

CITY COUNCIL MEETING

Tuesday, November 21, 2017 7:00 p.m.
Community Recreation Center
10640 N Clubhouse Drive, Cedar Hills, Utah

Present: Gary R. Gygi, Mayor, Presiding
Council Members: Denise Andersen, Ben Bailey, Mike Geddes, Jenney Rees, Daniel Zappala
Chandler Goodwin, City Manager
Charl Louw, Finance Director
Greg Gordon, Recreation Director
Jeff Maag, Public Works Director
David Shaw, City Attorney
Colleen Mulvey, City Recorder
Others: Lt. Gregg Ludlow, Youth City Council, David Driggs, Ben Ellsworth

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. The Pledge of Allegiance was led by C. Andersen, and the invocation was given by C. Geddes.

2. Approval of Meeting’s Agenda.

MOTION: C. Rees—To amend the agenda to remove Item #11. Seconded by C. Andersen.

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

3. Public Comment

Cheri Condie, 4221 West Oak Road, said she recognized the Council valued the parks and trails. She appreciated all the work in providing the parks they had today. She moved here last year and was impressed by the beauty of the area.

Ben Ellsworth, 10632 Bermuda, commented on the construction on Cottonwood Road. At night it was difficult to see and cars were parked on both sides of the road. He wanted the Council to see if there was anything that could be done to make it safer. Mayor Gygi said they would look into the matter.

John Condie, 4221 West Oak Road, said he wanted to express appreciation for Mr. Goodwin’s efforts on the Sill Side project. He said Mr. Goodwin was able to resolve questions and complaints. He also wanted to thank Mayor Gygi for all his work.

REPORTS/PRESENTATIONS/RECOGNITIONS

4. Youth City Council—Introduction of Members and Administration of the Oath of Office

City Recorder, Colleen Mulvey, administered the Oath of Office for the following Youth City Council Members:

McKell McIntrye
Haillie Martinez
Ethan Rasmussen
Tyson Augustus
Kylee Wunder
Lydia Pope
Chynna Hartle
Sam Kimball
Julia Pharaoh
Sadie Finch
Elizabeth Cole
Alex Qian
Kylie Fromm
Paige Prosser

It was noted that YCC Advisors were Stephanie Martinez and Aimee Augustus.

PUBLIC HEARING

5. Amendments to the City Code Title 10, Chapter 7, Section 2, Relating to Building Plans
No comments.

CONSENT AGENDA

6. Minutes from the September 19, 2017, the October 3, 2017, and the October 17, 2017 Work Session and City Council Meetings
7. Appointment of Barry Hallsted to the Beautification, Recreation, Parks and Trails Citizens Advisory Committee

C. Rees said there is one change to September 19th meeting, when talking about the YCC it should State auditor not City auditor.

MOTION: C. Rees—To approve the consent agenda with stated change. Seconded by C. Zappala.

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

CITY REPORTS AND BUSINESS

8. City Manager

Mr. Goodwin reported the following:

- This was the final week of Jr. Jazz registrations. Games will start in early January.
- Golf course was winding down due to weather. Their goal was to stay open until December 9th.
- Ski bus registration was still open. They were full for chaperones.
- Snow parking signs were put out for reminder of parking restrictions.
- The Lone Peak Public Safety District appointed a new Chief.
- The City received plans for a new subdivision named Phase 5 Plat B, as part of the Cedar Hills Town Homes. The original town homes were approved in 2002. They were making minor changes to the proposal. If there were questions they should be directed to staff.

C. Geddes asked if these proposals were made recently. Mr. Goodwin said no, and stated that the item was on the most recent Planning Commission agenda.

9. Mayor and Council

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

Mayor Gygi reported that LPPSD appointed new Fire Chief Reed Thompson from South Jordan.

C. Zappala reported on the Beautification, Recreation, Parks and Trails Committee. They were on track to run The Night with Santa and were working on list of homes to award for Christmas decorations. They also discussed next year's budget request for proposal (RFP) for park maintenance. There were areas where trees had died, and they wished to discuss with the Council who would be responsible for their removal.

10. Review/Action on the Canvass of the Election Returns for the 2017 Municipal General Election

Ms. Mulvey said the City Council acted as the Board of Canvassers to verify and certify the results of the 2017 Municipal General Election. She distributed copies of a spreadsheet to the Mayor and members of the Council, and asked elected officials to verify the results as they were read into the record.

Mayoral Candidate Curt Crosby was disqualified, and therefore only votes for Jenney Rees would be counted.

Mayor

Cedar Hills Precinct 01 - 228

Cedar Hills Precinct 02 - 312

Cedar Hills Precinct 03 - 322

Cedar Hills Precinct 04 - 307

Cedar Hills Precinct 05 - 293

Total votes: 1,462

City Council Candidate Maurice Fernando Navarro was disqualified, and therefore only votes for Ben Ellsworth and Denise Anderson would be counted.

Councilmembers

Cedar Hills Precinct 01 Ben Ellsworth - 194 Denise Anderson - 218
Cedar Hills Precinct 02 Ben Ellsworth - 244 Denise Anderson - 266
Cedar Hills Precinct 03 Ben Ellsworth - 273 Denise Anderson - 280
Cedar Hills Precinct 04 Ben Ellsworth - 218 Denise Anderson - 235
Cedar Hills Precinct 05 Ben Ellsworth - 210 Denise Anderson - 323
Total votes: Ben Ellsworth 1,139 Denise Andersen 1,322

Proposition #7 (PARC Tax)

	For - Against
Cedar Hills Precinct 01	160 - 158
Cedar Hills Precinct 02	237 - 179
Cedar Hills Precinct 03	254 - 133
Cedar Hills Precinct 04	216 - 267
Cedar Hills Precinct 05	238 - 188
Total votes:	1,105 - 925

Ms. Mulvey asked the Council to make a motion recognizing the above stated election results.

MOTION: C. Geddes—To accept and certify the results of the 2017 Municipal General Election and canvass, and declare 4-year term mayoral candidate Jenney Rees, and 4-year term city council candidates Denise Andersen and Ben Ellsworth to be elected, and declare the Cedar Hills PARC Tax Proposition #7 to be approved. Seconded by C. Zappala

Yes - C. Bailey
C. Geddes
C. Rees
C. Zappala Motion Passes

12. Review/Action on an Ordinance Amending Title 3, Chapter 1, Article E: Premises Occupations

Mr. Goodwin presented the staff report and explained that a resident applied for a premises occupation business license, subject to the provisions in City Code Section 3, Chapter 1, Article E. The applicant met the various provisions except for a requirement for the property to be a minimum of one acre. Premises occupations were only allowed where a home had ingress/egress on an arterial roadway (Canyon Road). Currently, there was only one premises occupation in Cedar Hills: Shelly’s School of Irish Dance. The new proposal was for a bike shop area to be located in a new accessory building in the rear of a property, totaling .65 of an acre. The homes along Canyon Road were zoned in either the R-R-1-20,000, R-1-15,000 or H-1 zones. Staff was recommending that three changes be made to the above stated code:

(1) Change the approval body to be the City Staff as was approved in Section 10-5-31, the Conditional Use Code. The chart included in that section of code identified administration as the

approval body. In this case, the appropriate administrator would be the Business License Official. This change would bring the two separate codes into agreement.

(2) Change the provision requiring one acre. This size provision may be reduced and still meet the intent of the code: that the main use remained primarily residential. By reducing the area required, it would allow additional homes to have the option to have a premises occupation. By making this change, six additional homes would meet this requirement.

(3) Change the provision requiring a BCI background check to be only for those businesses as outlined in Section 3-1C, businesses involving minors or elderly individuals.

In response to a question from C. Rees, Mr. Goodwin clarified the first proposed change as outlined above.

MOTION: C. Rees - To approve Ordinance No. 11-21-2017A, an ordinance amending Title 3 Chapter 1 Article E of the City Code of the City of Cedar Hills, Utah, relating to Premises Occupations. Seconded by C. Andersen.

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

13. Review/Action on Signage for Walmart

Mr. Goodwin presented the staff report and explained that Walmart was in the process of updating their store to fit in with the current color and design scheme of their brand. Walmart was proposing to alter their current signage by adding a blue background to the current sign, as well as add a “pickup” sign on the northwest corner of the building, along with an orange badge. Store pickup was a new service offered by Walmart, and this particular sign would be new to this location.

During the April 2, 2007 City Council meeting, the Walmart site plan was accepted with the provision that “...signs shall be subject to all provisions of the Cedar Hills sign ordinance. The City Council will make a finding at final site plan approval as to which facades of the building will be determined to be the front.” The current proposal altered the current signage on the front as stated above, as well as changed the verbiage of the sign on the south of the structure from “outdoor living” to “lawn and garden”.

The Planning Commission split their vote 3-to-2 in favor of recommending the proposed changes. Their primary concerns were in regards to whether or not the color changes would fit in with the rest of the area. Section 10-5-25 (D) (4) of City Code limited commercial signage to a cumulative display area of 25% or 90 square feet, whichever was greater. However, recently adopted Code, Section 10-6A (E) (5) limited signage to 10% or 75 square feet. The more recent code would trump the older code; however, in this instance, Walmart’s signage was approved prior to the adoption of Section 10-6A.

Rebecca Spoonmore, Walmart Store Manager, was present and addressed by the Council. C. Geddes said he would support the proposal if changing the color of stucco was an easy process. C. Zappala said in reading the City Code, it stated that earth tones shall dominate the color palette; he was concerned with the proposed shade of blue dominating the main sign on the building. C. Andersen said the signage area for the store was above the entrance. Her concern was the pick-up badge. She suggested they install a light up sign instead of painting on brick. Ms. Spoonmore said she would relay C. Andersen’s suggestion to corporate headquarters.

C. Rees made reference to Hart’s main sign and explained that they had a silver color background; similar to Walmart’s sign, the Hart’s sign also was not earth toned and did not fit in with the colonial look of the area. C. Rees stated that she often hears that it is difficult for developers to work with the City of Cedar Hills. While she wanted to stick with the colonial look of the area, she was willing to compromise on this issue because it was part of rebranding for Walmart.

MOTION: C. Geddes—To approve the changes to the signage subject to Walmart Corporation agreeing to an actual sign and not painted brick. Seconded by C. Bailey.

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

14. Review/Action on Acceptance of the 2017 Fiscal Year Audit

Charl Louw thanked everyone for their cooperation with this year’s audit. Steven Rowley of Keddington & Christensen stated that their role as auditors was to ensure the City’s financial statements were free of material misstatements. Mr. Rowley then read from page 11, where the firm’s financial opinion of the City was stated. Mr. Goodwin noted that while this page was not included in the packet, a link to the entire audit report was posted on both the City’s and State Auditor’s websites. Mr. Rowley continued to review the results listed in the report.

Note: The above stated report may be found at the following web link:
<http://www.cedarhills.org/sites/default/files/financial-statements-2017.pdf>

MOTION: C. Rees—To accept the 2017 annual financial report. Seconded by C. Bailey.

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

15. Review/Action on an Ordinance Amending Title 10, Chapter 7, Section 2, Relating to Building Plans

Jeff Maag presented the staff report and explained that the Cedar Hills building department, currently and in the past, had required Utah registered design professionals to provide design

documents for all structures being built under I-Codes with the exception of the International Residential Code (IRC). The most recent (2015) International Building Code (IBC) Section 107-1 indicated that this was required only if the statutes of the jurisdiction issuing the permit required these documents. He then read through the language of the IBC.

C. Bailey asked for clarification on what was considered professional design work. Mr. Maag responded that design work was considered professional if it was completed by someone who was licensed. There was further deliberation on the matter.

MOTION: C. Andersen - To approve Ordinance No. 11-21-2017B, an ordinance amending Title 10 Chapter 7 Section 2 of the City Code of the City of Cedar Hills, Utah, related to Building Plans. Seconded by C. Zappala.

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

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

Mr. Goodwin explained that based on the discussion regarding the rezone proposal of the Oak Road parcel, it had come to staff's attention that the weed ordinance needed to be amended to account for large properties that should have some type of annual weed abatement. Additionally, the ordinance needed to account for natural open space that should be preserved, while balancing the need for fire protection. The ordinance as proposed used the Utah State Code definition of weeds, and provided for the Zoning Administrator to determine the practicality of the abatement program. Additionally, landowners could make written requests to receive an exemption of the provisions of the code. The Zoning Administrator could determine whether the real property posed a fire risk to the surrounding neighbors, as well as appropriate compliance methods.

MOTION: C. Bailey - To approve Ordinance No. 11-21-2017C, an ordinance amending Title 4 Chapter 2 Section 3: Nuisance of the City Code of the City of Cedar Hills, Utah, related to weeds. Seconded by C. Andersen.

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

17. Review/Action on a Golf Cart Lease Agreement

Greg Gordon presented the staff report and explained that staff had been looking into golf carts the entire year, as the extended lease was up at the end of 2017. Based on prior experience and the topography of the course, staff felt strongly that they needed to get a different cart and go with lithium ion batteries. There was no battery maintenance required and it would also save on

acid drips on the cement in the cart area. In addition, the City would save 4% to 8% on electric bills with this new battery. Staff estimated that this change would also save approximately 180 to 200 hours per year on labor with the new carts.

There was no other company that currently had lithium ion batteries in the market, so this would be a single source provider. Mr. Gordon briefly discussed the timeline and noted staff would be working with the same company as they had in the past. He stated that in order to stay within budget, the fleet would be reduced from 80 carts to 78 carts for the duration of the lease. This reduced number of carts would still allow the golf course to host full-field tournaments. Furthermore, because the batteries had a fully warranty for the duration of the lease, the terms of the lease would be extended from four years to five years.

Mayor Gygi expressed support for the proposal as outlined. C. Geddes asked if reducing the number of carts available would affect demand, to which Mr. Gordon responded in the negative. C. Geddes asked if they still had a drink cart. Mr. Gordon said no, and stated that the drink cart was sold to Ernie's Sports Deli. C. Geddes asked if these carts had auto brakes, and Mr. Gordon answered affirmatively. C. Geddes asked if there was an option to extend the lease period even more. Mr. Gordon said he did not know the answer to this question.

MOTION: C. Geddes—To approve the lease agreement between Cedar Hills Golf and RMT for the lease of 78 carts for a period of 60 months. Seconded by C. Rees.

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

18. Discussion on Request for Qualifications (RFQ) for Professional Services – Outdoor Grounds Maintenance Services, Solid Waste Collection and Curbside Recycling Services

Mr. Goodwin reported that two contracts were set to expire in the next six months: (1) the park maintenance agreement with Chris Wilkinson and (2) the municipal waste collection agreement. He suggested the best practice would be to go out to bid for these two services

C. Geddes asked if there was any indication that Mr. Wilkinson would submit another bid. Mr. Goodwin answered affirmatively, but noted there would be a 20% increase. C. Geddes said a couple of years ago there were some complaints about the weeds being wacked around trees. It was noted by both C. Geddes and Mr. Maag that the appropriate adjustments had since been made.

C. Geddes said he welcomed new RFPs. After subsequent deliberation, Mr. Goodwin noted it was important that irrigation be included in the next park maintenance contract.

C. Geddes said if sprinkler heads were broken as a result of maintenance, those costs should not fall upon the City; damages incurred as a result of vandalism were a different story. He wanted

this clarification to be outlined in the contract. Additionally, he would like to see a breakdown on hourly labor costs with the billing.

Mr. Goodwin said from a budgeting standpoint, the contract was set up so that the City could anticipate the fees for the entire year. Irrigation was the biggest unknown, since it was not a part of the contract. In response to an inquiry from C. Geddes, Mr. Maag explained that irrigation was currently part of his contract; he replaced sprinklers and timers at his expense. Mr. Maag continued that there was language in the maintenance contract addressing the sprinkler system. It stated the City was responsible for everything four inches in size or larger. Sprinklers smaller than four inches he maintained, including the controller. The cost had been minimal up to this point, averaging less than \$800 a year.

Mr. Goodwin commented that Waste Management and Mr. Wilkinson had both been receptive to Council and staff feedback regarding these two contracts, and they made great efforts to serve the community.

Mr. Goodwin stated the second contract was with solid waste collection. He explained that the current contract with Waste Management was renewed in 2011 and had a five-year term, with a two-year extension; the extension period was set to expire at the end of April 2018. One issue to consider if the City switched to a new provider was whether or not the old provider would sell the cans/totes to the new provider, or if the new provider would simply provide new totes.

Beth Holbrook, a representative from Waste Management, stated that she preferred not to go to RFP and would like to continue their relationship with the City. The drivers knew the City and took pride in being responsive to citizens' needs. She noted that Waste Management also provided recycling services. She stated that they were starting to shine as a company and would love to continue working with Cedar Hills.

C. Zappala commented that based on the recycling report, Waste Management was not meeting their goal. Ms. Holbrook responded that recycling goals were based on the community's approach to recycling. She said they would like to increase the number of residents with containers, which may be a more effective strategy. She briefly discussed several factors that went into the recycling market, particularly as it related to competition among manufacturing companies. C. Zappala asked how residents could be encouraged to recycle. Ms. Holbrook discussed potential outreach ideas, and stated that efforts needed to begin at the grassroots level.

C. Geddes said he was the only person on his entire street that had recycling can. He asked if Waste Management periodically conducted audits on where cans were located throughout the City, to which Ms. Holbrook responded in the affirmative. She stated that they also audited the materials being recycled.

C. Andersen asked what materials were more costly to handle: trash or recycling. Ms. Holbrook said trash was cheaper; however, there was great value in processing recyclable materials.

ADJOURNMENT

This meeting was adjourned at 8:20 p.m. on a motion by C. Rees, seconded by C. Zappala, and unanimously approved.

Approved by Council:
February 6, 2018

/s/ Colleen A. Mulvey, MMC
City Recorder