

CITY COUNCIL MEETING
Wednesday, March 19, 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, Michael Geddes, Jenney Rees, Daniel Zappala
David Bunker, City Manager
Chandler Goodwin, Assistant City Manager
Greg Gordon, Recreation Director
Wade Doyle, Golf Operations Manager
Charl Louw, Finance Director
Jeff Maag, Public Works Director
Others: Lt. Sam Liddiard, David Driggs, Doug Young, Corey Shupe, Glenn Dodge, Angela Johnson, Darren Lowder, Russell Smart, Michael Stuy, Mike McGee, Audrey McGee,

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 Mayor Gygi

Pledge of Allegiance led by Nathan Stevenson

2. Approval of Meeting's Agenda

MOTION: C. Rees—To remove item 11, the FY2015 Budget, because it was discussed during work session and approve the rest of the agenda as is. Seconded by C. Augustus.

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

3. Public Comment

No comments.

4. PUBLIC HEARING

Preliminary Plan for a Senior Living Facility (Rosegate) by Blu Line Designs, located at approximately 4600 West Cedar Hills Drive

Public comments listed with agenda item #8.

5. CONSENT AGENDA

Appointment of Members to the Cultural Arts Citizen Advisory Committee

Mayor appointed (names) to the Cultural Arts Committee.

MOTION: C. Zappala—To approve the consent agenda. Seconded by C. Augustus.

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

CITY REPORTS AND BUSINESS

6. City Manager

They Family Festival Committee has met with Macey’s as the potential food vendor. *The Love Bug* will be shown at the Movie Night.

Tot soccer is open until April 9. T-ball registration opens on March 30.

The city is working with Merrill Lynch to provide free seminars in the recreation center. The city is also working on putting together some nutritional workshops.

The driving range fence will be back up in the beginning of April.

Pleasant Grove recreation is starting a Pickle ball class with open play Thursday and Friday evenings with April and May clinics for children

7. Mayor and Council

C. Zappala: Attended a meeting about the avalanche in American Fork Canyon. The primary issue with that 911 call was that the call was entered in as a police call, but not a medical call. EMS was not dispatched as it should have been.

C. Rees: The Family Festival Committee is working hard to get festival dates together. This year a service night will be added to the schedule.

C. Crawley: There will be a Beautification Service Day on May 3rd from 9:00 a.m. to noon. The Beautification, Recreation, Parks and Trails Committee is looking for additional volunteers to serve on that committee. He thanked the city for giving all residences in Cedar Hills a free gift certificate for 18 holes of golf.

SCHEDULED ITEMS

8. Review/Action on the Preliminary Plan for a Senior Living Facility (Rosegate) by Blu Line Designs, located at approximately 4600 West Cedar Hills Drive

Staff Presentation:

Chandler Goodwin stated that the preliminary plan has been through the Planning Commission. The plan before the council tonight does not include some required changes, including sewer line changes and frontage improvements. The estimated value of the proposed development is \$24-30 million. They would be taxed at the full commercial rate. That would bring in an estimated \$68,000–\$86000 in property taxes per year. By comparison, Walmart brings in \$23,000. A residential single family unit pays \$1,400 per acre. Commercial is twice that at \$2,600. Rosegate would be three times the commercial rate at \$7,500 per acre. Annual property tax rate for a commercial building the size of Lexington Heights would be \$5,700. Sales tax on an estimated \$500,000 in revenue per month would be \$34,250. The portion that would go back to the city for point of sale would be \$2,300 per

month or \$28,000 per year. Combined with property tax, that would be \$34,000, much less than the estimated property tax from Rosegate. Horizontal infrastructure is already in place. The developer will be responsible for improvements on the site itself. There is no need for any upgrading to utilities.

David Bunker stated that Rosegate's demand on pressurized irrigation (PI) would not be significant because it is in the commercial zone. It would be required that they bring in the water to meet the building's demand.

Corey Shupe of Blu Line Designs stated that Blu Line is a planning and landscape architecture group. He proposed receiving public input, then tabling the item so that Blu Line can integrate public comment into their proposal. Rosegate is a three- and four-story building. The lower level of the northwest corner is earmarked for retail, or possibly a small library. There will be garages along the property line. The building itself will be 170 feet from the property line. There will be a ½ mile walking trail between the garages and the existing residences. The trail loop will have activity pullouts. Walmart is considered Phase 1 of the commercial zone. Phase 2 is the Harts gas station. Phase 3 would be Rosegate. Rosegate is a congregate care facility for ages 55+. Congregate care facilities are held to Housing for Older Persons Act (HOPA) federal guidelines. Blu Line has created a critical intersection across from Walmart making it into a main street leading into the other part of the commercial area. The critical component to a successful commercial zone is the number of people. The congregate care facility brings in a key number and demographic of people. Traffic and parking studies have been done. The area is walkable for the residents of the facility, and many won't need cars. The parking is currently over 1 per unit. The Amsource commercial property (Phase 4) relies heavily on the main street intersection, which will also feed the back of Harts. Once all that is in, the critical mass and other commercial enterprises are in place to support Phase 5, which is the rest of the commercial area. Rosegate will jumpstart the commercial development in Cedar Hills. Annual property taxes will generate \$80,000 annually. Annual taxes to Alpine School District will be \$260,000 with no impact to the schools. Impact on public safety is minimal. A similar facility in Sandy had only 4 public safety phone calls in 2013. The amenities at Rosegate include a genealogy room, gathering spaces, exercise rooms, theater rooms and outdoor park space.

Doug Young stated that this is a 55+ community. It would be restricted by federal guidelines and city approvals and development agreements. They do not want the younger crowd. He cannot foresee a situation that would lower the age limit. In his worst case scenario, which he cannot foresee, the building would go to the bank, which would still be required to maintain those age requirements. There will be no subsidies for residents. The facilities are regulated and do not allow felons. Because of the demographics, many residents do not have cars. He is confident that the 400 parking stalls will not be filled. Mass transit is important to seniors. There is a pick up in front of Walmart. They will contact UTA to schedule smaller pickups. To address the 10–12 foot grading across the height, the building will be nestled down, which will lower the height of the building on that end by about a ½ story. He would like to hear the impact from the community, and then digest the comments. He would like to see this tabled tonight to allow them to make adjustments to the plan.

Public Comment:

Nathan Gibbons: Mr. Gibbons stated that the facility is a beautiful facility, but a four-story building has too high an impact. It is beautiful, but it doesn't fit in Cedar Hills. He feels that a 100-unit facility would be more appropriate. He likes the idea of a master plan. If Cedar Hills has a tax issue, he feels this would be trading one problem with another. He urged council to reject the plan.

Deborah Gibbons: Ms. Gibbons stated that this facility has been compared to a similar facility in Sandy, which has 100–150 units. Sandy has a population of 90,000. By comparison, if the Cedar Hills building were filled, 10% of the population would live on that corner. She is concerned with the number of cars. It is unrealistic to think that residents of the facility will not have cars and be content to just walk to Walmart. Commercial draws commercial. She doesn't see how an apartment complex would draw more commercial.

Devin Baldwin: Mr. Baldwin stated that he was excited about a place like this for his aging parents. However, there aren't a lot of places for them to go that are close by. The commercial area isn't yet developed enough. He is concerned with the size of the facility. He is also worried that it won't fill and will eventually be turned over to the bank.

Corey Olsen: Mr. Olsen stated that he does not believe that a structure of this size represents the family and community values of the city. He is much more interested in seeing something that meets the city guidelines of 2 stories. He doesn't feel the need to compromise city standards at all. There is no reason to rush development. He enjoys the field that is currently there. He would prefer to let Highland make the first move. He urged the council to think of the commercial guidelines and vote based on those.

Marilyn Gronneman: Ms. Gronneman stated that she is concerned about the size of the building. She would like to see it be 1/3 size and number of units. The quality of development is better in Cedar Hills and she doesn't want it ruined by a large building. She would rather see the lot stay vacant. She is 58, her husband is 59, and they both have cars. Most residents would have two cars.

Martin Johnson: Mr. Johnson is worried about the traffic impact as students walk from Lone Peak High School. He is also concerned with the impact on the LDS church in the community by adding 300 units. The height of the building is also an issue. The apartments across from the Ogden temple was intended for older adults, but had to allow younger people to fill the building. It created a problem.

Tanna Johnson: Ms. Johnson stated that children leave the home, then they come back, and these units are not big enough to accommodate that. Her concern is that the building is too tall and concentrates too many people in one area. There will not be enough parking. There will be over 600 cars, which is too many near schools. She has lived at more than one building intended for 55+, but given the economy, adjustments were made allowing younger residents. She is against this project.

Lance Allen: Mr. Allen stated that he is part of that 55+ generation with kids in the basement. Four stories would be too large. Residential developments do not bring in the kind of revenues that commercial does. Cedar Hills only has so much land. It needs to make the best decisions for the use of the land. He wants to see commercial come in, but wants to see it done responsibly. He is concerned about the fire issue in the building.

Jared Bradley: Mr. Bradley stated that he went to the Sandy location. It is a huge building at 150 units. The Cedar Hills building would be double the size of the Sandy location. It would not fit in with the community. He is most worried about the long-term fit in the community.

He does not feel that the additional 300 people will make or break the commercial zone. The commercial zone will thrive with the residents of Cedar Hills and the neighboring communities. The commercial area needs to attract all those people.

Lisa Sessions: Ms. Sessions asked that the council listen to residents. The risks outweigh the benefits. Her biggest concern is the size. It doesn't matter how nice it is or how much money it generates. All the surrounding buildings fit in nicely, and this building would ruin the look and feel of the area. She moved here for the small feel. The idea of a senior facility is wonderful, but not at that size.

Angela Johnson: Ms. Johnson stated that she would like the developer to build a 2-story complex. Most residents want something there at some point, but not 300 units. A smaller building would alleviate many of the concerns, including parking and traffic. If the developer can't do 2 stories, the city should wait.

Bobby Seegmiller: Mr. Seegmiller is pro-development. The proposed development is extremely nice. He likes the development, but not at this location. The role of city government is to protect the taxpayer. This development doesn't do that. Parking is inadequate. One car and disposable income don't go together. There has been a lot of mixed information about traffic and financial impact. Several developers have previously proposed large units in this area and were denied. He worries about lawsuits over that. This may be the worst section of the commercial development, but the price dictates what kind of development goes in.

Ken Severn: Mr. Severn stated that Midtown Village has had lawsuits and bank write-offs. A similar situation in Cedar Hills is a concern. Studies are often biased. He encouraged the council to consider biases when looking at studies. He likes the field that is there now. It generates no traffic. The school already generates a lot of traffic in the area.

Steve Proffitt: Mr. Proffitt stated that he likes the field behind his house. He recognizes that the property is zoned commercial. He appreciates Blu Line working with residents over the past several months. They have reduced the size of the building and displayed great teamwork and class in working with residents and the City Council. He looks forward to working with them more. He likes the jogging path. He likes the idea of having more seniors around. His parents are interested. This seems like a win-win that was a lot of work. If the city chooses to go forward, he hopes that there is continued work and cooperation. He doesn't want to bring in business just to generate revenue.

Mike McGee: Mr. McGee stated that he would like to see a feasibility study that includes the strain the facility would put on first responders. There has been great pressure over the years to upgrade the main sewer line up 4800 West. With this facility that pressure would increase. While tax revenue per acre would be greater, so would the tax liability. Water rights are not the same thing as water availability. He questions whether the facility meets the landscaping requirements. The library concept would not be viable. Having this many people come in would require two more LDS wards, which might require an additional building. Empty buildings deteriorate rapidly. Banks and management companies do not maintain buildings. Mass transit is not robust here. There is not enough parking for family reunions. The magnitude of the building exceeds what is appropriate for Cedar Hills.

Michael Stuy: Mr. Stuy stated that he appreciates the time that the developer has taken to create this project. At a town hall meeting it was established that the building would be 70 feet high. That is too high, especially at the gateway to Cedar Hills. Walmart and high density apartment buildings are not a good mix. Feasibility studies are important. He would

prefer to see a 2-story building with no more than 150 units. He is worried about the extra traffic. There will be a lot of cars. He asked the council to vote against this project.

Jason Randolph: Mr. Randolph stated that UTA has said it will not come to Cedar Hills; they are focused on making Frontrunner successful. This is commercial property, but this development is high density residential. He is a law enforcement officer. There will be increased public safety calls. He feels that the people present tonight are not the loud minority, but the silent majority. This building will dwarf everything else in Cedar Hills.

Council Discussion:

Mayor Gygi stated that his house backs up to the property to be developed. It is architecturally a beautiful building with many wonderful amenities. There is much that he likes about it. His biggest concern is that he feels 300 units is too high. If those units are not leased, it will not allow them to continue to develop the commercial portion, which is what he is most interested in. Commercial development has always been his priority. Cedar Hills has only one chance to get this right.

C. Geddes stated that this project has come a long way. He has a lot of respect for the developers and the Smart family that owns the property. This is privately owned property. As a member of the council he needs to respect the wishes of the people. He has been a proponent of the project from the beginning. He understands the economics of development. This property is not the most desirable portion of the commercial property. The city needs more density to attract commercial. This building may be too big and too tall. He stated that for him, this is not all about money. There would be roughly \$3 million in fees paid for this development. He is in favor of tabling this proposal for now to let the developers to take into account the comments tonight. He has received a lot of comments in support of this project.

C. Crawley stated that as a councilmember, he views himself as representative of the residents of Cedar Hills. There is wisdom in the residents' opinions. The council needs to listen to residents. He is impressed that many have driven to the community in Sandy. Feasibility studies are often proven wrong, but the majority of residents are not. Since early on in this project much of the feedback he has received was been negative. He trusts the feelings of residents over a feasibility study. There would have to be changes to the project before he would vote for it.

C. Rees stated that Blu Line has been great to work with. She appreciates the efforts of the Planning Commission as well. The facility is beautiful. She likes the thought of this better than a strip mall or office space. She recognizes she is a representative of the people. Most of what she has heard is that the building does not fit the look and feel of the community, particularly in terms of height and number of units. She is hopeful that Blu Line will remain interested and be willing to come back with a proposal for a 2-story, 100-unit facility. Unless significant changes are made, she cannot see moving forward at this point.

C. Zappala thanked residents for their input. It is critical for the council to hear from residents. Before the meeting he challenged many people to come to the meeting or write letters if they were unable to attend. He received 24 emails and texts, as well as many Facebook comments. Most of comments were negative. That is not a surprise because he has

been talking to residents who have many concerns. If he were to ever approve a building like this he would want Blu Line to develop it. He has spent a lot of time looking at the Commercial Design Guidelines and city code for the development of the commercial zone. The Commercial Design Guidelines represent the city's vision for the commercial zone. The city code says that it is the intent that the architectural design be compatible to that of the surrounding residences. While the Commercial Design Guidelines are not binding, they shape decisions. The guidelines say that the developments should be primarily for the benefit of residents in the city. Density is a primary concern in the guidelines. They allow for higher building heights, but approval of higher heights is not required. Part of the parcel under consideration is in the Neighborhood Retail Subdistrict. In that area it says that those areas fronting 4800 West and Cedar Hills Drive should be for retail rather than commercial development. Residents are appropriately unhappy with the size of the building and density. He is not in favor of a development of this nature in that location. He may vote for a 2-story building of this nature. He would like to see a mixed usage in that area.

C. Augustus stated that it is not often that an issue like this hits the city. He has received many emails on this issue. Some emails have been hateful for his support of the building. He has also received support for the building. Many times when people are happy with the status quo, they don't care to get involved. It takes a big issue like this to get people involved. There are 10,000 residents. Many are obviously happy with the status quo. He is looking at the long-term prospects. The city has had conversations with brokers trying to get people interested in the commercial property. They feel that the property is not viable for many reasons. For professionals to say that the property will not work for what was initially envisioned pulls weight with him. It is hard to balance the reality with the desires of the residents and the long-term future of the commercial area. He asked residents to be respectful of differing opinions.

MOTION: C. Augustus—To table this item for tonight and push it to a future meeting and allow Blu Line Deigns and the developers to let this information sink in and see if they want to make changes and schedule a meeting at a later date. Seconded by C. Geddes.

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

Break at 9:11 p.m.

Reconvened at 9:24 p.m.

9. Review/Action on Awarding the Bid for the 2013–2014 Roadway Repair, Subgrade, Asphalt Remove/Replace and Micro Surface Project

Staff Presentation:

Jeff Maag stated that staff has identified a number of streets in need of maintenance and repair as part of the 2014 spring street improvement project. This was put to public bid. The city received 8 bids that varied from \$ 193,900 to \$235,658. Staff recommends that the

council accept the low bid from Staker Parson Companies of \$193,900. The city has used Stake Parsons in the past, and they have done a good job. The curb and gutter for Sugarloaf will be repaired before the asphalt is resurfaced.

Council Discussion:

C. Crawley stated that he will abstain from voting because he does business with two of the companies that bid.

C. Rees clarified that the city is required by law to take the lowest bid, except in the case of extenuating circumstances.

MOTION: C. Augustus—To approve the 2013–2014 Roadway Repair, Subgrade, Asphalt Remove/Replace and Micro Surface Project and award the project to Staker Parson Companies in the amount of approximately \$193,900, with the qualification that sidewalk, curb and gutter be done prior to the repair. Seconded by C. Zappala. Vote taken by roll call.

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

10. Review/Action Awarding the Bid for the Mesquite Park Restroom Project

Staff Presentation:

Jeff Maag stated that the Mesquite Park restroom and storage building was put to bid. There were 7 bids varying from \$66,860 to \$128,205. He recommended accepting the low bid from England Construction of \$66,860. Approximately \$77,000 was budgeted. The city has spent about \$6,700 for improvements in the area. He has received good feedback on England Construction.

David Bunker stated that England Construction’s bid meets the city’s budget.

MOTION: C. Zappala—To approve the low bid received for the Mesquite Park Restroom project and award the project to England Construction in the amount of approximately \$66,860. Seconded by C. Augustus. Vote taken by roll call.

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

11. Fiscal Year 2015 Budget Presentation—Golf Fund and Gold Service Debt Fund

Removed from agenda.

12. Discussion on Jurisdictional Transfer of SR-146/Canyon to City of Cedar Hills

Mayor Gygi stated that he hoped to have residents here to listen to his discussion. He recommended tabling the item.

MOTION: C. Augustus—To move item 12, Discussion on Jurisdictional Transfer of SR-146/Canyon to City of Cedar Hills, to the next meeting with the recommendation that it be moved to early in the meeting. Seconded by C. Rees.

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

13. ADJOURNMENT

This meeting was adjourned at 9:36 p.m. on a motion by C. Rees, seconded by C. Geddes and unanimously approved.

Approved by Council:

March 4, 2014

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