

**CITY COUNCIL MEETING**

Tuesday, May 19, 2015 7:00 p.m.  
Community Recreation Center  
10640 N Clubhouse Drive, Cedar Hills, Utah

Present: Daniel Zappala, Mayor Pro Tempore, Presiding, Mayor Gary Gygi  
Council: Rob Crawley, Jenney Rees, Daniel Zappala  
Absent/Excused: Trent Augustus, Mike Geddes  
David Bunker, City Manager  
Chandler Goodwin, Assistant City Manager  
Charl Louw, Finance Director  
Greg Gordon, Recreation Director  
Courtney Hammond, Transcriptionist  
David Shaw, City Legal Counsel  
Others: Lt. Sam Liddiard, Dan Wilson, David Driggs, Glenn Dodge, Cory Shupe,  
Lyle Smart, Ken Cromar, Craig Clement, LoriAnne Spear, Paul Sorenson, David  
Cox, Ken Hazelbaker

**COUNCIL MEETING**

1. This meeting of the City Council of the City of Cedar Hills, having been properly noticed, was called to order at 7:02 p.m. by C. Zappala.

Invocation given by C. Crawley

Pledge of Allegiance led by Chandler Goodwin

2. Approval of Meeting’s Agenda

**MOTION: C. Rees—To approve the agenda as is.** Seconded by C. Crawley.

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

3. Public Comment

Robert Silver: Mr. Silver addressed the city manager. He received a notice to cut back his tree that is covering a speed bump sign. The tree was there first. Cutting it back would kill the tree. He asked the city to move the sign a few feet rather than cut out the tree.

David Cox: Mr. Cox spoke about the Rosegate development. He was initially opposed to the development for purely selfish reasons. He doesn’t know the position of councilmembers, but has a general impression that the city finds itself in a helpless position. Mixed-use office retail is being considered. The developments should be a lower intensity than in the full retail zone. Section 3.2 of the Design Guidelines states that the city shall impose any and all conditions they find necessary to protect the integrity of the commercial area. That isn’t limited to the conditions listed in the Design Guidelines, but any conditions. He believes that there are some conditions that have not been met, specifically the height of the building.

Ken Cromar: Mr. Cromar stated that in the last city council meeting a group of residents spoke out for Kim Holindrake and against the six years of retirement that was taken from her. He would like an update. David Bunker stated that he has done some research and would be willing to talk to Mr. Cromar. Mr. Cromar reminded the council that Ms. Holindrake was forced to sign a waiver. There has been talk in the news of Hilary Clinton and her emails. When she left office she was supposed to sign a statement saying that she had turned over all her emails. He requested that the council ask the previous attorney to sign an affidavit that he has provided all emails to the city and has not destroyed any.

### **PUBLIC HEARING**

#### 4. Final Plans for Lakeview Trails Subdivision, located at approximately 10100 Canyon Road in the H-1 Hillside Zone

Wayne Windsor: Mr. Windsor is the engineering and maintenance manager with the Metropolitan Water District of Salt Lake and Sandy. He has worked with Mr. Wilson on this development. There is one area that still needs to be resolved: the storm water runoff from the east to the west side of the corridor. The runoff needs to be continuous from the east to the west without any detainment or retention.

#### 5. Decision to allow the proposed Congregate Care Facility, Rosegate at Cedar Hills, located at 4600 West Cedar Hills Drive, to traverse the Neighborhood Retail Development and the Mixed-Use Office Retail Development Sub-Districts of the SC-1 Commercial Zone

David Cox: Mr. Cox lives directly south of the proposed Rosegate development. Rosegate is not intended to help current residents, but to bring in additional residents. He understands that the land will be developed. The most recent plans leave much to be desired. If expansion into that zone will help the look and feel of the building, he would be in favor if the Rosegate proceeds. Though he would prefer Rosegate not proceed.

Mayor Gygi presiding.

Cory Shupe: Mr. Shupe represents the developer. During the last Planning Commission meeting he submitted a preliminary site plan review that met all the Design Guidelines and city code. If the building was allowed to overlap into the subzone neighborhood retail, the look and feel of the building would improve and better benefit the city.

#### 6. Amendments to the City Code, Title 10, Regarding Landscaping and Xeriscaping

No comments.

#### 7. Water and Sewer Funds transfers out to the Governmental Funds to cover related Water and Sewer charges for Fiscal Years 2014–2015 and 2015–2016

Ken Hazelbaker: Mr. Hazelbaker is new to Cedar Hills. He was surprised to see a golf course in a desert community. He does not understand why there is a transfer of funds and wanted to know how much of the transfer is for the golf course and whether it is needed for an emergency situation.

## CITY REPORTS AND BUSINESS

### 8. City Manager

The teen soccer playoffs with American Fork finished last week.

The city is working on an agreement with Lone Peak volleyball for some clinics.

The city is working with Principal Brownley on more recreation partnerships.

The golf course has struggled this month because of the rain.

### 9. Mayor and Council

C. Zappala: He has been working to improve customer service with a better way to dialogue and follow up with resident complaints and suggestions. After talking with staff, he has determined more research is needed. The current software may be able to be used in a better way to meet those needs.

Mayor Gygi: The finance committee meeting was constructive. They are moving closer to the point of approving next year's budget.

C. Rees: The Planning Commission met and had a great discussion on whether to allow overlapping zones with the goals to create a park like setting, move the development further from homes and allow for more commercial development in south west corner. They recommended approval with conditions including meeting those goals and a 1 to 1 swap. They also discussed rezoning R-1 20,000 to 15,000, making them conforming lots and allowing large animal rights for those lots. They agreed that the next meeting would be dedicated to reviewing the Design Guidelines. In a previous meeting the Planning Commission recommended approval of the Lakeview Trails subdivision contingent on storm water drainage between lots 3 and 4 and parcel A and lot 1; fixing the pressurized irrigation (PI) line between lots 19 and 20 per David Bunker's direction; showing the location of the sidewalk at the end of the cul de sac off Bayhill Drive; adding building area on each lot; assigning addresses; correcting the geotech study report; engineering and geotech review by the city engineer; and a letter of water rights conveyance. The Family Festival Committee is working hard. Details are available on the website.

C. Crawley: Mr. Crawley prepared for a discussion on golf course options tonight.

## SCHEDULED ITEMS

### 10. Review/Action on Installation of Sewer Laterals to Properties on 4000 West

David Bunker stated that he recently has met with a Pleasant Grove resident who lives on 4000 West with a request to connect to the Cedar Hills sewer main. Her septic system has failed. City policy requires that she boundary adjust into Cedar Hills to hook on to the sewer. There are other homes on that street that are also on septic that will need sewer when septic fails. Staff proposes extending sewer laterals from the sewer main to the property line. Home owners would go from the home to lateral and within a certain time period would make application to boundary adjust into Cedar Hills. He does not anticipate charging the non-participating subdivision fee. The sewer impact fee is about \$950. The Timpanogos Special Service District fee is a little over \$2,000.

Gina Day stated that her home has been on a septic tank system for 40 years. She has been without sewer for 10 days. She found out that there are six homes on her road on septic systems. There is one other house where their septic is starting to fail. Everyone was ecstatic that Cedar Hills was considering offering a sewer lateral. All but one said they would be willing to switch into Cedar Hills when their house sells. She is ready to boundary adjust into Cedar Hills. Pleasant Grove water bills have started to jump. PI is looking really good to her neighbors. She doesn't think it will be an issue with Pleasant Grove. She has also talked to Mayor Daniels about a possible intercity agreement where Pleasant Grove would pay Cedar Hills for the Cedar Hills sewer lines.

C. Rees stated that she would like to see an annexation deadline for boundary adjustment, and research what happens if Pleasant Grove refuses boundary adjustment. In the past they have been told that Cedar Hills cannot shut off sewer access when bills are not paid. David Shaw has recommended some changes to the agreement. She wants those included in this agreement.

C. Zappala stated that one of his major concerns with the southern border with Pleasant Grove is possible confusion with emergency response services.

**MOTION: C. Rees—To approve authorizing the execution of an agreement to allow a non-resident connection to a city utility with the following conditions: (1) that the annexation period is clearly defined in the contract to be within a 6-month period of time; (2) that there are stipulations of what will happen if Pleasant Grove refuses disconnect from Pleasant Grove; (3) what the city's recourse is if the sewer bill is not paid by the residents; (4) pending legal review and any additional changes that Mr. Shaw may have.** Seconded by C. Zappala. Vote taken by roll call.

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

**11. Review/Action on Final Plans for Lakeview Trails Subdivision located at approximately 10100 Canyon Road in the H-1 Hillside Zone**

Chandler Goodwin stated that in recommending final approval for this subdivision, the Planning Commission recommended a number of conditions. The Bonneville Shoreline Trail runs along the metro water easement. There was an access to the trail between lots 3 and 4 that was very steep. The access has been moved between lots 5 and 6 with a less steep grade. The drainage between lots 3 and 4 is still an issue. A surface swell is typically designed with riprap. When it is on private land, it is difficult to ensure that the drain remains clear. Staff would like to see an underground drainage pipe instead. The storm drain pipes need to be at least a 15-inch pipe. There were some concerns about the geotech report. The plat itself contains references to the geotech report and the steps that need to be taken to comply with the geotech report. A few of the lots will require a further geotech report once the building footprint is determined. The city received a letter of water conveyance today. A streetlight will be placed at the end of the cul de sac off of Bayhill Drive per the Planning Commission's recommendation. Staff is concerned with lots 3-8. The aqueduct easement backs up onto the property and overlaps 5 feet. The easement is difficult to enforce once fences go up. The city council can say that the property line

ends at the easement, or that 5 feet remain as is but the easement and restrictions be noted on the plat. Staff has reviewed all the geotech reports and reviews.

David Bunker stated that the city wanted to make sure that the geotech report was reviewed. The city paid TAP to do that peer review. The city has specifically not required specific measures to be taken because it wants to ensure that the right measures are taken lot by lot. Earthtec will be on site for each lot foundation to ensure it is installed properly.

C. Zappala stated that he has reviewed the newest geotech report. There are a lot of critical comments towards the original geotech study.

Dan Wilson stated that he would like to fight for that 5 feet over the easement. The city code requires there be no privacy fence because of the trail. People use that trail all the time. That 5-foot strip will allow vegetation for some privacy. The back of the lots will have a rock terrace and then the five feet at the top for some vegetation. That 5 feet is worth \$30,000 for him. He feels like as the owner of the property he has the right to sell it.

**MOTION: C. Zappala —To approve the final plans for the Lakeview Trails subdivision, subject to the following list of requirements: (1) that it is subject to a review of a storm drain plan that meets the requirement for a 100 year event; (2) that the drainage between lots 3 and 4 be changed that it is piped; (3) that the storm drain pipes that are indicated are changed to 15-inch PVC; (4) that the water rights conveyance is finalized; (5) that it shows Metro Water District Sandy as a signature on the plat; (6) that the corridor shown as a 100-foot easement on the plat be accurate so that it shows 71 feet to the west and 29 feet to the east of center; (7) that addresses are verified that are listed on the plat; (8) that a notation is added to the plat regarding the 5-foot easement so that future property owners as well as future staff and code enforcement are aware of that easement and that fences are built in back of that 5 –foot easement; (9) that it is subject to any final engineering.**

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

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|-----|---|------------|----------------|
| Yes | - | C. Crawley |                |
|     |   | C. Rees    |                |
|     |   | C. Zappala | Motion passes. |

## 12. Review/Action on an Ordinance Amending Title 10, Regarding Landscaping and Xeriscaping

Chandler Goodwin stated that the Planning Commission met a few months ago to discuss xeriscaping as part of the city's efforts to promote water conservation. Currently xeriscaping is allowed in the city. This ordinance includes xeriscaping in the landscaping definition along with requirements that xeriscaping be watered only by drip/trickle. The xeriscaping code is good and solid. His concern is that if the city wants to promote xeriscaping there needs to be further incentive.

C. Crawley stated that this addresses his concern of residents letting their yard go and calling it xeriscaping.

C. Rees stated that this amendment gives more flexibility to landscaping. Currently the city requires some certain amount of turf in mow strips.

C. Zappala stated that he would like the city to set the example by xeriscaping some public space.

**MOTION: C. Zappala—To approve ordinance 05-19-2015A, an ordinance amending Title 10, Chapter 5, Section 27 regarding xeriscaping, and updating the definition and requirements to allow for xeriscape options to be installed throughout the City in an effort to promote water conservation.** Seconded by C. Rees. Vote taken by roll call.

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

13. Review/Action on a Resolution Authorizing Water and Sewer Funds transfers out to the Governmental Funds to cover related Water and Sewer charges for Fiscal Years 2014–2015 and 2015–2016

Charl Louw stated that this proposal for the enterprise fund transfer is so that the city can be in compliance with new direction from the State Auditor. In the past the city hasn't charged water and sewer for its open space and parks. This proposes charging the general fund and golf fund for water. The estimate is based on what the city charges Lone Peak High School. The new charges are \$8,500 for the general fund, and \$31,000 for the golf fund. There is no fiscal impact. The transfers are just offsetting this new charge. This is listed as review/action but is really a discussion item and will be approved with the acceptance of the final budget.

C. Crawley stated that he was concerned that the city was already charging the electrical fee bill on one of the pumps, which may make this a double charge. He has learned that there is an extra pump required for the golf course.

14. Review/Action on a Resolution Regulating Open Fires and Fireworks

David Bunker stated that there will be flammable material on the hillside this summer with a dry winter. If the city is going to restrict fireworks, they should be informed now. He recommended adopting a resolution specifying a restriction on open fires and fireworks and that it be enforced.

C. Rees stated that this proposed resolution conflicts with what was discussed at the last meeting. This states no fireworks citywide and no open fires east of Canyon Road.

Mayor Gygi clarified that what has been discussed is no aerial fireworks and open fires east of Canyon Road.

**MOTION: C. Zappala—To approve Resolution 05-19-2015A, a resolution of the City Council of the City of Cedar Hills, Utah adopting a specified restrictions of aerial fireworks and open fires east of Canyon Road with amendments made to the resolution provided to the Council to state that we will be restricting fireworks so there are no aerals on the east**

**side of Canyon Road, and also restricting open fires so that there are no open fires on the east side of Canyon Road. Furthermore that we would, as a city, encourage the use of Mesquite Park for fireworks for all residents with the fire department on site in case of issues.** Seconded by C. Crawley. Vote taken by roll call.

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

#### 15. Discussion on Golf Course Options

C. Crawley presented a written statement outlining the reasons to look at other options for the golf course land. He has never seen a thorough analysis of other options. He would like to see this initial analysis, and then revisit the options again every 5 years. He would prefer that a second councilmember work on this analysis with him. It is important to him to do a quick first glance analysis before more money is put into the maintenance shed. Before calling together the golf course committee, he would like another councilmember to work with him to see if there are any viable options worth deeply analyzing.

Mayor Gygi stated that he doesn't have a problem looking at options. He has only had about five residents suggest doing something different with the golf course land. Many residents have thanked him for making the golf course situation clear. He is concerned if this item is revisited every 5 years, the contention will come up again every 5 years. He suggested reconstituting the golf course advisory committee to analyze these options to remove any bias. He feels the golf course is a political issue and should be solved politically. Those that want to shut down the golf course can run for council based on that platform. He suggested that C. Crawley work with C. Geddes on this issue.

C. Zappala stated that he would like to see how the costs attributed to the golf course were determined, specifically if the cost of the PI system is included. He pointed out that in the ROI equation; there are many more people that benefit from the golf course than those that golf on a regular basis. He would like to see the cost analysis for every option considered.

C. Rees stated that there is some merit in having the golf course finance committee involved because any analysis or decision carries more weight when it comes from a group rather than one individual. It is important that legal counsel be involved in looking at the bond documents. A big chunk of the golf course is located in Highland, and development there is not in the city's hands. The golf course as is, cannot be used as soccer fields, but would require complete reconfiguration. Legal counsel should also look at the development agreement with The Cedars HOA. Years ago Finance Director, Becky Tehero did a basic analysis of what it would cost to maintain the golf course area as park space.

ADJOURNMENT

This meeting was adjourned at 8:55 p.m. on a motion by C. Rees, seconded by C. Crawley and unanimously approved.

Approved by Council:  
June 16, 2015

/s/ Colleen A. Mulvey, MMC  
City Recorder