

**CITY COUNCIL MEETING**

Tuesday, April 18, 2017 7:00 p.m.

Community Recreation Center

10640 N Clubhouse Drive, Cedar Hills, Utah

Present: Mayor Gary Gygi, Presiding  
Council Members: Ben Bailey, Rob Crawley, Mike Geddes, Jenney Rees, Daniel Zappala  
Chandler Goodwin, City Manager  
Greg Gordon, Recreation Director  
David Shaw, City Attorney  
Courtney Hammond, Transcriptionist  
Others: Representative Mike Kennedy, Senator Dan Hemmert

**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 Mayor Gygi.

Pledge of Allegiance

Invocation given by C. Geddes

2. Approval of Meeting’s Agenda

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

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

3. Public Comment

No comments.

**REPORTS/PRESENTATIONS/RECOGNITIONS**

4. Representative Mike Kennedy & Senator Dan Hemmert—Legislative Update

Representative Kennedy stated that the legislature passed a \$16.2 billion budget. Tax reform was discussed, though there were no changes. He is concerned with the idea of a food tax for policy reasons. The Highland connector road is important to him. There are multiple parties with stakes in that property. He is committed to getting the east-west connector built when all the parties are on board. A recent study showed that the connection is needed now, and the road is in the master plan. He has a few issues with the master plan. It is now dated, and he feels the best use of the land would generate revenue for the State Developmental Center. He does not want to sell it outright, because he wants long-term revenues to support the purposes of the developmental center. C. Zappala talked to him about the bill on short-term rentals. He appreciated that input. Ultimately he voted in favor of individual liberties. He invited the council to contact him with their concerns.

Senator Hemmert stated that the east west connector road has been a decade-long process that still has not happened. He and Representative Kennedy are united in a push for that. One thing that is needed is a recommendation from the board of the State Developmental Center. They are meeting in May. He suggested that interested parties reach out to the board encouraging them to make the recommendation to authorize the sale of the land. The traffic study has been completed.

Mayor Gygi stated that he doesn't have a big problem with the master plan. The demographics of this area are single family. He doesn't think that long-term leases will work on that land.

C. Crawley stated that he looked at voting records. He feels that a lot of people run for office saying they are going to be conservative, and then there is peer pressure to vote for things that are not conservative. The report card by conservative index by a grassroots group showed Representative Kennedy voted 67% of the time for less government, which is pretty high. Senator Hemmert got a 30%.

Senator Hemmert stated that there are a thousand score cards. He learned quickly that if he were to vote to please a score card, he would never be a good legislator. For those whom the score card is important, he is not their ideal legislator. He is never going to let anyone else define what conservatism is.

C. Rees stated that she is concerned when she hears that a legislature chose the individual over the city government. She feels that local government represents the individuals.

Representative Kennedy stated that he appreciates the comment, and for the most part wants to stay out of the local government decisions. Personal property rights are set forth in the Constitution, and for that reason, he voted for the bill on short-term rentals.

#### PUBLIC HEARING

5. Conditional Use Permit for Marco's Pizza, located at 4800W Cedar Hills Drive in SC-1 Commercial Zone

No comments.

#### CONSENT AGENDA

6. Minutes from the February 7, 2017 & March 7, 2017 Work Session & City Council Meetings

C. Crawley was not able to attend the March 7 meeting and asked Mayor Gygi to read a statement he wrote related to the water connection at Highland Gardens. He did not see that in the minutes, and would like a summary of his statement included.

**MOTION: C. Crawley—To approve the minutes with the addition of his comments.**

Seconded by C. Zappala.

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

CITY REPORTS AND BUSINESS

7. City Manager

Soccer and tot soccer start this week.

Coach pitch and t-ball registration is now open.

Golf camp registration is now open.

An errant golf ball broke a window on the east side of the Vista Room. It should be repaired within two weeks

There will be a soils and plants class this week.

The final portion of the service project will be held this Saturday at the roundabout on Cedar Hills Drive.

Thank you to Stephanie Martinez, Emily Cox, and Nicole Allen for a successful Easter egg hunt. Cedar Hills’ staff applied for a community development block grant and was awarded \$30,000 for Americans with Disabilities Act (ADA) projects.

8. Mayor and Council

C. Rees: The Family Festival needs a lot of volunteers.

C. Geddes: He recently attended his first Utah League of Cities and Towns conference. He learned a lot and found it worthwhile.

C. Crawley: The Planning Commission meeting discussed a conditional use permit for the Moore family related to a bed & breakfast facility and wedding venue. It is conditional on the city council striking the requirement that B&Bs be in a historical building.

SCHEDULED ITEMS

9. Review/Action on a Conditional Use Permit for Marco’s Pizza, located at 4800 West Cedar Hills Drive in the SC-1 Commercial Zone

Chandler Goodwin stated that the city received an application for Marcos Pizza to be located next to Great Clips. There are no proposed changes to the outside of the building, just some modifications to the inside. It is a carryout facility. The code requires a public hearing and conditional use permit (CUP). This approval may best be done administratively. The CUP code states that any commercial use requires a public hearing. The commercial guidelines have restaurants as a permitted use. These two portions of the code need to agree.

**MOTION: C. Rees—To approve a Conditional Use Permit for Marcos Pizza.** Seconded by C. Geddes. Vote taken by roll call.

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

10. Review/Action on Amendments to the City Code, Title 3 Related to Business Licensing

Chandler Goodwin stated that this item is related to Senate Bill 81. The bill states that a municipality cannot charge a license fee for a home-based business. Home offices and home businesses are most at play with this bill. A home-based office is a business that is in the home and no one visits. The city has 165 of these. No business license will be required. A home-based business is one that is conducted entirely at home, public and goods enter the home, and they may have a material impact. The proposal is that home offices do not require a business license. Home businesses require a license, but if there is no material impact of the public entering the building, there is no fee for the license. The city has 28 that fall into this category. For many of them, such as a salon there is not a material impact on the neighborhood, but there is public entering the home, which presumes that there is a reasonable expectation of safety, which requires an inspection. Others have a material impact, such as preschools, gymnastic and dance studios. A paid business license would be required. He recommended tabling the item tonight to allow more time for nailing down the language of this amendment.

C. Rees stated that there should be more written guidelines spelling out which category different types of businesses qualify for.

David Shaw stated that there is not an ADA requirement for home-based businesses because it is primarily a residential structure, with the business being ancillary to that. Residences that are converted into commercial buildings may require ADA access, depending on the age of the building.

**MOTION: C. Rees—To table this item. Seconded by C. Geddes.** Vote taken by roll call.

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

11. **MOTION: C. Crawley—To go into Closed Session pursuant to Utah State Code 52-4-204 & 52-4-205(1)(d) & (e) to discuss the purchase, exchange or lease of real property and to discuss the sale of real property in Cedar Hills Community Center.** Seconded by C. Bailey. Vote taken by roll call. (8:01 p.m.)

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

12. **MOTION: C. Geddes—To adjourn Closed Session and Reconvene City Council Meeting.** Seconded by C. Bailey. (8:20 p.m.)

Yes - C. Bailey  
C. Crawley

C. Geddes  
C. Rees  
C. Zappala     Motion passes.

ADJOURNMENT

13. This meeting was adjourned at 8:20 p.m. on a motion by C. Rees, seconded by C. Zappala, and unanimously approved.

Approved by Council:  
May 16, 2017

/s/ Colleen A. Mulvey, MMC  
City Recorder