

**CITY COUNCIL MEETING**  
**Tuesday, January 6, 2009 7:00 p.m.**  
**Public Safety Building**  
**3925 W Cedar Hills Drive, Cedar Hills, Utah**

Present: Mayor Mike McGee  
Council Members: Eric Richardson, Jim Perry, Ken Kirk, Charelle Bowman, Marisa Wright  
Konrad Hildebrandt, City Manager  
Kim Holindrake, City Recorder  
Cathy Larsen, Deputy Recorder  
Brad Kearn, Building and Zoning Official  
David Bunker, City Engineer (7:12 p.m.)  
Eric Johnson, Legal Counsel  
Others: Cliff Chandler, Shawn Richins, Gabe Crosby, Scout Troop 1170, Craig Dilger (Daily Herald), Ace Striker (Daily Herald), Andy Moody, Leslie Moody, Christina McCulloch, Chris McCulloch, Marsha Parmenter, Megan Parmenter, Jeff Parmenter, Marcus Parmenter, Bryant Platt, Nicky Platt, Brandon Kirby, Craig Clement, Patty Ravert, Julie Salmond, Tom Salmond, and Aaron Wagner

**COUNCIL MEETING**

1. This meeting of the City Council of the City of Cedar Hills, having been properly noticed, was called to order at 7:07 p.m. by Mayor McGee.

Invocation given by C. Perry

Pledge of Allegiance by Gabe Crosby, Scout Troop 1170

2. Public Comment (7:10 p.m.)

No public comment

CONSENT AGENDA

3. Minutes from the December 9, 2008, Regular City Council Meeting (7:11 p.m.)

**MOTION: C. Perry - To table the minutes from the December 9, 2008, Regular City Council meeting.**  
Seconded by C. Richardson.

Yes	-	C. Bowman	
		C. Perry	
		C. Richardson	
		C. Wright	
Nay	-	C. Kirk	Motion passes.

**MOTION: C. Perry - To move item #5 before item #4.** Seconded by C. Richardson.

Yes - C. Bowman  
C. Kirk  
C. Perry  
C. Richardson  
C. Wright Motion passes.

## SCHEDULED ITEMS

### 5. Review/Action on Resolution Recognizing Chris McCulloch for his Assistance with a Life-Saving Emergency (7:12 p.m.)

See handouts.

#### Presentation:

- Mayor McGee stated that there was a stabbing in the City in which Mr. McCulloch literally saved the life of a young man named Marcus Parmenter. It is awesome when people in a community take the time to help someone, as Mr. McCulloch did. He feels what Mr. McCulloch did was very commendable. Mr. McCulloch is recognized in the community as a hero. Sometimes a hero is somebody who is there and willing to do what it takes. Mayor McGee presented Mr. McCulloch with a gift from the City and publicly shook his hand. He thanked Mr. McCulloch, and stated how proud he is to have Mr. McCulloch as a Cedar Hills resident.
- Chris McCulloch stated that Marcus really handled a terrifying situation with great composure, which is really a credit to Marcus. Both families are tremendously grateful for the emergency personnel that arrived to assist him, and especially for the surgeon that performed life-saving surgery for Marcus. He feels they live on a terrific street with people like the Moody's behind him who were more than willing to help, not only with that emergency, but with the cleanup that occurred afterward. He is grateful to live in Cedar Hills, particularly on Hillside Drive, where the people came together. He is grateful that Marcus is still alive.
- Konrad Hildebrandt stated that he personally talked to the City's Chief of Police, as well as the Emergency Medical Director and Fire Chief. They reiterated that Mr. McCulloch is a hero. Through all of the reports that the Chief of Police received from the surgeon and personnel, the situation would have been dramatically different if Mr. McCulloch had not been there to assist. Mr. McCulloch is a true hero to Marcus, his family, and the community. Hopefully, this is something that everyone would be willing to do.
- Officer Shawn Richins stated that it is rare when people do get involved. The supervisor that got the call and the officer that responded were very grateful that they could radio and get to the suspect. Between all the citizens that got involved, it freed the officers up so they could find and arrest the suspect.
- C. Perry stated that he did a little research about what a hero is. A hero is not somebody who has no uncertainty and fear, but somebody who in the face of fear and uncertainty, is not afraid to act. He agrees with the term "hero" in regards to Mr. McCulloch, and he commends him. He hopes that if any of us were in the same situation, we would do the same.
- Marcus Parmenter stated that it is not very often that something like this happens. He is happy that Chris McCulloch was there, and feels if he hadn't been, it is very likely that he wouldn't be here today. He'd say, without a doubt, that Chris McCulloch is his hero.
- Jeff Parmenter made the following statement:  
"As the representative for the Parmenter family, I would like to extend our most profound and sincere gratitude for a member of your community who saved the life of our son Marcus on December 1st 2008. The word 'hero' has been re-defined for us through the actions of Chris McCullough, who in the moment of our greatest need, came unselfishly to the aid of our son. The doctors have told us that our son was literally seconds away from losing his life. When Chris discovered him in that condition he took no thought for himself and acted with courage in the face of uncertainty. Chris did what we believe is characteristic of all heroes; he shouldered the responsibility

in the absence of a clear course and did his very best to save our son's life. Chris recognized that something needed to be done. Rather than weighing and analyzing, for which there was no time, he pushed his own security aside and focused his attention on Marcus's urgent need. We would like to honor Chris for his selflessness in the face of extreme adversity.

It has seemed to us in recent years that men and women of action have become increasingly rare. But Chris's actions have led us to take a second look around us. He proved to us that many strong and courageous men and women live among us. They are simply concealed in the everyday clothing of neighbors, business owners, City officials, policemen, ambulance crews, helicopter pilots, doctors, nurses, and so on.

We recognize with soberness that we might not have been so fortunate, that we might easily have lost our son. We would still want all those involved to know how much their service on Marcus' behalf meant to us. Chris's quick and noble actions are an indication of a much larger good in your community. We would be remiss if we did not recognize the heroic actions of many people on that night. It is astonishing to us that so many are so quickly mobilized in the attempt to save a single individual. We counted dozens of people who were there to help our son within the first few minutes and hours of the incident. It is a sterling tribute to the communities in our valley which provide such a solid and efficient framework of service.

We can never thank Chris McCullough enough for acting so bravely and quickly. His actions were inspired and lifesaving. He has literally given us back our son for which we will be eternally grateful. We love and appreciate this good man. He will always be a hero to the Parmenter family."

- C. Richardson read the resolution aloud.

**MOTION: C. Perry - To approve Resolution No. 1-6-2009A, a resolution recognizing Chris McCullock as a hero for his life-saving service to the community.** Seconded by C. Richardson.

Yes - C. Bowman  
C. Kirk  
C. Perry  
C. Richardson  
C. Wright Motion passes.

- Mayor McGee presented Mr. McCullock with a copy of the Resolution.
4. Review/Action on Cedar Hills Golf Course Items and Clubhouse (7:31 p.m.)

See handouts.

#### Staff Presentation:

Konrad Hildebrandt stated that staff met with various architectural companies regarding upgrading the clubhouse plans. The companies gave bids on how much the upgrading would cost. In the staff's opinion, JRCA was very high in their bid. They have dropped their price from \$103,000 to \$82,800. Carpenter Stringham, who did the Charleston Assisted Living Center, Lexington Heights, and some other projects in the City bid \$63,000. Ken Harris, who is a local architect, has done various city halls, clubhouses, and projects throughout the State. His bid was \$62,300. JRCA noted that they have ownership of the original architectural plans and are unwilling to give those out to any other competing firm. The Ken Harris bid proposed another clubhouse very similar to the original clubhouse that would probably come in more cost-effective and create a substantial savings. JRCA is a great firm, but Carpenter Stringham and Ken Harris are great firms as well, and going with them would save the City about \$20,000.

Brad Kearl stated that Ken Harris architects have a rendering in their archives very similar to the City's needs. It would only require some updates, and would be a substantial savings for the City.

Council Discussion:

- C. Richardson stated that has seen work from both Ken Harris and Carpenter Stringham, and would not see why the City would want to pay so much more to go with JRCA.
- C. Bowman agrees and would like to see other plans, especially if the project can be done for less than the plans already proposed. She likes the idea of the City saving money.
- Mayor McGee stated that if the City goes with plans that Ken Harris already has instead of having the firm do up new plans from scratch, it would save the City a substantial amount.
- C. Wright would like the other architects to bring their plans to the next Council meeting.

**MOTION: C. Richardson – To instruct staff to schedule a meeting with Carpenter Stringham, Ken Harris, and any other bid submissions in the price range of those two, to come in and present to the City Council their proposal for architectural and parks management work on the clubhouse, and to also provide a list of examples of a similar work and scope that they have done as part of that example.** Seconded by C. Bowman.

Yes - C. Bowman  
C. Kirk  
C. Perry  
C. Richardson  
C. Wright

Motion passes.

Further Discussion:

- Konrad Hildebrandt reported that Jim Madsen, the Golf Director, is looking at the operations issue when preparing a timeline for the clubhouse construction. Jim Madsen's proposal is to have the ground-breaking after the golf season in October. Konrad Hildebrandt's proposal is to have it in September so the City can get it done and kick off the new golf season in the spring. Also, there is the issue of financing and getting all of that put together. Also, Cottonwood Heights, lots 1-7, are crucial to the City's finances. The City has been loaning money to itself but nothing can be done until the well project is finished. This is very critical in the City's overall financial picture. Hopefully, the selling of the lots will take place this fiscal year. Over and above the sale of the lots on Canyon Road are Saint Andrews Estates. Next is the issue with the 18<sup>th</sup> t-box. The City received a third-party opinion on how to fix the t-box issue. Three feet could be taken off the top of the back two t-boxes. Staff believes this would resolve the issue with Questar. Questar wants to work with the City and resolve the issue but feels there is still a safety issue. The project would be handled in-house. Konrad Hildebrandt feels the City can make the t-boxes look better than ever. Staff will work with Questar's head Manager.
- C. Perry stated that he would like Jim Madsen to look at anything that is being proposed and attend the meeting to give his opinion to the Council. C. Perry is concerned about the City fixing the problem with the 18<sup>th</sup> t-box without making sure Questar is "OK" with it. He doesn't feel the City should pay any amount of money until it is certain that Questar is on board. He wonders why the City is in litigation when Questar has no claim in the first place. He feels no repairs should be made until the City is sure that it mitigates Questar's concerns.
- C. Richardson stated that if the City fixes the problem without checking with Questar, the litigation fees could be higher than what the City saves.
- C. Bowman stated that she agrees with C. Perry on the Questar issue and that any correspondence with Questar regarding this matter needs to be in writing. She would like a signature from Questar's head member of staff signing off on this project.
- C. Kirk stated that the City needs to question Questar as to whether taking three feet off would take care of the problem and their concerns.
- Mayor McGee stated that because the City has received a third-party opinion on how to fix the t-box issue, it is not necessary to get Questar's approval. Questar wanted the City to ultimately remove it all, but the City said no. Questar is willing to work with the City. The whole purpose is to avoid

- David Bunker stated that the best thing to do is to get a paper trail with Questar's lead engineer asking if he agrees with the City's findings. If Questar's engineer says yes, the City can move ahead with it. Jim Madsen's opinion was that taking three feet off would not affect golf play.
6. Review/Action on Safety Recommendations from the Traffic Safety and Livability Oversight Committee (7:46 p.m.)

See handouts.

#### Staff Presentation:

David Bunker stated that the TSLO Committee met on December 17<sup>th</sup>. The TSLO Committee basically broke it down into three separate items, future speed tables and traffic calming, bike trails, and stop signs. The TSLO recommended certain speed tables and traffic calming devices be installed, according to the priority list. Number 4 is not a speed table, but cross gutters located on Forest Creek Drive at Downing Drive and Haven Lane. Currently there is already a speed table on Forest Creek Drive, but cross gutters would be more effective. There are already several cross gutters throughout the City that are for drainage. These cross gutters would slow speed as well as allow drainage. Cross gutters are four-feet wide and drop three inches, side to side. They cost about \$2,500. The snowplows would be fine going over the cross gutters. The current speed tables on 4600 West were installed following neighborhood meetings in which residents voiced their concerns. Some residents did not want a speed table in front of their home. That has been the process up until now. Now the TSLO makes a recommendation to the Council, and it is up to the Council to decide. Speed tables as well as other traffic calming devices can be very effective. Enforcement is definitely part of traffic calming. The TSLO Committee discussed a speed table on Redwood Road at the border of the commercial zone and the residential zone, which is 119 feet south of the intersection. The Committee discussed the dynamics of removing the stop sign on Redwood Drive and moving the speed table to the intersection. A small round-a-bout was another suggestion. Part of it is just making people aware that there is a change of condition in the road, so they are aware of their speed. The average life of a speed table is about 10-15 years while roadways have a life of about 20 years with some surface treatment. The TSLO Committee has focused on high-volume collector roads, where several neighborhoods come together and dump on one single road. Forest Creek Drive is not a collector road, but it is a de facto one because of what is happening on Redwood Drive. When Cottonwood Drive was completed, it changed a lot of things. The planning of Redwood Road was sound in that it would be a collector road. The difference was that plans did not incorporate the unforeseen elementary school, which was subsequently built by Alpine School District, and which changed the traffic pattern where parents make a loop to bring children to and from school. Redwood Road is a collector, but speeds need to be maintained.

Konrad Hildebrandt stated that all of these traffic calming devices are on artery or collector roads, and not just on residential roads. In regards to bike paths, he is totally against them in the City. He does not feel they are safe, and are an invitation to have kids and people in the streets. Bike paths give individuals a false sense of security.

#### Council Discussion:

- C. Richardson stated that cross gutters are a fraction of the price of speed tables. He agrees that enforcement is a portion of the solution; however, enforcement cannot be the only solution. The City needs reminders other than red and blue lights. Things such as flashing lights, cross gutters, signs, and striping are all part of the solution. He appreciates all the time that has gone into this and feels the solution is a lot better than if the time hadn't been spent on it. There needs to be a motion for each of the three sections and the motions need to include some of the City's existing agreements, findings, and facts. In the first section he doesn't feel that Numbers 6, 9, and 10, which are speed tables, have anything to do with commercial development. He has some concerns with Number 10

on Ironwood Drive. He spoke to residents in that area and many of them expressed concerns regarding traffic. He feels the speed table may have to be moved further down because of the dance studio located in the area. There is a financial component to some of these where the developers will be cost sharing. The Council needs to determine which of them are applicable to that so the City's commercial partners can contribute. Number 4 is probably 50 % due to the commercial zone.

- Mayor McGee stated that speed tables are very common and are all around Orem and Salt Lake. Last night when he was driving a snow plow, there was something going on at a house where people were parked on both sides of the road, and he could barely get between the cars to plow, which is another traffic issue.
- C. Perry stated that cross gutters also make a noise but are not nearly as loud as speed tables. David Bunker and the TSLO Committee are a voice on where things are needed and not needed. The City needs to control the traffic for the community to be safe. The speed tables in Canyon Heights Drive have held up very well and are effective. Redwood Drive is a collector road. The City needs to look at the traffic today and then again in six months from now. This will tell the City exactly how much the commercial zone has affected the roads.
- C. Bowman stated that the speed tables make it hard for residents to park in front of their homes. She agrees that the City needs more enforcement to slow people down. When the speed table went up in her neighborhood, there was only one resident in favor of it. A flashing light would make people more aware of a speed. Speed tables are heavily used in one part of the City, but there is nothing in the TSLO plan in the center of the City or at Pinnacle Pointe. Looking at this long-term, she is concerned as to whether this is the way the City wants to go with the budget. Everyone says it will cost more for enforcement, but in the long-run installation and repairs to speed tables is a large expense. Speed tables done right can be effective; however, the one in Cottonwood Drive ended up costing \$12,000 by the time repairs were done. It still isn't right. Additional speed tables on Redwood Drive (or any other collector road) may discourage people from taking the collector road and push them onto arterial roads (such as Forest Creek Drive) When traffic increases on arterial roads, the City gets asked to put speed calming devices on those roads too creating a vicious cycle. A speed table on Ironwood Drive would congest the street even more than it already is, and residents there have not requested it. She feels a survey of the traffic impact of the commercial zone needs to be done while school is still in session so that the City is taking that into consideration. If the City waits until June, they are not getting that school traffic, which is a lot of the problem. She also agrees that bike paths are dangerous.
- C. Wright stated that she would love a speed table by her home.
- C. Kirk stated that these traffic devices individually probably don't make a lot of sense; but if you look at the overall configuration, they work together. They make sense if you look at the map because of factors that are presently on board or are anticipated. Right now, Forest Creek Drive is becoming a major corridor because of some of the restrictions put on Redwood Drive. When these devices are added on Forest Creek Drive, Redwood Drive will take some of that pressure back. Some items will be tabled until a thorough study is done once Wal-Mart is up and running. There were some good discussions between the TSLO Committee and the community regarding additions and deletions to the plan. He is on board with this plan. It is not a perfect solution, but the first step to a perfect solution. This solution is the beginning of what can turn into a very safe community. The recommendations from the TSLO Committee are not solely based on the commercial zone. The purpose of traffic calming devices is to let you know that you are in a residential area and to slow down.

**MOTION: C. Richardson – To approve the TSLO Committee's recommendations on the placement of speed tables and cross gutters as identified on the traffic calming map, with the following findings: Item #4 is 50% attributed to the commercial development, item #6 is 0% attributed to commercial development, item #9 is 0% attributed to the commercial development, and item #10 is 0% attributed to the commercial development and should be last on the list for the Capital Improvement Plan, and also to include funding for modifications or devices on the intersection of Redwood Drive and**

**Carriage Lane as discussed in the TSLO Open House.** Seconded by C. Perry.

Yes - C. Kirk  
C. Perry  
C. Richardson  
C. Wright  
Nay - C. Bowman Motion passes

Further Discussion:

- David Bunker stated that the Redwood Road/Carriage Lane configuration is being paid for by Wal-Mart. At the open house, a resident stated that their children cross right at the crosswalk for school; but when crossing to the mailbox, they don't go clear over to the crosswalk. The resident mentioned that a lot of the children cut through the lots Eagle Brook Circle and Hill Park Circle to Redwood Drive. The residents don't want the stop sign to go away necessarily, but that may not be where the kids are actually crossing.
- C. Richardson stated the intersection of Redwood Drive and Carriage Lane is very wide and the houses are set back so it is very easy for someone to approach and see the whole intersection and not come to a complete stop. It is also the same thing with kids crossing there. They don't really need to go right to the intersection because you can look and see from a long ways away. The City needs something to help people be visual there. These devices are not just about physically slowing down the car, but for the driver to change their view and evaluate things. If there is something to change how the intersection looks and feels, then that can have a more meaningful impact.

**MOTION: C. Richardson – To amend and strike the portion dealing with the intersection at Redwood Drive and Carriage Lane and the device.** Seconded by C. Perry.

Yes - C. Kirk  
C. Perry  
C. Richardson  
C. Wright  
Nay - C. Bowman Motion passes

Staff Presentation:

David Bunker stated that the TSLO Committee is not comfortable with bike trails and would like to explore other options. Adult bikers will use a travel lane the same way, and can still ride their bike with the traffic. However, by creating a bike lane, the Committee feels it would encourage non-experienced bikers to be out in the road. The proposal is to eliminate all bike lanes at this time and look at different alternatives. There is a bike lane at the east end of Harvey Boulevard on the south side in Pleasant Grove that acts as a sidewalk.

Council Discussion:

- C. Perry stated that when you have a bike lane, a second grader riding his bike to school will have a little line to help him along. The line also helps the cars know that there may be a biker there. Otherwise, the biker is out in the road with the cars. In school the kids are presented safety standards and told to ride their bike in the road in the same direction as the traffic and not on the sidewalk. It's silly to hope they will ride on the sidewalk.
- C. Wright wondered about putting some type of pole on the major bike lanes that screw into the ground that can be removed in the wintertime. These could be placed every 15-20 feet to let cars be aware to keep their distance. David Bunker stated that this creates a huge maintenance issue.
- C. Kirk stated that he and Mr. Bunker watched in front of the schools and bike lanes, and

cars are parking in the bike lanes right now. The proposal is to postpone putting in any more bike lanes.

- C. Richardson stated that he spent many hours on the road and time looking around the City. The City needs to look at striping on Redwood Road and some of the wider collector roads. Wide roads make drivers feel they can travel at a higher speed. He would agree with not doing additional bike lanes, but just striping and travel lanes. The best way to lower speeds on wider roads is to make the roads narrower by putting in travel lanes.
- Mayor McGee suggested that the TSLO Committee do some research on travels lanes to narrow wider roads that the bike lane stripes just fade out.
- C. Bowman likes the striping idea in wider roads to narrow and reduce speed. She feels the bike lane stripes need to be removed and not just allowed to fade out.

**MOTION: C. Richardson – To approve the recommendation from the TSLO Committee in regards to bike lanes, and run the striping issue by the TSLO Committee.** Seconded by C. Perry.

Yes - C. Bowman  
C. Kirk  
C. Richardson  
C. Perry  
C. Wright Motion passes

Staff Presentation:

David Bunker stated that the TSLO Committee recommended that the stop sign on Cedar Hills Drive be tabled until Wal-Mart opens. The stop sign on Oak Road West is to remain with added sign awareness apparatus. The stop signs at 4680 West and 9900 North will be reversed. Speeds should not change because there are two cross gutters going east/west. The last recommendation is to table the Redwood Drive and Carriage Lane area and consider other traffic limitation devices, such as cross gutters, island placement similar to those devices south of the Wal-Mart, and observing traffic after the opening of commercial business.

Council Discussion:

- Mayor McGee suggested using signage instead of flashing lights at Oak Road West to reduce costs.
- C. Bowman agreed with Mayor McGee regarding using signage at Oak Road West. She suggested using a roundabout at Redwood Road and Carriage Lane instead of cross gutters.
- C. Kirk stated that the TSLO Committee will look at options for Redwood Road and Carriage Lane.

**MOTION: C. Richardson – To approve the TSLO Committee’s recommendation in regards to stop signage, and a finding that items 1, 3, and 4 (the costs associated with those) are to be given to commercial development.** Seconded by C. Kirk.

Yes - C. Bowman  
C. Kirk  
C. Perry  
C. Richardson  
C. Wright Motion passes

Further Discussion:

- David Bunker stated that residents will be notified of any changes with stop signs and a

- flashing light will be installed at 9900 North and 4680 West.
- C. Bowman stated that she doesn't have a problem with stop signs going up, a roundabout, paint, or whatever for traffic safety, but she is not in favor of speed tables.

7. Hearing/Review/Action on Landscaping Appeal from Tom and Julie Salmond for Property Located at 4197 W Cedar Hills Drive (8:52 p.m.)

See handouts.

Presentation:

Tom Salmond provided additional material to the Council. He and his wife Julie would like to appeal the landscaping fine that is being applied to their bill. The first notice they received regarding their landscaping was dated June 26, 2008, titled Voluntary Correction Notice. Since that notice they have spent a total of \$16,000 on landscaping. He pointed out the wording on the notice states, "This ordinance requires that the front yard landscaping of each home be installed within (12) months of written notice." This was the first notice received and assumed they had 12 months from the date on the notice. The documentation he provided is from the final inspection, which they never received because of problems with their builder. The cover letter shows it was sent to Zion's Builders. They came to the City two weeks ago to get a copy of the final inspection but didn't get a copy at that time. They later came back to get a copy, but the City couldn't find it. They contacted C. Perry to find out what their options were. They have done everything they could to follow this through and have had every intention of landscaping their lot. The \$16,000 is a considerable amount considering the economy, and they have sacrificed a lot to do it. Unfortunately, their lot is a very complex lot and they had to spend a considerable amount for rock walls. The curbing is in, and they have every intention on finishing the landscaping. Their request is to have the 12 months start from the date on the first notice they received, which is from June 26, 2008, and not to have fees accrue until 12 months from that date. Also, to receive credit for the \$100 they have been fined for non-compliance.

Staff Presentation:

Brad Kearn stated that the City's records show that on the Salmond's first final inspection dated April 10, 2007, they were given a notice stating the landscaping requirement in the ordinance. The notice is a written report that is left at the residence. It is designed for the owner, builder, or whomever has a vested interest in the house. The City gave notice at the first final inspection and second final inspection. On the third final inspection, when they finally got their certificate of occupancy, that is when the time-limit started. Unfortunately, there is no provision in the ordinance for someone who starts their landscaping and needs more time to finish. It only states that it is to be completed within 12 months. It doesn't work to begin the 12 months when the resident sets up their City account. No one has purchased a spec home so it may sit without being signed up for utilities. The Salmonds were not required to have a landscaping bond at the time they got their permit. There was a bond for curb, gutter, and sidewalk. The City did not have the residents pony up and get an additional landscaping bond if they already paid for their permit. The issue can be resolved by allowing them to take the 12 months to June, 2009. The City only wants compliance; the City is not in the habit of trying to make money from fines. He would like the ordinance changed so that this does not have to be brought to Council, and staff can deal with these issues on a case-by-case basis.

Council Discussion:

- C. Kirk stated that it is a very beautiful lot. The turf delivery cost is accurate, but the turf has actually been laid. The original notice wasn't given to the owner to begin the 12 months. Ethically, the Council could find that efficient written notice wasn't received by the resident himself as was the intent of the ordinance. Therefore a fine was levied erroneously. The ordinance needs to be changed. Staff has done everything according to the ordinance that they were supposed to do, and the resident has done everything according to the notification they received. That ambiguity within the ordinance

- C. Bowman stated that she feels it is more important that the Salmonds are in compliance within the time-frame given. She can see where the Salmonds thought they had 12 months from the June, 2008 date. She feels the City should reimburse the Salmonds for the fees. She would like to have this corrected and make sure that the appropriate steps are taken to ensure that it doesn't happen again. No matter how it needs to take place, the residents shouldn't have to pay. The ordinance is not clear and agrees that there needs to be something more specific written in the ordinance. She does not blame staff for what happened. The ordinance was not clear and the Council needs to amend it so staff knows how and when to notify the resident about the ordinance.
- Mayor McGee stated that based on State law, the City Council doesn't have the authority to clear the fines. The Council can, however, change the ordinance. The Council can make a finding that written notice was not given until June 26, 2008. He would be happy to waive the fees as long as they are willing to complete the landscaping by that date or they pay the fines back. Technically by this ordinance, they were in violation.
- C. Perry feels that the Council has every right to find that written notice was not given until June 26, 2008. If the notice was not given until June 26, 2008, the fines were erroneously applied, and should be remitted back to the Salmonds. It wasn't a fine, but a mistake. The Council didn't clarify in the ordinance to whom a notice should be given and how. The residents should not have to pay remitted fees if not in compliance by June, 2009. He would like to see the landscaping ordinance on the next agenda. He suggested that the 12 months begin when the resident sets up their City account.
- C. Richardson agrees that the Council can't remit a fine, but fines can be appealed it under Section G. Part of the problem is the residents got stuck in-between ordinance changes, and there isn't a bond setting aside funds for the landscaping. One way the ordinance could be solved is with the bond-issue, just not in this case.

**MOTION: C. Kirk – That Council finds no fault with City staff or with the residents, that ambiguity in the ordinance exists, and that proper notice was not received by the residents until June, 2008, which establishes the one-year compliance as intended by the ordinance, and that the Mayor be granted the authority to remit the current fines that have been paid, and that the one year begins on June, 2008, and they are to be in compliance by June, 2009.** Seconded by C. Perry.

Yes - C. Bowman  
 C. Kirk  
 C. Perry  
 C. Richardson  
 C. Wright Motion passes

Further Discussion:

- C. Richardson stated that the landscape ordinance falls under Title 10, so any proposed changes require a public hearing and must go to the Planning Commission.

8. Review/Action on Appointment of Mayor Pro Tem (9:23 p.m.)

**MOTION: C. Richardson – To appoint Council Member Marisa Wright as Mayor Pro Tempore.** Seconded by C. Bowman.

Yes - C. Bowman  
 C. Kirk  
 C. Perry  
 C. Richardson  
 C. Wright Motion passes

9. Review/Action on Resolution Adopting Fees (9:24 p.m.)

Staff Presentation:

Konrad Hildebrandt handed out a staff-produced liberal cost-estimate of the pressurized irrigation project. Originally, staff presented a \$6.00 increase to the pressurized irrigation base rate. Recently Cedar Hills has boundary-adjusted with Pleasant Grove and received Mahogany Drive so that area has been added to the project. Hopefully the project comes in less than the estimated amount. The City needs to finance the project, and has met with Wells Fargo and Zions Bank. With the viable market today, the City has received some projected rates. The Wells Fargo came in at 4.7% for a 10-year loan, 4.9% for a 15-year loan, and 5.15% for a 20-year loan. Wells Fargo has a no-call feature, but that could be negotiated. A 10-year call is pretty standard, and could be negotiated. There is also a no-required reserve fund. Zions Bank has a reserves fund requirement. Their rate is 6.36% for 10 years, 6.497% for 15 years, and 6.33% for 20 years that is variable after three years. Neither bank will go out to the open bond market. Staff estimates the increase in the PI rate would be \$4. The \$4 increase would cover any of the three Wells Fargo options or the Zions Bank 20-year loan. However, Zions Bank would want the ability to reset the rate at 10 years and relook at the market at that time. The \$4 increase would generate about \$106,000 a year. The current base rate of \$7.95 goes towards paying off the infrastructure cost. The previously Council did not want to charge residents more than \$10 for PI so funds were used from other areas. Subsequently, the rate has risen to \$11.95. A 20-year bond is probably preferable. The payments are lower, and it is a long-term asset that won't go away. Already, the underground works have been approved to start this month. The City has a 60-day grace period. The staff feels comfortable on the time-line listed on the hand-out. The bond would need to be around \$2,000,000 to go on the open market. The additional information includes a list comparing what American Fork City is charging for PI. For the banks to approve this bond, they need to have some kind of action from the City.

David Bunker stated that the peak instantaneous demand will be met with these upgrades. With the watering restrictions currently in place, the system will deliver the water.

Council Discussion:

- C. Richardson stated that Wells Fargo is the only one that meets the parameters resolution. He would like to move to where the base rate covers the bond, which is about \$17.95. He would like to wait to do the increase in June when other increases are done along with the budget. The City will not have the expense for a few months anyway. He doesn't want to put off the bond schedule, just the rate increase. The City is currently using money from other sources to cover costs, so increase needs to be \$2 more than what staff has recommended.
- C. Kirk stated that the citizens of the City are paying for it no matter which fund or tax it comes from. He proposed that if the PI fees must be raised to cover true costs, other taxes or fees should be cut to give the appropriate funds back to the residents. He doesn't want to increase taxes and fees any more than needed.
- C. Perry does not want to change the fees every month. If the City puts in the whole system now, it would go up to at least the \$17.95. The credit goes to the prior mayors and councils required the infrastructure to be installed with new subdivisions. He is in favor of waiting until June and making the increase with the budget.

**MOTION: C. Richardson – To approve Resolution 1-6-2009B as amended and stated here, specifically changing the Pressurized Irrigation infrastructure base rate to \$17.95 per month with an effective date of June 1, 2009, and expect staff to accelerate this with the possible discussion of any other utility rate changes as part of the budget process this spring.** Seconded by C. Wright.

Yes - C. Bowman  
C. Perry

C. Richardson  
C. Wright  
Nay - C. Kirk

Motion passes

10. City Manager Report and Discussion (10:02 p.m.)

- Konrad Hildebrandt reported that on February 6, 9-11 a.m., the City will have a Wellness Fair for staff employees, the Council, and spouses. The Renaissance PRD has asked that the City do its snow-plowing.
- David Bunker reported that he is hoping to stay within the snow removal budget. Currently the City's service is a "B" service, which is a good level of service. If the City goes down the street and a car is parked on the street, the plows will bury it. The City needs the space along the curb for snow and not cars. The snow-plows start at 4:30 a.m. in the morning. He feels the City has grown, but staff is doing a better job at snow removal. Currently the City has two bobtails and a one-ton pickup. There aren't enough vehicles for the number of drivers. The priority is to keep the collector roads clear. The City plowed last night until 10:00 p.m. C. Richardson stated that he is in favor of more money for snow removal if that is what it takes. He does feel the City is doing better than the other cities and is doing a little better than last year. C. Bowman stated that she has had calls regarding cul-de-sacs not being plowed. Eucalyptus Court had their trash missed. The garbage truck said it couldn't get into the cul-de-sac. David Bunker stated that the recycling truck picked up totes on Eucalyptus Court, but the regular garbage truck wouldn't try. C. Wright stated that anytime one of the Council members is not in compliance, they should be treated the same as anyone else. Kim Holindrake suggested putting blades on the pickups to clear the cul-de-sacs, which is what Bratt Landscaping use to do.
- The consensus of the Council is not to plow Renaissance PRD. Renaissance PRD is an HOA that is supposed to pay for it.

MAYOR AND COUNCIL REPORTS

11. Board and Committee Reports (10:22 p.m.)

- C. Kirk: The TSLO Committee met, and the Council received that report. The North Pointe Solid Waste District did not meet.
- C. Perry: He appreciates the job that the TSLO Committee is doing. The Youth City Council is working on more and more things.
- C. Richardson: The Planning Commission took the month of December off.

EXECUTIVE SESSION

12. Motion to go into Executive Session, Pursuant to Utah State Code 52-4-5  
13. Motion to Adjourn Executive Session and Reconvene City Council Meeting

No Executive Session.

ADJOURNMENT

15. Adjourn (10:26 p.m.)

This meeting was adjourned at 10:26 p.m. on a motion by C. Bowman, seconded by C. Perry and unanimously approved.

/s/ Kim E. Holindrake  
Kim E. Holindrake, City Recorder

Approved by Council:  
January 20, 2009