

SPECIAL CITY COUNCIL MEETING

Thursday, December 11, 2014 11:30 a.m.

City Office Building
10246 N Canyon Road
Cedar Hills, UT

Presiding: Mayor Gygi
Councilmembers: Trent Augustus, Rob Crawley, Mike Geddes, Jenney Rees,
Daniel Zappala
David Bunker, City Manager
Chandler Goodwin, Assistant Manager
Colleen Mulvey, City Recorder
Others: Eric Johnson, Jodi Hoffman, Glenn Dodge, David Driggs, Donald Steele,
Ken Kirk, Marilyn Groneman, Cory Shupe, Marisa Wright

COUNCIL MEETING

This special meeting of the City Council of the City of Cedar Hills, having been properly noticed, was called to order at 11:36 a.m. by Mayor Gygi.

Mayor Gygi explained that this meeting is an extension from the last work session meeting where Jodi Hoffman from the Utah League of Cities and Towns was invited to speak to us regarding land use issues. Part of that meeting was in closed session to discuss legal issues, and that meeting was cut short due to the time limit to begin the regular council meeting. He stated that continued discussion of legal issues will be in a closed executive session. The mayor acknowledged that there are some people in attendance and rather than have them wait to the end of the closed session, they would be allowed to make public comment at this time.

Public Comment:

Cory Shupe of Blu Line Designs, representing the developer said that at the last city council meeting they received a positive action to their question of moving forward as an assisted living facility or a congregate care facility. The city council voted for them to move forward as a congregate care facility. He said that one of the items that they were unable to resolve is the way that the building is currently situated on the Smart's piece of property because a portion of the building overlaps into a sub-zone that does not currently allow for assisted living, or anything substantially the same. Mr. Shupe stated that they are moving forward with designing the building so that it does not cross over and touch any of that sub-zone. He stated that they will design completely and totally within the legal parameters and the city's guidelines. He said that unless they hear otherwise, they will continue to pursue that; all configurations will meet the city's rules and regulations. He added that up to this point they have done everything within their power to accommodate the residents to the south of the development, and they are willing to work to make it work with this new configuration.

Ken Kirk stated that he is here because of what he read on the city forum about the developer threatening to sue if we don't allow the development because it meets the code. He said that the intent of the interpretation of our city code and our guidelines is the responsibility of our citizens and our elected representatives, and shouldn't be left up to the interpretation of the developer. The developer will always interpret in his favor in order to profit. He said he is here to caution

those who are in the decision making process to watch out for developers and their interpretations in order to make a profit, and their threat to sue. He stated that the threat to sue is a “cheap shot” to the citizens of this community and an impediment on the integrity and honesty of the members of the council who are expected to represent us. He added that he is totally against this whole project and the idea of having a high density living facility because it is going to impede on the whole city. The property is zoned for commercial development and the council’s in that past have cooperated to assist the Smart’s in putting both residential and partial-commercial. He stated that the commercial property is dwindling and that we need commercial in this city to provide us with a tax base.

Marilyn Groneman stated that she is against this project and it has gotten worse over time with the high density. She said that we need the commercial business for our tax base and we do not have a whole lot more places to put them. She said that this development is going to increase traffic. The citizens have said in various meetings that they are against this project. She stated that she moved to Cedar Hills and paid more to get away from high density housing. She said that just because a developer is threatening to sue does not mean that we should crumble underneath their threat.

Marisa Wright stated that she is afraid that we are opening ourselves up to legal liability because it seems from the legal side of things the developer has met many of our requirements. She said that the council is doing their due diligence to make sure of this. She stated that what bothers her the most is that she has heard from councilmembers and residents that they don’t like this project. She stated that this is the United States of America and it doesn’t matter if we like this or not. If they have legally met our zoning guidelines, people can build what they want on property that they own. She said that we will open ourselves up to legal ramifications and lawsuits if we don’t allow this. She cautioned the council to be careful in their decisions because if they have met the requirements, you cannot vote against it just because you do not like it, it is the Smart’s property and they have legal rights.

Mayor Gygi stated to clarify that despite what has been said on various forums, the purpose of this meeting is to discuss land use and legal issues, and not to find ways to shut down Doug Young and Blu Line Designs application.

EXECUTIVE SESSION

1. **MOTION: C. Rees—To go into Executive Session pursuant to State Code 52-4-204 and 52-4-205 to discuss pending or reasonably imminent litigation.** Seconded by C. Zappala.
(11:50 a.m.)

Yes - C. Crawley
C. Rees
C. Zappala

No - C. Augustus
C. Geddes

Motion passes.

Mayor Gygi stated that the members of the Planning Commission present would be allowed to stay for the executive session.

EXECUTIVE SESSION

2. **MOTION: C. Crawley—To adjourn Executive Session and Reconvene City Council Meeting** Seconded by C. Zappala. (1:08 p.m.)

SCHEDULED ITEMS

3. Discussion on the Rosegate at Cedar Hills Development, located at approximately 4600 West and Cedar Hills Drive in the SC-1 Commercial Zone

The general consensus of the council was that no further discussion of this item was needed at this time.

ADJOURNMENT

4. This meeting was adjourned at 1:08 p.m. on a motion by C. Zappala, seconded by C. Rees and unanimously approved.

Approved by Council:
January 6, 2015

/s/ Colleen A. Mulvey, MMC
City Recorder