

CITY COUNCIL MEETING

Tuesday, February 17, 2015 7:00 p.m.
Community Recreation Center
10640 N Clubhouse Drive, Cedar Hills, Utah

Present: Mayor Gary Gygi, Presiding
Council Member: Trent Augustus, Rob Crawley, Mike Geddes, Jenney Rees,
Daniel Zappala
David Bunker, City Manager
Charl Louw, Finance Director
Greg Gordon, Recreation Director
Courtney Hammond, Transcriptionist
Others: Lt. Sam Liddiard, Donald Steele, Dan Wilson, Brooke Richardson,
Marshall Shore, Alec Walburn, Adrian DuShaw, Michael Whitehead, Donna Lyle

COUNCIL MEETING

1. This meeting of the City Council of the City of Cedar Hills, having been properly noticed, was called to order at 7:03 p.m. by Mayor Gygi.

Invocation given by C. Augustus

Pledge of Allegiance led by Boy Scout Alex Walburn

2. Approval of Meeting’s Agenda

MOTION: C. Rees--To approve the agenda. Seconded by C. Geddes.

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

3. Public Comment

No comments.

PUBLIC HEARING

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

No comments.

CONSENT AGENDA

5. Minutes from the January 20, 2015 City Council Meeting

MOTION: C. Rees—To accept the minutes from the January 20, 2015 City Council Meeting with the changes that she emailed to the council and the city recorder. Seconded by C. Augustus.

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

CITY REPORTS AND BUSINESS

6. City Manager

The ski bus is running with 61 participants. The ski bus will run on the next two Saturdays.

It has been difficult to have the golf course closed during great weather. Mr. Bunker is talking with Questar Gas about getting the golf cart paths re-poured.

Indoor golf lessons have been filling up.

Cedar Hills Night at the Jazz vs. Spurs game is on February 23, tickets include admission, a hot dog and drink.

7. Mayor and Council

C. Zappala: Three of his students are working on a city app that will report city issues and allow feedback from the city when the issue is addressed.

C. Rees: The Planning Commission approved the preliminary plans for the Lakeview Trails Subdivision. A press release was issued on the all vote by mail election. The Arts Committee is putting together plans for FY2015-2016.

Mayor Gygi: There was a good turnout for the Emergency Preparedness Town Hall Meeting last week.

SCHEDULED ITEMS

8. Review/Action on Awarding a Contract for the Recreation Center Concessions

Greg Gordon stated that details on this contract were reviewed in work session.

C. Zappala stated that during work session the council discussed whether to put a maximum cap on the rent owed to the city per month of \$1,400-1,500. They also discussed Vista Pointe's feedback on the contract. Vista Pointe would like a longer contract with three-year renewals. They would like the option of using an alternate alarm company with the stipulation that the city would be given access to the alarm system. They would like to add a stipulation that the city wouldn't unnecessarily withhold any licenses. Vista Pointe asked that the termination clause apply to officers and agents, with employees left out. Keith Irwin suggested that Vista Pointe should receive the benefits of a \$500 Family Festival sponsor. The way the contract is written the city will receive 5% of gross sales. As sales increase, so do their costs. It looks like a 5% sales tax directed toward one business. He is uncomfortable with that, and worries it would make it difficult for them to succeed. The tenants expressed interest in having a cap because the city has set the base.

C. Crawley stated that if the contract changes to a three-year renewal, he wants to ensure that the lease-term remains at one year. He doesn't think there should be a maximum on the cap owed to the city. If there is a cap, it shouldn't be lower than \$2,000.

C. Rees stated that she wants to ensure that the specific benefits for Family Festival are spelled out. The minimum rent in the contract is based on an analysis that includes utilities, cleaning supplies, depreciation, maintenance and equipment accrual. The city doesn't charge any other vendors a percentage of their sales, but calculates the rent accordingly. She feels that the incentive is to keep profits, rather than pay government a portion of their sales. Her preference would be to charge a flat rate for the grill and a percentage for catering.

C. Augustus stated that the question is whether Vista Pointe is a partner, or a tenant. If the city is driving business to them, the city should benefit.

C. Geddes stated that he would prefer the 5% percentage with a cap.

Mayor Gygi stated that he wants this to be a long-term, successful relationship. He doesn't want an onerous relationship. During the interview process Vista Pointe seemed okay with a minimum plus percentage.

Brooke Richardson stated that Vista Pointe would like to do one or the other. Either a capped rent, or a low rent (\$600) plus a 5% percentage.

David Bunker stated that Vista Pointe's proposed cap is \$1400.

Greg Gordon stated that he has worked in many restaurants. A \$2,000 cap is very high, given the location.

MOTION: C. Zappala—To approve a concessions contract agreement with Vista Pointe LLC, subject to legal review and with the following modifications: where the contract talks about being a sponsor of the Family Festival that it be changed instead of the word "etcetera," that it say, "tenant shall receive all the benefits of a \$500 sponsor plus space for a vendor booth"; to change the contract language where it talks about termination for cause to say, "officers and agents," and striking the word "employees"; to add the clause suggested by the tenant indicating that the city shall not unnecessarily withhold licenses and permits; to modify the contract to state that the tenant may use a different alarm company, but if they do then they will give the city access to that system; to change the contract to indicate that there will be a three-year renewal period, instead of a yearly renewal period; and to put a maximum cap on the total amount paid the city per month of \$1,500. Seconded by C. Rees.

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|-----|---|-------------|----------------|
| Yes | - | C. Augustus | |
| | | C. Geddes | |
| | | C. Rees | |
| | | C. Zappala | |
| No | - | C. Crawley | Motion passes. |

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

C. Geddes stated that he is financially involved in this project. He is recusing himself and will not be voting.

David Bunker stated that in the original geotechnical study there is a comment in the executive summary that says that the potential of a mass movement poses a risk. The report does not address how that will be mitigated. The city has consulted with TAP Geotechnical Engineering to review the report and response. They are running a soil test studies. Approval would need to be contingent on corrections of the items in the report.

Mark Johnson of Mustang Design Engineering stated that most of the engineering items are easy fixes and have been sent along to the city. There are some concerns, specifically issues in regards to the geotechnical report. He suggested that another geotechnical engineer look at this. The current report puts the city at some risk. There are some issues with a preliminary Storm Water Management Plan. There is a statement on the geotechnical report that should be stated on the drawings and perhaps the development agreement. There was also an issue with regards to the proposed retaining walls. There was conflicting information on the elevations of the sumps. Some work needs to be done for the sumps to be effective. There is concern with the potential for the soil to become saturated. The utilities on site should extend to the end of the subdivision. At the end of Bayhill Drive there is some property that will be left unimproved. They suggest that be improved. He is concerned that the sewer and water easements are in a common easement. He suggested separate easements. Density was calculated incorrectly, with street area not subtracted from total area. Correcting that will likely lead to a reduction in the total number of lots. Any motion should include the letter that was sent. The statement of concern in the geotechnical report is “the potential of a mass movement appears to pose risk to the property and the proposed development.”

Public Comment:

Adrian DuShaw stated that he has 67 piers under his house. The soil tests were done, but there were still issues. He is perhaps the person most negatively impacted by this development.

Michael Whitehead recently moved onto Bayhill Drive. One of the main reasons they moved there was for access from Bayhill Drive to the trails. He doesn't want those trails closed off. His other concern is land movement.

Donna Lyle stated that she would like information on where the subdivision plans can be accessed on the internet.

Council Discussion:

C. Rees reported on the concerns of the Planning Commission: this development will be required to add sidewalk on Canyon Road. The Planning Commission wants the city to finish the sidewalk from there. The Planning Commission was concerned with water rights being purchased from the city, and then turned over to the city, resulting in a net zero gain. The original plan of extending Bayhill Drive through to this subdivision doesn't make sense.

C. Crawley stated that he appreciates that the city got an independent consultant.

C. Zappala stated that land movement is a major concern for this project. There are so many unaddressed concerns. He thinks it may be prudent to table this to learn more about the issues. He wants to make sure that all the concerns are adequately addressed.

Dan Wilson stated that the city has the geotechnical report. There have been many meetings with the city engineer. The issues are being addressed. He is under the gun because the county is taking over Canyon Road which will be paved in April, after which there will be a moratorium on cutting into Canyon Road. The review of the geotechnical report hasn't been done; he feels like the original report should be sufficient. There is no manning canyon shale in the soil, which was the primary concern.

David Bunker stated that the paving of Canyon Road won't happen until at least June 1. The city just got the addendum to the geotechnical report on Friday night. The city needs to be able to ask questions and get additional information, especially in this sensitive area, with soil and land movement problems along the bench. The additional geotechnical review would be a peer review on the first EarthTec report.

MOTION: C. Augustus—To approve the preliminary plan for the Lakeview Trails Subdivision with the following qualifications: that prior to final submission for the Lakeview Trails Subdivision that the city, with review of the city engineer, retain a separate geotechnical engineer to review specifically the mass movement and the potential that the mass earth movement could present in the Lakeview Trails Subdivision; we would also ask that the geotechnical engineer review all letters according to EarthTec Engineering and Mustang Design Engineering and do a peer-to-peer review to make sure that all processes and procedures have been met and verified; that all proposed mass earth movement that present any type of risk be reviewed for liability to the city; that any additional details as seen by the city manager are presented prior to final review and submission; that the storm water report be updated with the correct rainfall intensity chart, and it's the one provided and accepted by the city; any fill material brought in at specified depths be documented both in the drawings and details of the plans but also in the development agreement with the developer; we would also reference back to item #10 in the report from Mustang Design Engineering and to verify that the depths and compaction requirements are met according to the geotechnical engineers; that all retaining wall and saturated soil materials be confirmed and reviewed by a separate independent geotechnical engineer; that an independent structural engineer be retained by the city to review and document all retaining wall and saturated soils; that all utilities be drawn and shown to be extended to the property boundaries for the entire subdivision; that a clarification be made at the end of Bayhill Drive to show who maintains and improves the unimproved lot and who is responsible for this improvement; the utility easements and sewer water easements be drawn according to the requirements set forth by the city engineer; that the letter be incorporated from Mustang Design Engineering showing that a 15-foot wide utility easement setback be described in detail within the plans prior to final submission; that the density for the net total area be recalculated for all areas within the subdivision, and that

the streets be removed from the calculation, then the calculations be submitted in the plans prior to final submission; in addition, that all zoning, engineering, conveyance of water rights, verification of the Metro Water easement, and completion of review of all geotechnical reports be submitted to the city manager and city engineer prior to any final submission. Seconded by C. Zappala.

Further Discussion:

David Bunker stated that the unimproved lot is city property.

C. Augustus stated that Civil Science should address the unimproved lot with suggestions for how the city would maintain it.

C. Zappala responded to a resident's comment about trail access. There will be a nice access through Bayhill Park.

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

10. Discussion on FY 2016 Capital Projects Fund and Motor Pool Fund

Charl Louw reviewed the currently funded capital projects for FY 2015-16 and the motor pool fund. The Capital Projects plan includes: Bayhill Park at \$235,000 (through a mixture of unrestricted fund, CARE, park development), the golf maintenance shed (\$200,000), Harvey Boulevard traffic mitigation (\$50,000) and the Canyon Road sidewalk project (\$15,000). Three new vehicles are planned for replacement: two trucks and one passenger vehicle.

ADJOURNMENT

11. This meeting was adjourned at 8:38 p.m. on a motion by C. Zappala, seconded by C. Rees and unanimously approved.

Approved by Council:
March 17, 2015

/s/ Colleen A. Mulvey, MMC
City Recorder