

C. Crawley stated that he had some concerns with a few of the questions. On the question that asks the respondent why they chose to live in Cedar Hills, his top two answers aren't listed. He would like to see family friendly atmosphere and good neighbors be choices. He feels question #13 about property taxes going down is confusing and may need to be reworked. He is also concerned that question #14 makes it appear that cost savings will cover pressurized irrigation (PI) metering, and that has not yet been established. The question about the swimming pool includes estimated costs and he wants to ensure that those costs are based on accurate analysis. The question about development doesn't give an option to restrict buildings to two stories. The council needs to make really heavy decision, and he would like resident feedback on those issues through the survey. The key is to make sure the questions are very well crafted.

C. Augustus stated that he has been against the Decisions Survey since the beginning. He does not want to spend \$10,000 to survey residents. Many of the questions are leading and won't accurately represent residents. He would rather the city not do the survey.

10. Review/Action on the Preliminary Plan for Cedar Hills Retail Center by Amsource, located at 4800 West Cedar Hills Drive in the SC-1 Commercial Zone

Chandler Goodwin stated that staff is concerned about the future public road on the east side of the project. The traffic study is based on construction of that road. The initial Amsource proposal did not have adequate landscaping, but it is now completely in line with the design guidelines as well and matches the rest of the commercial area. The building elevations have improved. Amsource would like retail pads A and B open for October 2014 and the credit union constructed in 2015.

C. Rees read through a list of C. Zappala's concerns: C. Zappala would like to make approval of the project contingent on the access road being constructed. He wants raised crosswalks across the parking lots. He would like to see trees line the backside of the pad and access road from Walmart as well as in the median between the credit union and the retail pads. The colors and styles on the buildings should be a strong match for the area. He is also worried that the traffic study showed such a drop in the level of service at the intersection.

C. Rees stated that she is concerned that the traffic study does not include impact of the retail pads. She is fine granting preliminary approval contingent on building the road. However, if the Smarts won't agree to cooperate on building that road, the council will need to decide how to proceed.

Bill Gaskill of Amsource stated that retailers have shown interest in the retail pads. Amsource has tried to acquire the property for the road. If the road is required, and Amsource can't purchase it, Amsource cannot develop. Amsource has done a development of this size and larger without three access points. They would be willing to put the money to construct that road in escrow for the city. Amsource has no way to put in the roadway at this time, and they don't want to put off development indefinitely.

David Bunker stated that the city has met with Fire Chief Freeman about the access points. The access on Cedar Hills Drive is right in/right out. That leaves only one access for emergency vehicles.

Chief Freeman stated that he is concerned with the current access on Cedar Hills Drive because of the median. The only access that makes sense for public safety vehicles is the one called future public road. Without the access it would delay response about 30 seconds, which is significant in public safety terms. Public safety does not want to deal with relying on 4800 West with the high school traffic.

C. Geddes suggested building a temporary gravel road that can be accessed by public safety vehicles.

C. Zappala wondered if the concrete in the middle of the Cedar Hills Drive access could be temporarily left out to allow access in case of emergency for public safety to drive the wrong way of traffic. He would like to see raised crosswalks for traffic calming where crosswalks cross parking lots as well as trees alongside retail pad B and 10040 North and retail pad B and the future public road.

C. Crawley stated that if the commercial building was 30 seconds further away, the city wouldn't deny based on the fact that it is 30 seconds further. He does not want to reject a development because of a 30 second difference in public safety response time.

**MOTION: C Rees—To approve the preliminary plans for the Amsource property located at 4800 W Cedar Hills Drive.** Seconded by C. Crawley.

**AMEND MOTION: C. Zappala—to include raised crosswalk and additional trees.**

Accepted by Rees and Crawley. Vote taken by roll call.

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

#### 11. Review/Action on Fiscal Year 2014 Budget Amendments

Charl Louw stated that many of the budget amendments are because of a reallocation from the General Fund to the Golf Debt Service Fund of motor vehicle taxes and delinquent taxes because of the golf course bond portion of the property taxes. Other adjustments include revenue adjustment from construction related activities, grants and garbage collection; higher

activity for event rentals and recreation programs and corresponding staffing; and adjustments to the Golf Fund due to higher utility costs and trades for services.

**MOTION: C. Rees—To adopt Resolution No. 05-06-2014A, a resolution adopting the amended 2013–2014 fiscal year budget for the City of Cedar Hills, Utah.** Seconded by C. Zappala. Vote taken by roll call.

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

12. Review/Action to Adopt the tentative Fiscal Year 2014 Budget (July 1, 2014 to June 30, 2015)

Charl Louw stated that so far sales tax revenue is \$30,000 ahead of last year. He reviewed changes to expenses to the FY 2015 budget. See handouts.

C. Rees stated that she would like to have the Siemens group come and present again about their proposal for PI meter financing. She is concerned that the golf course subsidy has been lowered. She wants some justification for the lowered number. The golf course has not yet exceeded its goals. Her preference is to be conservative with golf course projections. She would rather cut budget expenditures now than down the road when it doesn't meet projections. She proposed that the finance committee look at the golf course numbers.

C. Crawley stated that he is not ready to see the \$1.5 million in this year's budget for the PI metering. The options haven't been explored yet. Similarly, he is not comfortable including \$300,000 for the Harvey Blvd roundabout.

C. Geddes stated that he would like to see the merit increase for employees increased to at least what Lone Peak employees receive.

C. Augustus stated that he would like to see supervisors have the flexibility to give the amount of increase they see fit based on individual performance. He felt that too much money is being spent on concerts in the park for the small amount of people who attend. He stated that he feels the golf course subsidy projections are risky, especially with no data to back it up.

Mayor Gygi stated that he would like to see the total employee salary increase be capped at 3%, but give supervisors the flexibility to determine how much of an increase each employee receives.

David Bunker stated that the first phase of Bayhill Park would include a play area and playground equipment in the area closest to Bayhill Drive.

C. Zappala would like to look into getting larger size signs to place at roundabouts that announce public hearings, concerts in the park, etc.

**MOTION: C. Augustus—Year after year, day after day, our beloved benevolent beings of the legislature have maintained meaningless statutes, in this case mandating tonight that the City Council adopt a completely nonbinding preliminary budget in advance of passing an actual budget, and in this case prior to full figures being available from the county assessor’s office. Nevertheless, wishing to be in complete compliance with even poorly written laws that even the benevolent legislature isn’t willing to follow, I move we approve the nonbinding preliminary budget for the Fiscal Year 2015, and again publically invite our esteemed public servants, the legislature, to attend more municipal meetings so they can better understand how the municipal government functions.** Seconded by C. Rees. Vote taken by roll call.

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

13. Discussion on the Commercial Zone and Blu Line Designs Proposal

Chandler Goodwin stated that he contacted the Utah County Tax Assessors Office regarding the Rosegate proposal and commercial buildings residential in nature. He previously presented tax figures based on property tax assessment at a full commercial rate. Since then he has learned that the building would be assessed as primary residences. The value of the building as it will be presented tonight is \$19-24 million. At a commercial rate, the property tax paid to city would be around \$54,000. At a residential rate it would generate \$30,000-\$38,000 for the city. A commercial retail building the size of Lexington Dental would need to do monthly sales of \$500,000 to bring in a similar amount. Blu Line has come back with a new proposal based on feedback from the council and residents. The road between the Smart and Amsource property is vital to the total commercial area.

Corey Shupe stated that a three story building was presented as a discussion item to the Planning Commission. They provided positive feedback. The building is now angled with wider courtyards.

Doug Young stated that he has met with the individuals involved with the development across 4800 West from the commercial area. Highland would like the east-west corridor to run into Harvey Blvd, bypassing Cedar Hill’s commercial district. If the east-west corridor veered to the north and through the commercial district being developed south of Lone Peak, it would come into Cedar Hill’s commercial area. He suggested an economic analysis of the Smart property and the city’s property to outline what would be the best use for the property and how it could and should be developed.

Rob Crawley excused (9:19 p.m.)

Public Comment:

Angela Johnson: Ms. Johnson stated that she does not want any high density housing in the area. She wants the area to be primarily commercial. High density is contrary to city’s plan.

Residential housing would cannibalize potential sales tax revenue. The state's commercial development will drive people to Cedar Hills' commercial area. The majority of residents prefer commercial rather than more residential. The city should strive for a greater sales tax base. If there are any future proposals for mixed use, she would like to see commercial developed first.

Deborah Gibbons: Ms. Gibbons presented a petition with 176 signatures of people who do not want to allow high density in the commercial zone. City guidelines state it should be at least 50% commercial. She asked the council to stick to city guidelines. This is not the appropriate use of limited commercial space.

Council Discussion:

Mayor Gygi read a statement by C. Crawley: C. Crawley stated that based on what he understands of the city guidelines, this development does not meet the guidelines for this area of the commercial zone. He has received feedback and petitions asking that this proposal be denied. Many of his neighbors have voiced concern over this issue. He cannot vote for this without the blessings of those that voted for him to represent them.

C. Zappala stated that the road Mr. Young proposed feeding into the commercial area is a sound idea, helping with traffic and flow into the commercial area. Residents are concerned about the impact to Lone Peak High School with increased traffic in the area. He likes the idea of increasing the amount of commercial zoning, though his analysis of the state's mixed use development would add about 3,500 residents with only one church and no additional schools. The plan includes senior living and mixed use. If the plan stands, he would encourage Blu Line to build their center there. It makes perfect sense in that location. His primary difficulty with the proposed development is how it meshes with city code and guidelines. The emphasis in the area is on retail and shops. There are clearly areas of the guidelines and code that are contradictory and need to be cleaned up. Assisted living and convalescence homes are allowed in the area by code. Residences are allowed in the commercial area, but not on the first floor and taking up no more than 50% of the building. Pleasant Grove has explicitly mentioned congregate care facilities in their code and created an overlay map of where they are allowed. Cedar Hills' code should be updated to address congregate care. He has talked to many residents opposing this development. They have been well informed on the issues. He feels like he has been upfront with his concerns from the beginning.

C. Augustus stated that the city code needs to be updated. Since Blu Line is currently in the process, he does not feel comfortable making any changes to the code that would allow or disallow their facility. When he became a councilmember he jumped right into commercial development. All the experts he talked to said that commercial developers were not interested in this area because it wasn't a destination and could only pull from 3 sides. What he once thought was a great commercial property, he has since learned is quite limited. It is not prime commercial real estate. It doesn't have the frontage to draw retail establishments. The best location in the commercial zone is the frontage on 4800 West. The location of the congregate care facility is at the least desirable portion of the commercial area. Even specialized businesses, such as those in the Lexington Heights building have a hard time keeping tenants.

He does not agree that commercial brings commercial. Walmart puts small businesses out of business all the time. That limits the type of retail businesses that will be willing to go into the area. He is ready to look for something else that is viable and will improve the quality of life for residents. He sees value in an economic feasibility study. It may be that such a study would reveal that the area needs to be rezoned. He looks at the 176 signatures, which is sizeable, but there are 5,000 adults in the city, which tells him that all those not responding may be just fine with the Rosegate development.

C. Rees thanked Blu Line for the changes that have happened based on feedback. She shares some of C. Zappala's concerns regarding the city code. The most important feedback she is getting is from the residents. She can't ignore all the opposition to any building that is primarily residential.

C. Geddes thanked Blu Line and the Planning Commission. He does not see problems with this development and city code. The code should be interpretive. He likes the flexibility that it allows. A number of people have spoken to him that approve of the project. Much of the information that is going around is flawed. He does not envision any commercial project bringing in more taxes than this development. He is unsure what type of information was given to those who signed the petition. A lot of time and effort has been spent on this project. He feels that more information should have been given to the property owners and developers upfront so they wouldn't have spent so much time, effort and money on a project that would never be approved. He views this project as primarily commercial. He thinks this is a good project and would benefit the city.

Mayor Gygi stated that he has appreciated working with Doug Young and his willingness to develop the entire commercial zone. He believes that the Cedar Hills commercial zone can be successful. It would draw parts of four other cities. If it takes five years to get the commercial in, then the city will wait.

14. Discussion on SR-146/Canyon Road

No discussion.

ADJOURNMENT

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

Approved by Council:  
May 20, 2014

/s/ Colleen A. Mulvey, CMC  
City Recorder