

CITY COUNCIL MEETING  
Tuesday, December 04, 2012 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  
David Bunker, City Manager  
Chandler Goodwin, Assistant City Manager  
Colleen Mulvey, City Recorder  
Scott McMahon, Zoning Official  
Courtney Hammond, Transcriptionist  
Wade Doyle, Golf Operations Director  
Eric Johnson, City Counsel  
Others: Sam Liddiard, Melissa Willie, Rob Crawley, Jared Bradley, Priscilla Leek, Rick Stewart, Mark Webb, Rob Olson, Glenn Dodge, Ammon Allen

COUNCIL MEETING

1. This meeting of the City Council of the City of Cedar Hills, having been properly noticed, was called to order at 7:01 p.m. by Mayor Gygi.

Invocation given by C. Zappala

Pledge of Allegiance led by C. Martinez

2. Approval of Meeting's Agenda

**MOTION: C. Martinez—To amend the agenda to move item 8 above item 6 and then also to table item 15.** Seconded by C. Rees.

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

3. Public Comment  
No comments.

PUBLIC HEARINGS

4. Amendments to the City Code, Title 5, Chapter 1, Article C-5 regarding Kennel or Cattery  
No comments.

CONSENT AGENDA

5. Minutes from the October 2, 2012 City Council Meeting

**MOTION: C. Rees—To approve the minutes from October 2, 2012 City Council Meeting with the changes that she made with City Recorder Mulvey regarding the wording change from Blue Ribbon Committee to Beautification Committee.** Seconded by C. Martinez.

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

#### SCHEDULED ITEM

##### 8. Recognition of the Golf Course Financial Advisory Committee Members

Mayor Gygi thanked the members of the Golf Course Finance Advisory Committee as well as their families who sacrificed time. It was important work that took many hours on many days. He wishes the city residents would have been at the meetings to see the honesty and integrity at the meetings. He was thrilled with the work that they provided to the city. On behalf of the council and staff he presented the finance committee with a small token of appreciation, a meal at the grill. Committee members recognized were: Rob Crawley, Jared Bradley, Priscilla Leek, Rick Stewart, Mark Webb, and Rob Olson.

C. Martinez stated that as a spectator at the town hall presentation, it was amazing to see what the finance committee did and how it was presented. It was presented in easy terms that everyone could understand. She wishes more people had been there that night. She also appreciated the recommendations that were made for the golf course.

C. Rees stated that the Finance Committee's work was extremely beneficial for the community. Their presentation is on the city website.

#### CITY REPORTS AND BUSINESS

##### 6. City Manager

- December has only one City Council meeting and no Planning Commission meeting.
- Public Works has worked hard to put Christmas lights on the Community Recreation Building.

##### 7. Mayor and Council

C. Rees: One press statement was issued, which is on the website and posted to the city's Facebook page. There has been a Facebook post every day this week, with one more coming about the bond rating. The Parks, Trails, Beautification, and Recreation Committee are working on the December 10th event. Hours will be from 5:00-8:00 pm. It is the first city-wide Christmas party. Santa will be there for pictures with children and families. The Girls Scouts provided materials for children to make a craft. A harpist will be here to provide Christmas music and there will be free hot chocolate available to everyone.

C. Martinez: Junior Jazz signups will be going through the end of this week. There have been 500 sign ups so far. Santa's Workshop will be next week. The Pizza Pie Café

fundraiser proceeds will go towards gift cards for the older children in Santa's Workshop. There will be a toy drive during the December 10th event. Volunteers are needed for Junior Jazz, Lego League, and the Family Festival.

C. Zappala: He attended a meeting of the Utah VOAD (Volunteer Organizations Active in Disasters). It is a national organization that gets the call from the Red Cross when a disaster strikes. They mobilize forces. They have different organizations within different counties and are in the process of starting an organization in Utah County.

David Bunker: The city is working on emergency management. Staff is working on updating emergency contacts and establishing the framework for emergency management. There is a process and chain of contacts that needs to be understood.

## SCHEDULED ITEMS

### 9. Review/Action on an Ordinance amending Title 5, Chapter 1, Article C-5 regarding Kennel or Cattery

Scott McMahon stated that this is a proposed ordinance change. There was a request from a citizen to have a home-based business to board cats. This ordinance includes both cats and dogs. There are currently no zones that allow for such a business. The primary concern was management of noise and odor for surrounding residents. He contacted the County Board of Health, Humane Society and other organizations for input. The health department's concerns were noise and odor. They would also be the ones responding to citizens' complaints. Outdoor boarding would lead to noise and odor problems, so this ordinance focuses on indoor boarding with outdoor exercise areas. The ordinance requires that the animals be exercised individually, with the intent that only one dog at a time be outside. It requires animals be indoors by 8:00 p.m. Other nuisance codes could be applied to address anything not addressed in this ordinance. Anybody who wanted to apply would need a conditional use permit, which would require that they appear before the Planning Commission. The Planning Commission recommended notifying any resident within 300 feet of the proposed kennel/cattery. Determining the maximum number of animals allowed was important and problematic, because none of the formulas or determining factors seemed to work. The Planning Commission recommended setting the maximum at 4 animals boarded.

Mayor Gygi stated that he isn't sure that dogs and cats should be treated the same. Dogs are typically larger and more robust.

C. Rees stated that it makes sense to make the ordinance as easy to enforce as possible. She is concerned that neighbors may come to a public hearing opposing such a business and feel that their voice isn't heard if the business is approved. She leans toward property rights and allowing residents to utilize their property the way they see fit as long as it doesn't cause problems to neighbors. The hurdle here is education to let neighbors know that there are conditions to alleviate nuisance concerns.

C. Zappala stated that he has never heard of an indoor kennel, and isn't sure it is feasible. He is concerned that this ordinance creates a process where residents can air concerns,

but not necessarily a situation where their concerns are listened and responded to. The residents he talked to said they would not want such a business in their area. The residents he talked to were specifically concerned about dogs. They were not concerned with cats.

C. Jackman stated that one option is to strike all references to kennels, and make it specific to catteries. The request was specifically for cats, while most residents' concerns are specifically about dogs. Definitions of indoor kennel or cattery should be reworded to say "up to four dogs or cats . . ." Page 2 references a physical address and a URL address that may change. He would rather be more general by referencing the Utah County Recorder's office. Also the fee should not be specifically enumerated, but rather reference the fee schedule. He would also like the conditional use approval process referenced rather than described in case it is changed in the future. On page 6 remove "All licensed indoor . . ." through sections a and b and leave just the last sentence. He leans toward removing all references to dogs and kennels. He doesn't want to make something available that, in general, residents don't want.

C. Martinez stated that she also got negative feedback about dogs. She is fine with striking dogs and kennels from this ordinance. On page 2 B1, strike reference to a valid license to operate a kennel/cattery. Only the business license is required.

David Bunker stated that this is for people who want to run a business. It would be the zoning enforcement officer as part of business licensing who would follow up on enforcement. There could be a legal problem if one person is permitted a kennel/cattery, and another is denied because neighbors oppose.

Eric Johnson stated that generally public outcry is not a sufficient reason to deny. He recommended that the Planning Commission approval and public hearing still be required. Conditional use means that the city must approve it as long as it meets the set of conditions that will ameliorate the concerns. Additional conditions can be imposed based on concerns of neighbors or the city.

**MOTION: Jackman—To continue this item and direct staff to make all changes discussed today.** Seconded by C. Martinez.

C. Zappala clarified that includes the recommendation to strike kennels.

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

10. Review/Action on a Resolution authorizing the Maximum Amount of General Obligation Refunding Bonds to be Approved by The Pricing Committee

David Bunker stated that it is proposed that the council authorize a Pricing Committee composed of the mayor, city manager and finance director. The city recently had a bond rating and received AA- rating. The Pricing Committee would review the terms of bond sale and approve the sale of bonds. Bonds issued will not exceed \$5,725 million.

**MOTION: C. Martinez—To approve Resolution 12-4-2012A, authorizing the Pricing Committee to approve the final terms of the General Obligation Refunding Bonds not to exceed \$5,725,000 and execute required documents relating to the issuance of the bonds.**

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

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

11. Review/Action on an Ordinance setting the Time and Place of the City Council Meetings for 2013

David Bunker stated that the proposed meeting dates and times of 2013 are listed. An ordinance adopting those dates and times is required. The Council often cancels the latter June meeting because of conflicts with the Family Festival.

C. Jackman stated that the April schedule has one meeting on the second Tuesday, rather than the standard 1<sup>st</sup> and 3<sup>rd</sup> meetings anticipating a spring UCLT conference. He favors approving a regular schedule and cancelling meetings if needed.

**MOTION: C. Jackman—To adopt Ordinance No. 12-4-2012A, an ordinance setting the time and place of the regular meetings of the City Council of the City of Cedar Hills, Utah, subject to changing April's to be April 2 and 16.**

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

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

12. Review/Action on authorizing the Mayor to sign an Easement Exchange Agreement with the Metropolitan Water District of Salt Lake and Sandy

David Bunker stated that he approached the council in August regarding this issue. Ammon Allen of the Metropolitan Water District is present. They have worked on getting the easement changed on Silver Lake Drive. The backyards of those homes have an easement for the Metropolitan Water District. The intent is to shift the easement to the east. The property lines would be the edge of the easement, allowing residents to use their

yards more fully. It is beneficial for everyone. The district's pipeline access will be through the city property off of Bayhill and can be used by residents as a jogging path.

Ammon Allen stated that he feels this is a good solution for everyone and has appreciated working with the city. Basic landscaping along the easement is acceptable. They don't want any trees, though trails, turf, and small shrubs are okay.

**MOTION: C. Rees—To approve a mutually beneficial easement exchange with the Metropolitan Water District of Salt Lake and Sandy and authorize the Mayor to execute the necessary easement exchange documents as approved by the City Attorney and City Engineer.** Seconded by C. Zappala.

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

Motion passes.

13. Review/Action on the Golf Cart Lease Agreement

Wade Doyle stated that he reviewed the current lease and this lease option at the last meeting. The new lease would be \$6,200 per month; the current is \$5,200 but doesn't include the maintenance to improve the current fleet. The terms of the newer lease provides a four-year bumper to bumper warranty and a 25,000 amp hour warranty which other suppliers do not match. Yearly maintenance costs will likely decrease to offset the increase in lease payments.

David Bunker stated that staying with the current lease would require a budget amendment of at least \$60,000-90,000 for maintenance issues.

C. Jackman commented that he sees both long-term and short-term benefits.

**MOTION: Jackman—To approve the proposed lease agreement with RMT Equipment, which submitted the lowest responsive bid, for 80 E-Z Go RXV Cars to replace the existing fleet.** Seconded by C. Martinez.

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

Motion passes.

14. Review/Action on the Non-Golf Related Activities Policy for the Golf Course

David Bunker stated that Golf Maintenance Manager, Brian Cloud's recommendation is to limit winter activities on the golf course. He doesn't want to be fighting damage to the course, or to swallow the costs of repairing the course. Enforcement will be an issue.

C. Martinez stated that she wants to ensure that the language doesn't limit winter recreation around the building, for instance using the grassy area around the building for a snowshoeing class. The city needs to clearly delineate which areas are off limits; particularly areas it knows are a problem. The message needs to go out now, before the snow comes.

C. Jackman stated that it is all about enforcement. He is not excited about an orange construction fence.

C. Rees stated that she would really like to direct residents to other areas where they can participate in winter activities.

**MOTION: C. Rees—To approve the proposed Golf Course Winter Activity Use policy.**  
Seconded by C. Jackman.

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

15. Review/Action on Options for the Community Recreation Center Basement  
Tabled.
  16. Discussion on preparing a Resolution Recognizing and Declaring a Page Osmond Day in  
Cedar Hills

Mayor Gygi stated that Jared and Heather Osmond have a teenage daughter who got the lead in the Nutcracker in Nashville Tennessee, part of the Radio City Music Hall's program in Nashville. As part of Cedar Hills Champions, he would like to recognize this outstanding achievement. Paige would be recognized at an upcoming City Council meeting.

## ADJOURNMENT

17. This meeting was adjourned at 8:29 p.m. on a motion by C. Jackman, seconded by C. Martinez and unanimously approved.

Approved by Council:  
December 18, 2012

/s/ Colleen A. Mulvey

Colleen A. Mulvey, CMC  
City Recorder