

PUBLIC HEARING AND CITY COUNCIL MEETING

Tuesday, August 5, 2008 7:00 p.m.

Public Safety Building

3925 W Cedar Hills Drive, Cedar Hills, Utah

Present: Mayor Mike McGee, Presiding
Council Members: Marisa Wright, Charelle Bowman, Ken Kirk, Eric Richardson, Jim Perry
Konrad Hildebrandt, City Manager
Kim E. Holindrake, City Recorder
David Bunker, City Engineer
Rachel Brown, Finance Director
Brad Kearn, Chief Building Official
Others: Shawn Richins, Cato Jones, Carl Lopez, Troop 1209, Cliff Chandler, Diane Kirk
(7:21 p.m.)

COUNCIL MEETING

1. This meeting of the City Council of the City of Cedar Hills, having been posted throughout the City and the press notified, was called to order at 7:10 p.m. by Mayor McGee.

Invocation given by C. Wright

Pledge of Allegiance led by Colton Getter, Scout

2. Public Comment

Carl Lopez: He has been a resident for seven months, almost eight, and is very concerned for the lack of police patrolling in his neighborhood. He hasn't seen a police car in his area and wonders why that is. He would like to see a police car per shift to make a presence. Next, the City was going to pave the Bonneville Shoreline Trail but an error happened for a grant. There are rock chips there now. Mayor McGee stated that there was no error by staff and to e-mail him for a detailed explanation. Mr. Lopez asked when this will be done. C. Perry stated that the City doesn't own the property and needs the cooperation of land owners. Some land owners have not cooperated at this time.

Cato Jones: He heard the discussion regarding pressurized irrigation during the work session. It will be interesting to see how the new system will work that starts August 1. Before spending public funds with possible property tax increases to do this, one thing he has seen is violations of the hours and usage times. Enforcement needs to be done first before spending money on meters. It is rampant. Water is turned on whenever they please. Enforcement with substantial penalties may be one way to the solution. Second are property taxes, as there are new valuations from the County, noting in the Pleasant Grove newspaper that the overall median prices have gone down. His property valuation went up over 18%. His concern is that there needs to be help from the state on this for property relief and from the County Assessor's office. In his neighborhood it goes up and down and there is no symmetry. He is hopeful the golf course debt will be removed in the future. He purchased his home in August 2005 and his property taxes have gone up in three years an aggregate of 44%. Market valuations are up over 50% with an average increase of about 15% on taxes. He is on a fixed income. He hopes the City can do its part to do something.

The governor's last concern is property tax relief and secondly is the Assessor's office. He has worked in real estate, marketing, and appraising and there is no science to it. It makes no sense whatsoever.

PUBLIC HEARINGS

3. Amendments to the Fiscal Year 2009 Budget (July 1, 2008 to June 30, 2009)

No comments.

4. Amendments to the City Code Title 3, Chapter 1, Business Licensing and Title 10, Chapter 6A, Section 2, Use Requirements - Sexually Oriented Businesses

No comments.

5. Amendments to the City Code, Title 5, Chapter 2, Section 5, Parking Regulations

No comments.

CONSENT AGENDA

6. Minutes from the July 8, 2008, Public Hearing and Regular City Council Meeting

C. Richardson excused.

MOTION: C. Kirk - To accept the consent agenda. Seconded by C. Bowman.

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

MOTION: C. Perry - To move Item 8 after Item 15. Seconded by C. Bowman.

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

SCHEDULED ITEMS

7. Review/Action on Golf Course Reconfiguration (7:24 p.m.)

See handouts.

C. Richardson returns.

Staff Presentation:

Konrad Hildebrandt reported that the Century 21 team has a sign being printed, and it should be up in a few days. They have given out nine packets that included all the information to

developers and included on a CD. The handout includes reconfiguration costs. The budget for reconfiguration was \$675,000.00. Some projects were not completed in the previous budget so amendments to the current budget will be needed. Funds are being borrowed from other areas, and then will be paid back with the sale of Cottonwood Estates. The clubhouse contract was extended to 2009. A discussion will be on a future agenda. Bids have been accepted on the railing for the path on the east side and cheapest was \$11,850. David Bunker stated that test pumping was conducted today on Cottonwood Well. Once they find out what the well produces, the design of the pump and elevation will be determined. The well has been drilled to 990 feet. The well house has been designed and will go out to bid in early fall. Then the plat for Cottonwood Estates will be recorded.

Council Discussion:

- The Council wants to ensure that the picture has been changed on the MLS regarding the St. Andrews Estates development. The project needs a positive presentation.
9. Review/Action on Amendments to the City Code, Title 5, Chapter 2, Section 5, Parking Regulations (7:40 p.m.)

See handouts.

Staff Presentation:

Brad Kearl reviewed the proposed ordinance. Staff added a definition for “location” so that vehicles can’t merely be moved two feet when they receive a notice. Staff felt 72 hours was excessive and proposed 48 hours for parking in the same location. There is an issue with parking during snow removal. Cars are parked on streets when the plows are trying to plow. Residents call staff constantly arguing and debating the issue. Other cities state a specific period of time when you can’t park on the street. Sandy City has a small sign just under the stop signs during this time period. The intent of the ordinance is to have the authority to cite violators when plowing. The citation process is a warning first and then a police citation.

Council Discussion:

- C. Kirk stated that he often invites family and extended family to his home for dinner, and he will be in violation with this proposal. There isn’t enough parking to ensure guests don’t park on the street.
- C. Perry stated that he doesn’t want to adopt an ordinance that won’t be enforced. He proposes Section F state, “vehicle during snow/ice removal upon streets...” Also another concern is if someone parks his/her vehicle on the street on Friday after work and doesn’t move it until Monday to go to work, that’s longer than 48 hours.
- Mayor McGee stated that the title of Section F is clear, “parking during snow removal.” The City can just plow the middle of the street and let the residents do the rest.
- C. Bowman stated that there needs to be something in place for when you have to go out multiple times to cite someone year after year. It is such a waste of staff time. The City should tow or fine them.
- C. Richardson stated that he understands not wanting to be intrusive, but sometimes people don’t know it will snow and plows come early. He suggested adding “no overnight parking” during these months. David Bunker stated that it’s a safety concern to have vehicles parked on the street during plowing.

- C. Wright stated that the City should buy its own boots for vehicles and charge a fine. David Bunker stated that still doesn't get the vehicle out of the way.

MOTION: C. Perry - To adopt Ordinance No. 8-5-2008A, an ordinance amending Title 5 of the City Code of the City of Cedar Hills, Utah, regarding Parking Regulations, with the amendment that in Section 3 F the language is amended to say "so as to provide access to snow plows for snow removal, it is unlawful for any person to park or allow to remain parked any vehicle upon streets from November 1, to the following March 31, from 1 a.m. to 7 a.m. or during snow/ice removal" and that the opening clause of Section 3 F is Parking During Snow/Ice Removal. Seconded by C. Richardson. Vote taken by roll call.

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

C. Wright excused. (8:04 p.m.)

10. Review/Action on Resolution Adopting the 2008-2009 Real and Personal Property Tax Levy (8:04 p.m.)

See handouts.

Staff Presentation:

Rachel Brown stated that the County had an error in the calculation for property taxes. The total rate should be .002596.

MOTION: C. Richardson - Due to an erroneous calculation performed by the Utah County Assessor's Office, the City Council finds it necessary to adopt Resolution No. 8-5-2008A, a resolution setting the total personal property tax levy assessed with the amounts of .00169 for the general assessment, the GO bond levy of .000906 for a total levy of .002596. Seconded by C. Bowman. Vote taken by roll call.

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

11. Review/Action on Amendments to the Fiscal Year 2009 Budget (July 1, 2008 to June 30, 2009) (8:08 p.m.)

See handouts.

Staff Presentation:

Konrad Hildebrandt explained that President Bush made an executive order to extend the unemployment time period and there is an issue that directly affects the City. The former finance

director, who left in good standing, is being paid a bulk of his unemployment by Cedar Hills. This is according to federal law. Unemployment goes back two years so this has been extended to the end of year. It is about a \$10,000 additional cost to the City if he stays on unemployment. He is willing to work pro bono about 20 hours a week. Rachel Brown stated that the City doesn't pay unemployment insurance quarterly but just when it happens. Sales tax revenue is just under \$93,000. This brings the Wal-Mart revenue estimate to \$60,000 or \$70,000. The golf amendment is \$46,658.62 from fund balance.

Council Discussion:

- C. Perry wants to see the account numbers on the documentation.

MOTION: C. Kirk - To approve Resolution No. 8-5-2008B, a resolution adopting the amended 2008-2009 fiscal year budget for the City of Cedar Hills, namely increasing Council salaries by \$23,000, Council benefits by \$2,150, administrative benefits by \$12,163, community services intern by \$10,400, reducing anticipated sales tax revenue by \$24,287, and reducing and eliminating council miscellaneous expenses by \$72,000, and transferring from the golf course fund balance to golf course reconfiguration \$46,658.62. Seconded by C. Perry.

C. Wright returns. (8:20 p.m.)

- C. Wright has done further research on a statue. A single figure that is 7-9 feet high runs \$40,000-\$80,000. There are some nice farm sculptures available. She doesn't want all the money spent before budgeting for a sculpture. She suggested using the community services intern money toward a statue.
- C. Bowman stated that when developers are under the percentage on landscaping, the City should require them to set aside funds to purchase a statue.
- C. Perry stated that for the same amount of money the City could install a splash pad for everyone to use. Cutting the community services intern cuts services. Something will be lost.
- C. Richardson stated that commercial developers have been required to install greater caliper trees to make up the landscape percentage. He is not opposed to a statue but is not in favor of deleting the community services intern.

Vote taken by roll call.	Yes	-	C. Bowman	
			C. Kirk	
			C. Perry	
			C. Richardson	
	No	-	C. Wright	Motion passes.

12. Review/Action on Resolution Adopting a Cafeteria Plan for City Employees (8:31 p.m.)

See handouts.

Staff Presentation:

Rachel Brown reported that the cafeteria plan includes flex spending and dependent care. Konrad Hildebrandt stated that there are no changes to the terms and is not aware of any notification that needs to be provided. This is optional for employees. If they choose, they follow the guidelines. Rachel Brown stated that the old plan ended on June 30, 2008, and there are no balances that

need to be forwarded. The company is cut a check every two weeks. They then distribute money from their account accordingly and will not generate checks from the City's accounts.

C. Wright excused.

MOTION: C. Richardson - To adopt Resolution No. 8-5-2008C, and specifically note for the record that the cafeteria plan provider is not authorized to issue any checks in the name of the City and approval is subject to City staff ensuring that all regulations and risk requirements are met with notification and setup of an account. Seconded by C. Perry. Vote taken by roll call.

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

13. Review/Action on Release of Durability for Juniper Heights, Plats C & D (8:36 p.m.)

See handouts.

C. Bowman excused (8:36 p.m.)

Council Presentation:

David Bunker stated that a final walk through has been completed. Geneva Rock has corrected all the outstanding items except for one. The slope and vegetation on Cottonwood Drive have a mat with tufts of grass coming through. This area needs more time ensure that it vegetates. They have redone items in retention pond, sidewalk, and storm drain issues.

Council Discussion:

- C. Richardson asked about the trail connector between Sandalwood Drive and Oak Road. Also, trash trees are popping up in areas. David Bunker stated that this is the City's responsibility.

MOTION: C. Perry - To approve acceptance of subdivision improvements of Juniper Heights, Plats C and D, release of the durability guarantee except for \$20,000 to be withheld pending City staff approval of the vegetation area on the north facing slope on Cottonwood Drive and subject to an appropriate durability bond put in effect and all inspection fees paid. Seconded by C. Richardson.

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

MOTION: C. Richardson - To move item 8 next. Seconded by C. Perry.

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

C. Wright and C. Bowman return.

8. Review/Action on Amendments to the City Code Title 3, Chapter 1, Business Licensing and Title 10, Chapter 6A, Section 2, Use Requirements - Sexually Oriented Businesses

See handouts.

Staff Presentation:

Brad Kearl stated that currently the City has no ordinance on this subject. Staff feels it is very important to approve this ordinance as soon as possible to avoid problems. The Planning Commission has reviewed the ordinance with one change noted. The City attorney reviewed the ordinance, which was returned today. He suggested changes to add an appeal process and a section of findings of fact. The current bond is listed at \$5,000 and the City attorney suggests doubling that amount. Konrad Hildebrandt stated that the majority of this ordinance is a boilerplate and is defensible. Review of amendments.

Council Discussion:

- C. Perry stated that the ordinance doesn't seem tight enough. For example, definitions, page 2, adult motion picture theater, *a commercial establishment that excludes all minors from the premises; and as its principal business, shows, for any form of consideration, films, motion pictures, video cassettes...* If they show for free, this doesn't apply because there is no consideration. He is concerned that areas that are not commercial now may end up commercial later. Another concern is in some cases this ordinance goes into detail; and that implies that if sufficient detail isn't given to exhaustively list all the things, then those things are okay. For example, page 7, under Specified Sexual Activities, K, states *flagellation, torture or sadomasochistic abuse by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of the one so closed.* What if they're not wearing one of those things and are clothed in a clown suit. Brad Kearl stated that all the terminology can't be covered in this industry. It is forever evolving. This has been reviewed by the City attorney. C. Perry stated that often when you paint a broad picture, the intent is to be broad. When you begin to be specific, then the implication is that those specific things were meant and not other things. One approach is to be exhaustive, which isn't possible.
- C. Richardson stated that the most important provision is on page 8, Section E, the 600-foot clause. This allows a very small area maybe in the road or sidewalk. Other cities have had the 600 feet upheld in court. It doesn't specify city residential zone so it is any residential zone. The attorney has mentioned that when you move away from the boilerplate version you open up to being singled out.

MOTION: C. Richardson - To approve Ordinance 8-5-2008B, amending Section 10-6A-2 to include only the neighborhood retail zone as indicated. Seconded by C. Bowman. Vote taken by roll call.

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

MOTION: C. Richardson - To approve Ordinance 8-5-2008C, as amended specifically on Page 12 the bond requirement be changed to \$20,000 on all references in section 3-1E-10 and also continuing the public hearing and item to the next meeting for any further revisions. Seconded by C. Bowman. Vote taken by roll call.

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

14. Review/Action on Release of Special Temporary Cash Bond for Canyon Heights, Plat G, Landscaping (9:07 p.m.)

See handouts.

Staff Discussion:

David Bunker stated that the slope is sufficiently established on Timpanogos Cove. The seed mix is a drought mix and should be okay when the sprinkler system is removed. The Council would like to see it removed by October 1.

MOTION: C. Kirk - To approve acceptance of the slope vegetation of Canyon Heights, Plat G, subject to payment of all inspection fees as determined by the City engineer. Seconded by C. Richardson.

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

15. Review/Action on Resolution Consenting to the Inclusion of the City into the Utah Valley Dispatch Special Service District (9:12 p.m.)

See handouts.

Staff Presentation:

Konrad Hildebrandt stated that this has been discussed prior. Utah County is eliminating their sole dispatch center as of the end of this calendar year. They are promoting that all cities in the County, other than those with a dispatch center, be in this District. Unique attributes of Cedar Hills are that the City doesn't provide direct police or recreation services. The City is subject to a

contractual agreement for these services. By adopting this resolution gives the City a direct voice on the board. One negative is that dispatch fees may more than double. The current budget is \$18,000 and the District is proposing \$84,000. This would be collected through property taxes. This will go to a vote of the people. There are 15 cities involved.

Council Discussion:

- C. Perry stated that the City does have a choice. Either roll over and accept the proposal or lobby for change. The proposal has to change before the November vote. He spoke to the mayor of Mapleton City, who has launched a campaign on this and has been in the newspapers.
- C. Richardson is okay paying a bit more because higher value areas have a greater value from not having crime. But this is so far off base. He is no longer intrigued or in support of the concept. He is actually quite a bit disgusted by it.

MOTION: C. Perry - To approve Resolution No. 8-5-2008D, a resolution of the City Council of the City of Cedar Hills, Utah, consenting to the inclusion of area within the City of Cedar Hills in the Utah Valley Dispatch Special Service District noting at the same time our opposition to funding the District based solely on property tax. Seconded by C. Kirk. Vote taken by roll call.

Yes	-	C. Kirk	
		C. Perry	
		C. Wright	
No	-	C. Bowman	
		C. Richardson	Motion passes.

16. Review/Action on an Interlocal Cooperation Agreement with Utah County to comply with National Pollution Discharge Elimination System (NPDES) Phase II Storm Water Permit Coverage (9:31 p.m.)

See handouts.

Staff Presentation:

David Bunker stated that as part of the City's participation with the Utah County Storm Water Coalition, it is requested that the City help fund that program along with other cities. Funding covers two phases of the six. First is public education and outreach on storm water impacts and second is public involvement. The coalition has decided to hire an educator to go to elementary schools in participating cities and present storm water information. Information has been included in the City newsletter for residents. Konrad Hildebrandt stated that according to EPA regulations the City adopted a storm water master plan. Annually the City has to follow best management practices and report and submit a report annual to the State, which then goes to the Federal government.

Council Discussion:

- C. Richardson stated that the documentation shows Cedar Hills having a third elementary school. David Bunker will make sure that this gets changed.

MOTION: C. Perry - Due to the apparently insatiable desire of the Federal Government to micro manage and over regulate municipalities with unfunded requirements and mandates, nevertheless, wanting to be compliant with federal laws and not to face any financial penalties, we approve Resolution No. 8-5-2008E, Inter-Local Cooperation Agreement with the Utah County Storm Water Coalition for NPDES Phase II Storm Water Public Education and Outreach Best Management Practice Compliance including a rigorous and exemplary education program for the third grade students at both of our elementary schools. Seconded by C. Richardson. Vote taken by roll call.

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

Motion passes.

17. City Manager Report and Discussion

- Decisions 2008 – If the Council has any overall goals, please get those to Konrad. He will get the Council previous information for review.
- The City’s audit officially began last Tuesday. Bios of the City Council are being required according to GASBY.
- C. Richardson wants a tree board for Tree City USA. David Bunker stated that other cities are having to hire an arborist and it has become a problem.
- The Family Festival will switch to June next year. The Festival account was not reduced in the budget to accommodate the community services intern.
- Mesquite Park - The poor grass will choke out as it develops. There is a power box that was to be the power source and it was just a junction box. Staff is now waiting for Rocky Mountain Power to install the correct box. Lights will be installed in the parking lot. Benches are also needed as well as garbage cans.
- Pleasant Grove City did adopt a resolution on the boundary adjustment. However, Council member Boyd and the Pleasant Grove City attorney sent letters to all the residents stating they have the right to protest.
- C. Kirk asked that the golf course not use USA flags on the hole pins because they get dropped on the ground.
- The contractor has been hired to install the speed bump on Forest Creek Drive.
- The speed trailer will be out for the beginning of school.
- There are weeds that need to be pulled around the trees at Timpanogos Park.
- Garbage totes at the parks are not being brought back from the street after dumping.
- Street lights along Bayhill Drive - Rocky Mountain Power now contracts out the installation of street lights.

MAYOR AND COUNCIL REPORTS 10:02 p.m.

18. Board and Committee Reports

- C. Wright: A resident has requested to be on a library board. She doesn’t see to what end at this time since the County library was established. A library is unpractical for a city our size.

- C. Bowman: The Parks and Trails Committee will meet on August 13. A ribbon cutting for Mesquite Park was held on August 2.
- C. Kirk: He is taking a recycling tour at the West Jordan facility on August 22. He has scheduled a ride along through Chief Call. He will do this with one of the police officers from 8 p.m. to 1 a.m. He will see what is going on in the community. According to Chief Call, 25 residents have requested a gun silencer this year.
- C. Perry: The main discussion at the Lone Peak Public Safety District meeting was on the Dispatch District. The Youth City Council helped at the family festival with the games. The LDS missionaries carried the show helping with the games. The Youth City Council will have a kick-off party on August 16 at his home.
- C. Richardson: The Planning Commission met last Thursday. Chase Bank was denied again, and they didn't have a representative in attendance. They didn't make the necessary changes that were requested. The additions to the Charleston Assisted Living Center were approved.

EXECUTIVE SESSION

19. Motion to go into Executive Session, Pursuant to Utah State Code 52-4-5

MOTION: C. Richardson - To go into Executive Session pursuant to Utah State Code 52-4-5 to have a strategy session to discuss the purchase, exchange, or lease of real property and pending or reasonably imminent litigation. Seconded by C. Perry.

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

* * * EXECUTIVE SESSION * * *

20. Motion to Adjourn Executive Session and Reconvene City Council Meeting

MOTION: C. Perry - To close the Executive Session Seconded by C. Richardson.

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

ADJOURNMENT

21. Adjourn

This meeting was adjourned at 10:37 on a motion by C. Perry, seconded by C. Bowman and unanimously approved.

Approved by Council:
August 19, 2008

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