

CITY COUNCIL MEETING
Tuesday, October 17, 2017 7:00 p.m.
Community Recreation Center
10640 N Clubhouse Drive, Cedar Hills, Utah

Present: Mayor Gygi, Presiding
Councilmembers: Denise Andersen, Ben Bailey, Mike Geddes, Jenney Rees, Daniel Zappala
Chandler Goodwin, City Manager
Greg Gordon, Recreation Director
Jeff Maag, Public Works Director
David Shaw, City Attorney
Colleen Mulvey, City Recorder
Others: Lt. Cameron Paul, David Driggs

1. Call to Order

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. The Pledge of Allegiance was led by C. Bailey, and the invocation was given by C. Zappala.

Mayor Gygi stated that agenda item #9 needed to be tabled at the request of the applicant's attorney, Mr. Parsons. While no action would be taken, they would still hold a public hearing on the item tonight.

2. Approval of Meeting's Agenda.

MOTION: C. Andersen—To approve the agenda and table item number 9. Seconded by C. Geddes.

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

3. Public Comment

Barbara Ramos, 9449 North Canyon Road, explained that she was looking to start a bicycle shop business on her property. Her property was three quarters of an acre and there was an existing building on the property they would like to use; however, she was informed by Chandler Goodwin that this would not be allowed by the City. She said she had other neighbors who were using accessory buildings for business purposes, and did not understand why she would be prohibited for doing likewise. She presented a folder of additional information to the Council for review. Ms. Ramos also asked the Council to consider allowing residents on Canyon Road to build a fence, because the County had done nothing to address the speeding issue. Mayor Gygi stated that he received Ms. Ramos's email; staff was in the process of finding solutions to her concerns, and they would be addressed in the near future.

Kathy Hanks, 10185 Oak Court, stated that she did not mind having homes on Oak Road; however, she was opposed to the entire area being developed. Mayor Gygi explained the reason why Item #9 was tabled.

Dave Free, 4309 West Oak Road, stated that a few months ago he approached the City about putting in a sidewalk near his home, and he wanted to follow up on that inquiry. Mayor Gygi stated that the Council had not discussed this item, specifically; however, he would bring the issue up with staff and have someone from the City reach out to Mr. Free.

REPORTS/PRESENTATIONS/RECOGNITIONS

4. Youth City Council—Introduction of Members and Administration of the Oath of Office
This item was tabled.

PUBLIC HEARING

5. Amendments to the City Code Title 10, Chapter 3, Regarding the Re-Zoning of Certain Portions of Area Currently in the PF Public Facilities Zone to the R-1-11,000 Residential Zone, and to Amend the Official Zone Map to Reflect those Zone Changes

Mayor Gygi opened the floor for public comments.

Cheri Condie, 4221 West Oak Road, asked the Council to deny this proposed rezone request, and any other rezone request that would allow for residential development. She stated that the property in question had been planned for open space, and she desired that it remain as such.

Troy Flickinger, 10130 North Maple Court, stated that this proposed rezone posed several problems which he had addressed in previous meetings. He was opposed to the rezone.

Eric Richardson, 4275 Sandalwood, stated that last night was the City's 40th Anniversary party, which was a great event. He explained that one of the first decisions the City made was to preserve the subject property for open space. In general, residents were against this rezone proposal.

Ken Hazelbaker, 10253 North Oak Road, stated that when he purchased his home he was assured by the City that the area would remain as open space. He thanked the Council for their service to the community. He appealed to the Council to maintain the subject property as open space.

Holly Brinkle, 4012 Oak Road, stated she just moved from Washington and shopped around for their home for a long time. She said they settled on purchasing their home in Cedar Hills because of the open space. She was opposed to the rezone proposal and stated that a lot of families would be affected by it if it passed.

David Driggs (Planning Commission Chair), 9465 North 3940 West, said he wished to clarify some points of confusion. He explained that the Planning Commission made a recommendation

that the subject property be moved back to the residential zone, because the Public Facilities (PF) Zone was presently not subject to the nuisance ordinance. In addition, the PF Zone permitted development including cemeteries, substations, parks, schools, water reservoirs, storage units, etc. The Planning Commission did not want to see the subject property develop for any of those uses.

C. Zappala commented that he appreciated passion that was expressed by the residents. He said he wanted the City to uphold the decision to maintain the subject property as open space. He explained that if the Planning Commission saw a loop hole in the ordinance, he hoped they would make a recommendation on how to amend the ordinance rather than the zoning.

C. Rees asked if there would be a public hearing on this item during the next meeting as well. Mayor Gygi stated the Council always allowed public comments, and he encouraged everyone to attend the next meeting as well.

Howard Hanson, Mesa, Arizona, stated that the subject property was originally planned for equestrian uses. He explained that the argument for change is always a matter of what was right and fair. He discussed the importance of making decisions that protected everyone's property rights. He commended the City Council in handling this situation.

Mayor Gygi closed the floor for public comments.

6. Review/Action on an Ordinance Amending Title 10, Chapter 5, Section 27: Landscaping, Relating to Artificial Turf

Mayor Gygi opened the floor for public comments, and there were none.

CITY REPORTS AND BUSINESS

7. City Reports and Business

Mr. Goodwin reported the following:

- Junior Jazz registration was now open for both girls and boys, grades 2 through 9. He said this was consistently one of the top programs for small cities in the State.
- Flag football was wrapping up; there were nine teen teams this year.
- Golf crews were in the process of moving into the new building.
- Mr. Goodwin thanked everyone who organized and attended the 40th Anniversary Celebration.
- Staff would like feedback from the community on the concept design video of the Harvey Park.

8. Mayor and Council

C. Rees reported that she was working on the State of the City address.

Mayor Gygi reported that Lone Peak Public Safety District was in the process of hiring a new Fire Chief. The process had been delayed due to the fires in California. He would provide updates as they became available.

C. Geddes, C. Zappala, C. Andersen and C. Bailey had nothing new to report.

SCHEDULED ITEMS

9. Amendments to the City Code Title 10, Chapter 3, Regarding the Re-Zoning of Certain Portions of Area Currently in the PF Public Facilities Zone to the R-1-11,000 Residential Zone, and to Amend the Official Zone Map to Reflect those Zone Changes

While public comments were received on this item, Council action was tabled until the next meeting for reasons previously stated.

10. Review/Action on an Ordinance Amending Title 10, Chapter 5, Section 27: Landscaping, Relating to Artificial Turf

Mr. Goodwin presented the staff report and explained that a resident requested that the City consider allowing artificial turf as an acceptable form of landscaping. Other municipalities had considered and adopted provisions allowing artificial turf within a set of guidelines, such as Ogden. Cedar Hills City Code § 10-5-27 would need to be amended to allow for the installation of artificial turf. Currently, § 10-5-27 (B) stated, "The front yard of any existing lot containing a dwelling shall be landscaped. It shall be unlawful for the owner of any residential lot within the City to refuse to install and maintain landscaping within the front yard area of any existing residential lot containing a dwelling. The front yard area shall consist of the entire lot area from the front lot line to the face of the dwelling, or the front setback area, whichever is greater (except for approved designated parking areas). Corner lots have two (2) front setback areas. Landscaping shall be properly maintained including removing weeds and mowing turf areas. Turf grass shall not exceed six inches (6") in height. (Ord. 10-20-2009C, 10-20-2009) This provision is exclusively for the front yard."

The proposed code would prohibit the use of artificial turf as a method of landscaping in the front and side yard areas. An additional code was proposed to the Planning Commission that would allow for the installation of artificial turf. The proposed code was included in the Council packet. The Planning Commission made a recommendation to approve Code to disallow the use of artificial turf as an acceptable landscaping method.

C. Zappala asked about the Planning Commission's process on this item. David Driggs stated that Commissioners had different reasons for their recommendations, including environmental reasons. They were concerned with children and pets playing on turf during the middle of the summer, when the material became extremely hot. Additionally, over time the turf would become frayed or discolored, and they did not want the turf to detract from Cedar Hills's natural landscape. The Commission did not have any problems with turf being installed in rear yards.

Mayor Gygi suggested this item go back to the Planning Commission, so they could create language to improve the proposed ordinance.

C. Rees stated that there were some homes in her neighborhood that had already installed turf. She explained that as a City they were trying to encourage water conservation. She asked if the Planning Commission had Ogden's policy available while reviewing this item. Mr. Driggs answered affirmatively, and said it was sent to the Commissioners prior to the first meeting. C.

Rees stated that Ogden was strict in policing turf within their city. She reviewed the requirements stated in Ogden's ordinance.

Mr. Goodwin explained that there was a difference between turfs used in football stadiums, versus the materials being proposed for residential properties. In response to an inquiry from C. Rees, he stated that the turf did not get as hot.

C. Bailey said he was inclined to deny this request. He made reference to Eagle Mountain's ordinance and stated that their city looked just as good today as it did 10 years ago.

C. Andersen asked how policies set forth for turf would be enforced. Mr. Goodwin said any violations would be to the zone, and the resident would be fined.

There was subsequent deliberation on points raised throughout the discussion.

MOTION: C. Bailey—To deny the proposed ordinance, and direct the Planning Commission to review the issue of artificial turf as an allowed landscaping method and make future recommendation to the City Council. Seconded by C. Zappala.

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

11. Discussion on Arguments in Favor of and Against the Cedar Hills PARC Tax Proposition #7 on the November 7, 2017 General Election Ballot

Mayor Gygi opened the floor for public comments.

Eric Richardson, 4275 Sandalwood, stated that in speaking about the philosophy of government, it was important to note that not all government bodies were the same. Cities were optional forms of government, and the PARC Tax was optional. He discussed a flyer advocating parks for kids, and said this was something that was in favor of the City.

Kelly Smith, 9037 Silver Lake Drive, spoke in support of the tax. She headed up a committee in American Fork that managed PARC programs, and listed several reasons why she supported these types of programs in Cedar Hills as well.

Brian Miller, 10509 North Sage Vista, stated that he supported Proposition #7 and was in favor of the PARC tax. He said he had read the arguments for and against Proposition #7, and this tax literally had nothing to do with the golf course. The PARC tax was a minute tax that would enhance the community. The funds would be used for park enhancements, the arts, recreational opportunities, cultural opportunities, and various other opportunities that would bring the community together. The tax itself would only be a penny for every ten dollars, which was negligible. He said this was not even a new tax; it previously existed but had expired. In conclusion, he said this was a small price to pay for long lasting benefits.

Jerry Dearing, 4211 Manila Creek Drive, stated that he worked on the argument opposing Proposition #7. He said last year this tax was voted down because it was improperly explained. He listed several reasons why he opposed the PARC tax, including: increased taxes across the board, the funds would not be used to enhance parks, and if people wanted these types of programs in the community they were welcome to make private donations.

Mayor Gygi stated that this was not an action item, just a discussion. He reminded everyone that the PARC acronym stood for Parks, Arts, Recreation and Culture. He then closed the floor for public comments.

C. Rees stated that she wrote the argument supporting Proposition #7. She wanted to clarify a few points that had been raised by citizens. One question was whether or not PARC tax funds were used to subsidize recreation programs in the City. C. Rees said this was not the case; recreation programs were funded by user fees. Another question was if there was a law that prevented cities from collecting these funds and spending them on non-related items. C. Rees stated that yes, State Code was very clear that cities could assess this tax if voted upon by the cities, but the funds could only be used for parks, arts, recreation and culture; the funding could not be used elsewhere. Citizens had asked what other projects the City had done with the money already. C. Rees explained that in the past PARC tax dollars were used to install a basketball court at Heritage Park, complete the basement at the community center (which holds several classes and activities), construct park restrooms, complete several other parks and host various cultural events including the summer concert series.

C. Geddes echoed C. Rees's remarks and said he was 100% supportive of the PARC tax. He said he did not think citizens on fixed incomes would suffer in paying one penny for every 10 dollars towards this tax. He made clarifications on why the PARC tax was voted down last year.

12. Review/Action on an Ordinance Amending Title 4, Chapter 2, Section 3: Nuisance, Relating to Weeds

Mr. Goodwin presented the staff report and explained that based on the rezone proposal of the Oak Road parcel, staff felt that it would be appropriate to review § 4-2-3 related to weed nuisances. Currently (5)(j) reads:

j. Weeds: Weeds on developed commercial and residential lots shall be maintained at a height of not more than six inches (6") at any time, and shall not be cleared from real property in the City. Weeds on undeveloped lots shall be maintained at a height of not more than six inches (6") at any time, within thirty feet (30') of any property line, road or structure. Lots being used for livestock pasture or agricultural crops are exempt from the maximum height limit. Noxious weeds located on vacant lots or other property, along with public sidewalks or the outer edge of any public street, or weeds in any other location that constitute a fire hazard.

Staff recommended minor changes that could modify the language related to undeveloped lots, to include language subjecting every zone to the weed abatement ordinance, and adding language to carve out an exception to the municipally owned parcels intended as natural open space. There was some deliberation on this item, and the Mayor recommended this item be tabled.

MOTION: C. Geddes—To table this item.

C. Zappala suggested they also direct the Planning Commission to draft an open space overlay zone. Mr. Goodwin agreed this was a good idea.

MOTION: Seconded by C. Zappala.

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

13. Discussion on the Watershed Protection Program

Mr. Goodwin presented the staff report and explained that State Code allowed for municipalities to draft watershed protection programs that prevented pollution and contamination of streams and watercourses from which residents of the City derive their water supply. The draft ordinance was adopted by American Fork City in response to potential development in American Fork Canyon. As Cedar Hills derived its culinary water supply from the same resources, it may be prudent to explore a similar ordinance that provided Cedar Hills the ability to voice concerns due to any development that may potentially be detrimental to the City's water supply.

Mayor Gygi asked the Council if they wanted to direct staff to create this resolution. C. Zappala was supportive of staff's intent; however, he had several legal concerns. Mr. Goodwin clarified that a Watershed Protection Program would provide the City with the ability to protect its water source.

C. Rees asked if Mr. Shaw provided any feedback on this type of program, to which Mr. Goodwin said staff would seek his legal advice. She also noted that the Public Works Director should also be involved, and she asked Jeff Maag if he would have the time to oversee the program. Mr. Goodwin said as staff they would have to determine how to allocate resources to overlooking the program. C. Rees indicated that she supported the program.

C. Andersen & C. Geddes also supported the program.

ADJOURNMENT

This meeting was adjourned at 8:16 p.m. on a motion by C. Geddes, seconded by C. Andersen, and unanimously approved.

Approved by Council:
November 21, 2017

/s/ Colleen A. Mulvey, MMC
City Recorder