

**CITY COUNCIL MEETING**  
Tuesday, January 8, 2013 7:00 p.m.  
Community Recreation Center  
10640 N Clubhouse Drive, Cedar Hills, Utah

Present: Mayor Gary Gygi, Presiding  
Council Members: Trent Augustus, Scott Jackman, Stephanie Martinez,  
Jenney Rees, Daniel Zappala  
Others: David Bunker, City Manager, Chandler Goodwin, Assistant City Manager,  
Charl Louw, Finance Director, Colleen Mulvey, City Recorder, Scott  
McMahon, Code Enforcement Officer, Lt. Sam Liddiard, American Fork  
Police

COUNCIL MEETING

1. This meeting of the City Council of the City of Cedar Hills, having been properly noticed, was called to order at 7:11 p.m. by Mayor Gygi.

Invocation given by C. Augustus

Pledge of Allegiance led by C. Zappala

2. Approval of Meeting's Agenda

**MOTION: C. Rees – To amend item 6 and recognize Herb Wilkinson instead of Brad Sears and to move item 6 before item 4.** Seconded by C. Jackman.

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

3. Public Comment  
No comments.

**SCHEDULED ITEMS**

6. Review/Action on Adopting a Resolution Recognizing Cedar Hills Champion, Herb Wilkinson

Mayor Gygi stated that this is a great opportunity to recognize Mr. Herb Wilkinson as a Cedar Hills Champion and to recognize today as Herb Wilkinson Day in Cedar Hills.

The Mayor then read a brief biography on Mr. Wilkinson which highlighted his contributions to the community and his participation on the University of Utah basketball team when they performed many benefit games for the Red Cross during World War II.

Mayor Gygi stated that Mr. Wilkinson's name will be placed on a plaque that will hang in the city offices along with the other names of the Cedar Hills Champions. He added that it is an honor and a privilege to have Mr. Wilkinson as a member of our community and thanked him for his service.

Mr. Wilkinson stated that it is an honor to be honored, and that he feels that this is a terrific city to live in.

#### CITY REPORTS

##### 4. City Manager

- David Bunker stated that he will be meeting with the Fire Chief from Lone Peak Public Safety District (LPPSD) and the American Fork Police Chiefs to discuss dispatch options such as using the County versus Pleasant Grove City's dispatch. Timpanogos Special Service District (TSSD) approved a capital facilities plan, and an updated rate study. The study from Unified Fire should be completed and back to us within 30 days.

##### 6. Mayor and Council

C. Rees stated that she has recently issued two press releases. The Parks, Trails, Beautification and Recreation committee has selected winners for the Light Up Cedar Hills contest, which will also be announced in the newsletter.

C. Zappala stated that there is an emergency preparedness meeting scheduled for next week. He is volunteering in the Lego League.

C. Martinez said that they are making some changes with the Youth City Council; one of which is a new advisor. They are also looking at other youth councils, their requirements, and how they interact. The Junior Jazz program has a little over 750 players. The city is selling tickets to the February 12<sup>th</sup> Utah Jazz game against Oklahoma. The city has partnered with Snowbird, providing a ski bus for snowboarders and skiers for three Saturdays in January. The first Lego League is underway, there are 20 teams and up to 200 children who participated. She thanked the staff and the many volunteers for stepping up to help make this event successful. She then asked to give a few minutes to Marisa Wright to explain about the children's reading time at the Recreation Center.

Ms. Wright said that they have expanded the story time from Tuesday to Wednesday and have had as many as 45 children in attendance. The new program will focus on things that are specific to Cedar Hills. The story *Last Child in the Woods* will help children stay connected with their environment, be more involved and more engaged with the animals that are native to the area, and also to talk about safety.

C. Jackman stated that the LPPSD has not met lately. With the new year the Finance Committee will be starting with the budget process.

C. Augustus stated that he did not attend the last North Pointe Solid Waste District meeting because it was on the same night as the city Christmas party. He reported that there was a good turnout and about 270 pictures were taken with Santa that night. At the Planning Commission meeting on January 24<sup>th</sup>, he will bring up the discussion about future development. He has been approached by citizens who do not want to see a car dealership open in the area.

#### SCHEDULED ITEMS

#### 7. Review/Action on Approval of the Fiscal Year 2012 Independent Financial Audit Report

Dianna Cannell of Allred Jackson, Certified Public Accountants stated that she would briefly go through the fiscal audit (Exhibit A) and give some quick highlights. Page 12 outlines all the governmental and business type assets and liabilities. Page 16 shows the revenue and expenditures. Page 20 covers the operating expenses and non-operating revenues.

Ms. Cannell explained that when they do an audit they look at a lot of different areas and test different things such as cash, debt and payables. They look through everything that has happened throughout the year. She pointed out that on page 75 it shows one 2012 finding in the general fund where one category over expended. She added that to have one finding is minor compared to the whole range of things that are tested.

Mayor Gygi asked to clarify that the one item is where we allocated for certain legal expenses that came in greater than we had anticipated. Ms. Cannell stated that the legal services expenditure line item caused the administrative department to exceed their budget by approximately \$10,000.

C. Jackman asked if a budget amendment to that would have been okay. Ms. Cannell said that it would if done before June.

C. Rees asked for clarification on page 8 regarding the unassigned fund balance and was that the same as the unrestricted fund balance in the general fund, and that the total unrestricted balance in six hundred forty seven thousand dollars. Ms. Cannell said that it was, they use different terminology, and you are within what the state requires. Finance Director Charl Louw commented that that is just in the general fund.

Charl Louw pointed out that he added a new section starting on page 43 that shows a nine year trend on what the balances are. C. Jackman thanked Finance Director Louw for his work on that.

Mayor Gygi asked if there were any other questions or comments, there were none at this time.

**MOTION: C. Jackman – To accept the Fiscal Year 2012 Independent Financial Audit.** Seconded by C. Augustus.

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

8. Review/Action on Appointment of Mayor Pro Tem

David Bunker explained that each year the mayor pro tem appointment rotates and this year it goes to C. Rees. The mayor pro tem shall have all of the powers and duties of the mayor during his absence, disability or refusal to act. The term would begin January 8, 2013 and continue to January 7, 2014.

Mayor Gygi thanked C. Martinez for her service as Mayor Pro Tem in 2012.

**MOTION: C. Martinez – To appoint C. Rees as the Mayor Pro Tempore.** Seconded by C. Jackman.

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

9. Review/Action on an Ordinance Amending Title 5, Chapter 1, Article C-5 regarding Cattery

Code Enforcement Officer, Scott McMahon explained that he has reviewed and made the requested changes that were suggested at the last council meeting.

C. Augustus stated that he was not in attendance at that last meeting and asked for a brief summary of the changes. Mr. McMahon said that both dogs and cats were addressed in the original amendments and it was decided to strike dogs from this since there were no citizens requesting this for dogs at this time. There were addresses listed in the ordinance for the county recorder's office and a URL(website) address, so it was suggested to pull those out in the event that if they change in the future, then we would not have to go back and change the ordinance again just for that reason. Also there was a request to add the maximum number of allowed animals.

Mayor Gygi commented that he would like the council to consider the number of cats allowed. He said that it is different than allowing more dogs and he encourages an increase from 4 cats to allowing something more.

C. Augustus mentioned that at past Planning Commission meetings they discussed the pros and cons of looking at both dogs and cats at same time, because at some point somebody will come back and ask about dogs. A lot of careful thought has gone into this and we were also addressing meeting the needs for the future.

C. Jackman stated that the main concern with residents was having dog kennels. The intention was not to stall this all together, and everyone was okay with the cat part. We could keep continuing this and go back and forth with kennels, or just defer the dog part because there is no demand for it right now, and that is what was decided.

C. Martinez commented that she is okay with this and dealing with it again when someone comes in for a dog kennel.

C. Augustus stated that he didn't get both sides on this and just wanted the reasoning.

Mayor Gygi stated that the sense from the council was that cats and dogs are very different.

C. Jackman commented that all of the discussions we have had, have helped speed up the process and we have done much of the leg work.

C. Zappala stated that he is happy to treat dog and cats separately. He said that the other question to still address is the extension on the exercise area.

Mr. McMahan said that the information from the Humane Society says that runs contain their own exercise area, if the animals are in a cage, it should be four inches taller or longer than the animal. If the cage is smaller the animal would have to be taken out for exercise.

C. Augustus stated that in item 1(g) Inspection; it states that the code enforcement officer has the authority to enter the premises. During the Planning Commission discussions, they talked about the frequency of the inspections and giving notice, this leaves it unnoticed, so it doesn't meet what they intended.

C. Rees stated that is says inspections shall be whenever they apply or reapply for their license. Mr. McMahan added that it would also be done in the event of a complaint. C. Augustus said that he doesn't see that on here.

C. Jackman said that it has no notice, so we can go in anytime. Mr. McMahan stated that legally we have to follow protocol and not force it, but go through the process. C. Augustus commented that we could walk in anytime at Walmart and do an inspection. Mr. McMahan stated that Walmart is a business that is open to public; it is in our best

interest to back off and go through the legal process to be on solid ground. It's different with a Walmart commercial type of business versus entering somebody's home. C. Augustus stated that he is just worried about mistreatment of animals and that we have the authority to go in. C. Jackman asked if the state has anything on that that we could automatically adopt. Mr. McMahon said that whether we had something or not, they could still deny us access.

C. Zappala stated that the number of cats allowed should be raised. C. Jackman asked if there was a reason for having more than four. Mayor Gygi stated that the number was more akin to dogs and that he thinks cats are different and we can have a larger number of cats, but that is up to council to decide.

C. Jackman stated that he tends to aim lower, because if we permit 8, 16, or 40, it will be harder to lower that number later.

C. Rees commented that cats generally are always inside. C. Zappala said that if the cats are in a cage without exercise space, they have to be removed on daily basis for exercise.

C. Jackman mentioned that there isn't anything that talks about outdoors, so do we permit it. If we permit outdoor use then we need to put it back in because it is vague as it is written now and would be hard to enforce. C. Rees suggested adding back a type of outdoor run area.

Mayor Gygi stated that we should continue this item and get clarification on the number of cats allowed, and the outdoor runs.

C. Martinez stated that she is in favor of 6 cats. C. Jackman said that it should be 4 plus any cats that they own. C. Augustus said that he is on the fence with this one.

C. Martinez said that it mentions the age of the cats as 4 months; we would need to address cats under the age of 4 months.

A question from a member of the audience was brought up about breeding. David Bunker stated that this ordinance is specifically for boarding someone else's cats, if you are breeding then those are your cats. C. Zappala suggested putting in that they cannot use the cattery for breeding purposes.

Mayor Gygi stated that the direction to staff is to go back and look into the outdoor run area, the number of cats allowed, breeding purposes and the 4 month age.

C. Augustus said that we should add that the records have to be current and include rabies information.

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

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

10. Review/Action on Approval of the Exterior Elevations for Bridgestone Plat C, located at approximately 9601 North 4500 West

Brandon Dyer of Perry Homes stated that at the last meeting on January 4<sup>th</sup> with the city staff we discussed going back to the drawing board on the exterior elevations that were presented at the last council meeting in December. He stated that their concern is with the additional amount of brick and the cost. They are not in favor of the revised drawing and request that the council go back to the approval of the previous drawings.

C. Rees asked for an explanation on the differences between the two sets of drawings. Mr. Dyer stated that on the back three protruding gabled pop outs, the request was to bring the brick all the way to the second floor, and to convert all of the hardi-board siding to be vertical.

C. Rees asked if they are willing to make those changes. Mr. Dyer said that they are willing to put brick and stone, but the increase of 17% in the amount of brick and the additional cost is a concern. He said that in their opinion they feel that aesthetically the prior set of drawings is what they prefer, and they believe that they were doing what was approved. He added that the front of the building is basically the same; most of the difference is on the back of the buildings.

Mr. Cheswoth, a representative of the Bridgestone Homeowners Association (HOA) commented that the previous set of drawings before the additional 17% of brick is more pleasing to the Bridgestone residents.

Mr. Dyer mentioned that in our original meeting when this was approved, we said that we plan to replace the fruit trees and add evergreen trees which would also break up the back of the building. The back of the building is probably the most visible part and we have tried to meet requests early on to stagger the rooflines to make the rear more pleasing. We are concerned with elements of brick from an ascetic's standpoint and for the cost. C. Augustus commented that with evergreen trees and a 25 foot setback, it is limiting the walkway out there. Mr. Dyer stated that that is one idea used to help break up the back of the building.

Mayor Gygi asked what they are willing to do in exchange for more hardi-board and not a higher amount of brick. Mr. Dyer commented that he didn't come prepared to go over that.

Mayor Gygi said that he agrees with Mr. Chesworth and that aesthetically both renderings are good looking buildings, but the HOA expressed that they feel the current drawings are less appealing. He asked the council if they think it is unfair to have Perry Homes go back and forth to have the architect redo the drawings.

C. Augustus stated that in his original motion he said that we wanted these buildings to match the material of the existing buildings. He said that to him, this does not match the buildings, they have a classic style. We have been unwilling to waiver on commercial development and we have held the line. We want a certain look and style of buildings, and they will outlive us so what we do now will affect these 20 to 30 years from now. Certain elements cause HOA maintenance costs and are harder to take care of like the gabled ends with hardi-plank, and the HOA has to set aside money for anything short of brick gabled ends, so having brick will eliminate maintenance.

Mayor Gygi asked what is in the HOA plan. Mr. Chesworth stated that by law they have to establish reserves and roofs are the main concern also the cost of the maintenance on the outside.

Mayor Gygi asked C. Augustus if his concerns could be resolved or not. C. Augustus said that right now he leans towards “no.” He said that we have to look down the road because a building like this sets precedence. This building is part eight-plex/sixteen-plex, so setting precedence is something we have to live with. He said that he does have reservations that this is different than those in the area.

C. Rees pointed out that we do not have one standard in the residential district for all to follow and that the community that lives there now are saying they like the drawings. Nobody else has the same restrictions and we are getting hung up on the brick and we should be concerned with what residents like, that should be our motivating factor.

C. Augustus commented that this is a PUD (Planned Unit Development) so we do have the right; this is a long term development.

C. Rees commented that future residents may not like this, and that is something we do not know. She said that we are their representatives and we should be listening and she is not comfortable with taking this back to them.

C. Jackman stated that the last time we agreed that the exterior of the buildings would match. The drawings show stone and hardi-plank and the existing buildings have brick and stucco. Mr. Dyer said that in the areas that have brick, stone, stucco and hardi-board, they will match the color so that all the colors will blend in.

C. Jackman said that he remembers discussing at the last meeting that what we approved meets the needs, and he gets the feeling that needs have changed and he doesn't feel like the buildings are going to match or seem similar. He said that he

thought that we agreed to buildings that match more closely. Mr. Chesworth commented that they are using materials like the other buildings.

C. Augustus expressed his frustration because when he made his motion these items should have been brought up at that point and not 6 months later. He said that now he feels as though we are handcuffed.

Mr. Dyer stated that it sounds like what's being implied is that we tried to change after the fact, and we didn't. At that meeting in July Greg Robinson asked the council to be specific with the motion, and we didn't realize that there was a controversy with the original drawing.

C. Jackman stated that approval was subject to having materials that match, so to say that we approved this is not true. Maybe we could have been even more specific, but we did not approve the original drawing as it was shown. Mayor Gygi remarked that obviously there was a miscommunication.

C. Martinez stated that the current buildings are beautiful, and was surprised to learn that they are not all brick. Her concerns are in having a builder come in and build a different kind and have it stick out and not blend in. She said that she is listening to the community, but that she would like to see that we match the planned development.

Mr. Dyer said that with the buildings that do exist we needed to go away from the current design because this is unique; this is what we came up with and is what works with this development.

C. Martinez said that she would like to see a little bit more brick closer to 40% and the fact that you see more of the back portion of the building is why we are pushing so hard.

C. Zappala stated that when the original motion was made it asked for everything to match. He said that he is new and in looking at this he can approve this today and live with this new version. He is comfortable with it and for him it matches well enough, they have made a good effort to match the exterior and they have done a reasonable job.

C. Augustus asked Mr. Chesworth that with future developers will they hold their feet to fire as to exterior of the buildings to get what they want. Mr. Chesworth replied "yes."

C. Augustus then pointed out that with the CC&Rs (Covenants, Conditions and Restrictions) you guys are not the one to approve, it is the city council that does. We have to look out for the future developments, and the concern is what we end up with and we do not want to end up with two or three styles down there.

Mr. Dyer said that the architect and control committee have enough votes and they control that element, both entities have to approve and we are still involved. We committed that we will be there with these other entities and we want to blend and match. In the end this is what we feel is best, and most important is what the residents and HOA want and in no way have we cohered them. He said that they feel this is the right thing to do, and the only objections came after approval.

Mayor Gygi asked for motion.

**MOTION: C. Rees – To approve the architectural renderings provided at the December 18, 2012 City Council meeting.** Seconded by C. Zappala.

C. Martinez asked to clarify that the vote is for the second set of rendering and not the current ones presented today. C. Augustus said that they are the second set presented at the last meeting.

C. Martinez asked if the gabled portions could be changed to stucco. Mr. Dyer stated that if you would like that in the gabled area, there are no objections. C. Martinez said that with those changes then she can vote yes.

Yes - C. Martinez  
C. Rees  
C. Zappala

No - C. Augustus  
C. Jackman                      Motion passes.

Mayor Gygi commented that this was a good healthy discussion, and the fact that we are not united is a good thing, we are doing our job. The motion passes.

ADJOURNMENT

12. This meeting was adjourned at 9:17 p.m. on a motion by C. Jackman, seconded by C. Zappala and unanimously approved.

Approved by Council:  
January 22, 2013

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