

**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**

*This meeting may be held electronically via telephone to permit one or more of the council members to participate.*

NOTICE is hereby given that the City Council of the City of Cedar Hills, Utah, will hold a Public Hearing in connection with their Regular City Council Meeting on Tuesday, August 5, 2008, beginning at 7:00 p.m.

**COUNCIL MEETING**

1. Call to Order, Invocation and Pledge
2. Public Comment: Time has been set aside for the public to express their ideas, concerns, and comments (Comments limited to 3 minutes per person with a total of 30 minutes for this item).

**PUBLIC HEARINGS**

3. Amendments to the Fiscal Year 2009 Budget (July 1, 2008 to June 30, 2009)
4. Amendments to the City Code Title 3, Chapter 1, Business Licensing and Title 10, Chapter 6A, Section 2, Use Requirements - Sexually Oriented Businesses
5. Amendments to the City Code, Title 5, Chapter 2, Section 5, Parking Regulations

**CONSENT AGENDA**

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

**SCHEDULED ITEMS**

7. Review/Action on Golf Course Reconfiguration
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
9. Review/Action on Amendments to the City Code, Title 5, Chapter 2, Section 5, Parking Regulations
10. Review/Action on Resolution Adopting the 2008-2009 Real and Personal Property Tax Levy
11. Review/Action on Amendments to the Fiscal Year 2009 Budget (July 1, 2008 to June 30, 2009)
12. Review/Action on Resolution Adopting a Cafeteria Plan for City Employees
13. Review/Action on Release of Durability for Juniper Heights, Plats C & D
14. Review/Action on Release of Special Temporary Cash Bond for Canyon Heights, Plat G, Landscaping
15. Review/Action on Resolution Consenting to the Inclusion of the City into the Utah Valley Dispatch Special Service District
16. City Manager Report and Discussion

**MAYOR AND COUNCIL REPORTS**

17. Board and Committee Reports

**EXECUTIVE SESSION**

18. Motion to go into Executive Session, Pursuant to Utah State Code 52-4-5  
\* \* \* EXECUTIVE SESSION \* \* \*
19. Motion to Adjourn Executive Session and Reconvene City Council Meeting

**ADJOURNMENT**

20. Adjourn

Posted this 31st day of July, 2008.

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Kim E. Holindrake, City Recorder

- Supporting documentation for this agenda is posted on the City's Web Site at [www.cedarhills.org](http://www.cedarhills.org).
- In accordance with the Americans with Disabilities Act, the City of Cedar Hills will make reasonable accommodations to participate in the meeting. Requests for assistance can be made by contacting the City Recorder at least 48 hours in advance of the meeting to be held.
- The order of agenda items may change to accommodate the needs of the City Council, the staff, and the public.



# CITY OF CEDAR HILLS

<b>TO:</b>	Mayor and City Council
<b>FROM:</b>	Konrad Hildebrandt, City Manager
<b>DATE:</b>	8/5/2008

## City Council Agenda Item

<b>SUBJECT:</b>	Golf Course Reconfiguration
<b>APPLICANT PRESENTATION:</b>	N/A
<b>STAFF PRESENTATION:</b>	Konrad Hildebrandt
<b>BACKGROUND AND FINDINGS:</b> The City of Cedar Hills is currently in the process of golf course reconfiguration. Following are important highlights of where we are to date: <ol style="list-style-type: none"><li>1. St. Andrews update on the sale progress</li><li>2. Progress of reconfiguration – completed and playable</li><li>3. Golf progress</li></ol>	
<b>PREVIOUS LEGISLATIVE ACTION:</b> NONE	
<b>FISCAL IMPACT:</b> The purpose of all of this reconfiguration is to pay down the golf course construction bond. An estimated \$3 million will be available, upon sale, for the debt service write down.	
<b>SUPPORTING DOCUMENTS:</b> None	
<b>RECOMMENDATION:</b> None	
<b>MOTION:</b> None	



# CITY OF CEDAR HILLS

<b>TO:</b>	City Council
<b>FROM:</b>	Brad Kearl-Zoning Administrator
<b>DATE:</b>	August 5, 2008

## City Council Agenda Item

<b>SUBJECT:</b>	Sexually Oriented Business
<b>APPLICANT PRESENTATION:</b>	
<b>STAFF PRESENTATION:</b>	Brad Kearl
<b>BACKGROUND AND FINDINGS:</b> Currently the City of Cedar Hills does not have an Ordinance concerning Sexually Oriented Businesses. Staff feels it is prudent to review and approve this Ordinance as soon as possible in order to avoid potential future problems and lawsuits. Planning Commission members recommended passing the Ordinance with the following suggestions; Section 2-E, "Is this location too restrictive?" Section 8, "Can the bond be increased. Possibly doubled?" Section 12, deletion of text, (see attached), Section 21-E, "Can the length of revocation be increased to more than one year?"	
<b>PREVIOUS LEGISLATIVE ACTION:</b> NONE	
<b>FISCAL IMPACT:</b> NONE	
<b>SUPPORTING DOCUMENTS:</b> See attached proposed Ordinances. Title 10 and Title 3	
<b>RECOMMENDATION:</b> Recommend approval of Ordinances	
<b>MOTION:</b> To recommend that Ordinances, Title 10 and Title 3 to be approved.	

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING TITLE 10, CHAPTER 6, OF THE CITY CODE OF THE CITY OF CEDAR HILLS, UTAH, REGARDING USE REQUIREMENTS IN PLANNED COMMERCIAL DEVELOPMENT PROJECTS.**

WHEREAS, pursuant to Utah Code Annotated § 10-9a-501, the City Council of the City of Cedar Hills may adopt ordinances to govern the use and development of land within the City; and

WHEREAS, the City Council, following receipt of a recommendation from the Planning Commission, has determined that it is in the best interest of the public health, prosperity, comfort, and convenience of the City of Cedar Hills, and the residents thereof, to enact certain amendments to Title 10 of the City Code dealing with Planned Commercial Development Projects;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR HILLS, UTAH COUNTY, STATE OF UTAH:**

**PART I  
AMENDMENTS**

**SECTION 1.** Title 10, Chapter 6, Article A, Section 2, of the City Code, entitled Planned Commercial Development Projects, Use Requirements, is hereby amended by adding the following use:

10-6A-2      USE REQUIREMENTS:

	Neighborhood	Office/	
<u>Use</u>	<u>Retail</u>	<u>Retail</u>	<u>Office</u>
Sexually-Oriented Business	C	C	-

**PART II  
PENALTY AND ADOPTION**

**A.      CONFLICTING PROVISIONS**

Whenever the provisions of this Ordinance conflict with the provisions of any other ordinance, resolution or part thereof, the more stringent shall prevail.

**B.      PROVISIONS SEVERABLE**

This Ordinance and the various sections, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid it is hereby declared that the remainder of the ordinance shall not be affected thereby.

**C. AMENDMENT TO BE ADDED TO CITY CODE**

The City Council hereby authorizes and directs that insert pages reflecting the provisions enacted hereby shall be made and placed in the City Code, Title 10.

**D. PENALTY**

Hereafter these amendments shall be construed as part of the Zoning Ordinance of the City Code of the City of Cedar Hills, Utah, to the same effect as if originally a part thereof, and all provisions of said regulations shall be applicable thereto, including, but not limited to, the enforcement, violation and penalty provisions.

**E. EFFECTIVE DATE**

This Ordinance shall take effect upon its passage and publication as required by law.

**PASSED AND ORDERED POSTED BY THE CITY COUNCIL OF CEDAR HILLS, UTAH, THIS 5th DAY OF AUGUST, 2008.**

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Michael C. McGee, Mayor

ATTEST:

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Kim E. Holindrake, City Recorder

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING TITLE 3, BUSINESS AND LICENSE REGULATIONS, OF THE CITY CODE OF THE CITY OF CEDAR HILLS, UTAH, BY ADDING CERTAIN PROVISIONS REGARDING SEXUALLY ORIENTED BUSINESS AND EMPLOYEE LICENSING.**

**WHEREAS**, the City Council of the City of Cedar Hills, following receipt of a recommendation from the Planning Commission, has determined that it is in the best interest of the City of Cedar Hills and the residents thereof to enact certain provisions to Title 3, Business and Licensing Regulations.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR HILLS, UTAH COUNTY, STATE OF UTAH:**

**PART I  
AMENDMENTS**

**SECTION 1.** Title 3, Chapter 1, of the City Code, entitled Business Licensing, is hereby amended by adding Article E, as follows:

3-1E-1 **TITLE, PURPOSE AND APPLICABILITY:**

- A. The provisions of this Article shall be known and may be referred to as the *Sexually Oriented Business and Employee Licensing Ordinance*.
- B. It is the purpose and object of this City that the City of Cedar Hills establishes reasonable and uniform regulations governing the time, place and manner of operation of Sexually Oriented Businesses and employees of those businesses in the City. This Ordinance shall be construed, and shall have the purpose to not only protect the governmental interests recognized by this Ordinance, including, but not limited to, the known secondary affects of such businesses, in a manner consistent with constitutional protections provided by the United States and Utah Constitutions.
- C. This Ordinance imposes regulatory standards and license requirements on certain business activities that are characterized as sexually oriented businesses, and certain employees of those businesses characterized as sexually oriented business employees. Except where the context or specific provisions require, this Ordinance does not supersede or nullify any other related ordinances.

3-1E-2 **DEFINITIONS:**

- A. For the purpose of this Ordinance, the following definitions shall apply:

- ADULT BOOKSTORE OR ADULT VIDEO STORE: A commercial establishment which:
- A. Excludes minors from the premises; and
  - B. As one of its principal purposes, offers sale or rental for any form of consideration one or more of the following: books, magazine periodicals, printed matter, photographs, motion pictures, video cassettes, reproductions, slides or other “representations;” the central theme of depicts or describes “specified sexual act” or “specified sexual anatomical areas” or instruments, devices or paraphernalia that are designed for use in connection with “specified sexual activities.” Legitimate medically recognized contraceptives are accepted.
- ADULT BUSINESS: An adult motion picture theater, adult book store, or adult video store.
- ADULT MOTION PICTURE THEATER: A commercial establishment that:
- A. Excludes all minors from the premises; and
  - B. As its principal business, shows, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions that are primarily characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”
- ADULT THEATER: A theater, concert hall, auditorium or similar commercial establishment that:
- A. Holds itself out as such a business; or
  - B. Excludes minors from the premises; and
  - C. As its principal business, features persons who appear in live performances in a state of semi-nudity or that are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities.”
- EMPLOY: Hiring an individual to work for pecuniary or any other form of compensation, whether such person is on the payroll of the employer, as an independent contractor, as an agent, or any form of employment relationship.

ESCORT:	Any person who, for pecuniary compensation, dates, socializes, visits, consorts with or accompanies or offers to date, consort, socialize, visit or accompany another or others to or about social affairs, entertainment or places of amusement or within any place of public or private resort or any business or commercial establishment or any private quarters. Escort shall not be construed to include persons who provide business or personal services, such as licensed private nurses, aides for the elderly or handicapped, social secretaries or similar service personnel whose relationship with their patron is characterized by a bona fide contractual relationship having a duration of more than twelve (12) hours and who provide a service not principally characterized as dating or socializing. Escort shall also not be construed to include persons providing services such as singing telegrams, birthday greetings or similar activities characterized by appearances in a public place, contracted for by a party other than the person for whom the service is being performed and of duration not longer than three (3) hours.
ESCORT SERVICE:	An individual or entity who for pecuniary compensation, furnishes or offers to furnish escorts, or provides or offers to introduce patrons to escorts.
ESCORT SERVICE RUNNER:	Any third person, not an escort, who, for pecuniary compensation, acts in the capacity of an agent or broker for an escort service, escort or patron by contacting or meeting with escort services, escorts or patrons at any location within the City, whether or not such third person is employed by such escort service, escort, patron or by another business, or is an independent contractor or self-employed.
NUDITY:	A state of dress in which the areola of the female breast, or male or female genitals, pubic region or anus are covered by less than the covering required in the definition of semi-nude.
OPERATOR:	One who operates, manages, and supervises a sexually oriented business.
OUTCALL SERVICES:	Services of a type performed by a sexually oriented business employee outside of the premises of the licensed sexually oriented business, including, but not limited to, escorts, models, dancers and other similar employees.
PATRON:	Any person who contracts with or employs any escort services or escort, or the customer of any business licensed pursuant to this Ordinance.
PECUNIARY COMPENSATION:	Any commission, fee, salary, tip, gratuity, hire, profit, reward or any other form of consideration.

PERSON:	Any person, unincorporated association, corporation, partnership or other legal entity.
SEMI-NUDE:	A state of dress in which opaque clothing covers no more than the areola of the female breast; and the male or female genitals, pubic region and anus shall be fully covered by an opaque covering no narrower than four inches (4") wide in the front and five inches (5") wide in the back.
SEMI-NUDE DANCING AGENCY:	Any person, agency, firm, corporation, partnership or any entity or individual that furnishes bookings, or otherwise engages or offers to furnish bookings, or otherwise engage the service of a professional dancer licensed pursuant to this Ordinance for performance or appearance at a business licensed for adult theaters.
SEMI-NUDE ENTERTAINMENT BUSINESS:	A business, including adult theater, where employees perform or appear in the presence of patrons of the business in a state of semi-nudity. A business shall also be presumed to be a semi-nude entertainment business if business holds itself out as such a business.
SEXUALLY ORIENTED BUSINESS:	“Semi-nude entertainment businesses,” sexually oriented “outcall services,” “adult businesses,” and “semi-nude dancing agencies” as defined by this Ordinance.
SEXUALLY ORIENTED BUSINESS EMPLOYEES:	Those employees who work on the premises of a sexually oriented business in activities related to the sexually oriented portion of the business. This includes all managing employees, dancers, escorts, models and other similar employees, whether or not hired as employees, agents or as independent contractors. Employee shall not include individuals whose work is unrelated to the sexually oriented portion of the business, such as janitors, bookkeepers and similar employees. Sexually oriented business employees shall not include cooks, serving persons and similar employees, except where they may be managers or supervisors of the business. All persons making outcall meetings under this Ordinance, including escorts, models, guards, escort runners, drivers, chauffeurs and other similar employees, shall be considered sexually oriented business employees.
SPECIFIED ANATOMICAL AREAS:	The human male or female pubic area or anus with less than a full opaque covering, or the human female breast below a point immediately above the top of the areola, with less than full opaque covering.

**SPECIFIED SEXUAL ACTS OF:**

- A. Masturbation.
- B. Human sexual intercourse.
- C. Sexual copulation between a person and a beast.
- D. Fellatio.
- E. Cunnilingus.
- F. Bestiality.
- G. Pederasty.
- H. Buggery.
- I. Any anal copulation between a human male and another male, human female or beast.
- J. Manipulating, caressing or fondling by any person of:
  - 1. The genitals of a human.
  - 2. The pubic area of a human.
  - 3. The breast or breasts of a human female,
- K. 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 clothed.

**3-1E-3 STATUTORY PROVISIONS:**

- A. Obscenity: Notwithstanding anything contained in this Ordinance, nothing in this Ordinance shall be deemed to permit or allow the showing or display of any matter that is contrary to applicable Federal or State statutes prohibiting obscenity.
- B. Lewdness: Notwithstanding anything contained in this Ordinance, nothing in this Ordinance shall be deemed to permit or allow conduct or the showing or display of any matter that is contrary to the provisions of Utah Code Annotated section 76-5-401 et seq.

**3-1E-4 LOCATION AND NAME RESTRICTIONS:**

- A. Zoning: It is unlawful for any sexually oriented business to do business at any location within the City not zoned for such business.

- B. Premises Licensed: It is unlawful to conduct business under a license issued pursuant to this Ordinance at any location other than the licensed premises. Any location to which telephone calls are automatically forwarded by such business shall require a separate license.
- C. Name: It is unlawful for any sexually oriented business to do business in the City under any name other than the business name specified in the application.
- D. Zoning: It is unlawful for any sexually oriented business or its employee(s) to do business at any location within the City not specifically and expressly zoned for such business and/or use.
- E. No sexually-oriented business shall operate within 600 feet of any of the following:
  - 1. a residential zone boundary line as shown on the Zone Map of the City;
  - 2. the property boundary of any church, public park, public library, or school.

3-1E-5 **LEGITIMATE AND ARTISTIC MODELING:**

- A. Intent: The City does not intend to unreasonably or improperly prohibit legitimate modeling that may occur in a state of nudity for purposes protected by the First Amendment or similar State protections. The City intends to prohibit prostitution and related offenses occurring under the guise of nude modeling. Notwithstanding the provisions of Section 15 of this Ordinance, a licensed outcall employee may appear in a state of nudity before a customer or patron, providing that a written contract for such appearance was entered into between the customer or patron and the employee and signed at least twenty four (24) hours before the nude appearance. All of the other applicable provisions of this Ordinance shall still apply to such nude appearances.
- B. Unlicensed Appearance; Unlawful Acts: In the event of a contract for nude modeling or appearance signed more than forty eight (48) hours in advance of the modeling or appearance, the individual to appear nude shall not be required to obtain a license pursuant to this Ordinance. During such unlicensed nude appearance, it is unlawful to:
  - 1. Appear nude or semi-nude in the presence of minors.
  - 2. Allow, offer or agree to any touching of the contracting party or other person by the individual appearing nude;
  - 3. Allow, offer or agree to commit prostitution, solicitation of prostitution, solicitation of a minor or committing activities harmful to a minor;
  - 4. Allow, offer, commit or agree to any sex act as validly defined by City ordinances or State statute;
  - 5. Allow, offer, agree or permit the contracting party or other person to masturbate in the presence of the individual contracted to appear nude;

6. Allow, offer or agree for the individual appearing nude to be within five feet (5') of any other person while performing or while nude or semi-nude.

3-1E-6 **CATEGORIES OF LICENSES; NUMBER LIMITED:**

- A. Number: It is unlawful for any business premises to operate or be licensed for more than one category of sexually oriented business, except that a business may have a license for both outcall service and a semi-nude dancing agency on the same premises.
- B. Categories: The categories of sexually oriented businesses are:
  1. Outcall services;
  2. Adult businesses;
  3. Semi-nude entertainment businesses;
  4. Semi-nude dancing agency.

3-1E-7 **LICENSES REQUIRED:**

- A. Businesses; Exemptions:
  1. It is unlawful for any person to operate a sexually oriented business, as specified herein, without first obtaining a general business license and a sexually oriented business license. The sexually oriented business license shall specify the type of business for which it is obtained.
  2. The provisions of this Ordinance shall not apply to any sex therapist or similar individual licensed by the State to provide bona fide sexual therapy or counseling, licensed medical practitioner, licensed nurse, psychiatrist, psychologist, nor shall it apply to any educator licensed by the State for activities in the classroom.
- B. Employees: It is unlawful for any sexually oriented business to employ or for any individual to be employed by a sexually oriented business in the capacity of a sexually oriented business employee, unless that employee first obtains a sexually oriented business employee license.

3-1E-8 **APPLICATION; DISCLOSURES:** Before any applicant may be licensed to operate a sexually oriented business or as a sexually oriented business employee pursuant to this Ordinance, the applicant shall submit on a form to be supplied by the City license authority, the following:

- A. Name: The correct legal name of each applicant, corporation, partnership, limited partnership or entity doing business under an assumed name.
- B. Corporations, Partnerships, Assumed Names:
  1. If the applicant is a corporation, partnership or limited partnership, or individual or entity doing business under an assumed name, the information required below for

individual applicants shall be submitted for each partner and each principal of an applicant, and for each officer, director and any shareholder. Any holding company or any entity holding stock of any applicant, shall be considered an applicant for purposes of disclosure under this Ordinance.

2. The shareholder disclosure requirements above shall only be applicable for outcall service licenses.
  3. All corporations, partnerships or non-corporate entities included on the application shall also identify each individual authorized by the corporation, partnership or non-corporate entity to sign the checks for such corporation, partnership or non-corporate entity.
- C. Personal Information: For all applicants or individuals, the application must also state:
1. Any other names or aliases used by the individual;
  2. The age, date and place of birth;
  3. Height;
  4. Weight;
  5. Color of hair;
  6. Color of eyes;
  7. Present business address and telephone number;
  8. Present residence and telephone number; and
  9. Social Security Number.
- D. Proof Of Age: Acceptable written or documented proof that any individual is at least twenty-one (21) years of age.
- E. Photographs; Fingerprints: Attached to the form, as provided above, two (2) color photographs of the applicant clearly showing the individual's face and the individual's fingerprints on a form provided by the Police Department. For persons not residing in the City, the photographs and fingerprints may be on a form from the law enforcement jurisdiction where the person resides. Fees for the photographs and fingerprints shall be paid by the applicant directly to the issuing agency.
- F. Health Certificate: For any individual applicant required to obtain a sexually oriented business employee license as an escort or a semi-nude entertainer, a certificate from the Utah County Health Department, stating that the individual has, within thirty (30) days immediately preceding the date of the original or renewal application, been examined and found to be free of any contagious or communicable diseases.
- G. Employment History: A statement of the business, occupation or employment history of the applicant for three (3) years immediately preceding the date of the filing of the application.
- H. License Or Permit History: A statement detailing the license or permit history of the applicant for the five (5) year period immediately preceding the date of the filing of the application, including whether such applicant previously operated or sought to operate a

sexually oriented business in this or any other county, city, state or territory, has ever had a license, permit or authorization to do business denied, revoked or suspended, or has ever had any professional or vocational license or permit denied, revoked or suspended. In the event of any such denial, revocation or suspension, state the date, the name of the issuing or denying jurisdiction and state in full the reasons for the denial, revocation or suspension. A copy of any order of denial, revocation or suspension shall be attached to the application.

- I. **Criminal Convictions:** All criminal convictions or pleas of nolo contendere, except those that have been expunged, and the disposition of all such arrests for the applicant, individual or other entity subject to disclosure under this Ordinance, for five (5) years prior to the date of the application. This disclosure shall include identification of all ordinance violations, excepting minor traffic offenses (any traffic, offense designated as a felony shall not be construed as a minor traffic offense), stating the date, place, nature of each conviction or plea of nolo contendere, and sentence of each conviction or other disposition, identifying the convicting jurisdiction and sentencing court, and providing the court identifying case numbers or docket numbers. Application for a sexually oriented business or employee license shall constitute permission for disclosure of any criminal conviction or plea of nolo contendere for the purposes of any proceeding involving the business or employee license.
  
- J. **Lease Or Rental Of Property:** In the event the applicant is not the owner of record of the real property upon which the business or proposed business is or is to be located, the application must be accompanied by a notarized statement from the legal or equitable owner of the possessory interest in the property specifically acknowledging the type of business for which the applicant seeks a license for the property. In addition to furnishing such notarized statement, the applicant shall furnish the name, address and phone number of the owner of record of the property, as well as the copy of the lease or rental agreement pertaining to the premises in which the service is or will be located.
  
- K. **Description Of Services:** A description of the services to be provided by the business, with sufficient detail to allow reviewing authorities to determine what business will be transacted on the premises, together with a schedule of usual fees for services to be charged by the licensee and any rules, regulations or employment guidelines under or by which the business intends to operate. This description shall also include:
  - 1. The hours that the business or service will be open to the public and the methods of promoting the health and safety of the employees and patrons and preventing them from engaging in illegal activity.
  - 2. The methods of supervision preventing the employees from engaging in acts of prostitution or other related criminal activities.
  - 3. The methods of supervising employees and patrons to prevent employees and patrons from charging or receiving fees for services or acts prohibited by this Ordinance or other statutes or ordinances.
  - 4. The methods of screening employees and customers in order to promote the health and safety of employees and customers and prevent the transmission of disease, and

prevent the commission of acts or prostitution or other criminal activity.

- L. **False Or Misleading Information:** It is unlawful to knowingly submit false or materially misleading information on or with a sexually oriented business license application or to fail to disclose or omit information for the purpose of obtaining a sexually oriented business or employee license.

3-1E-9 **FEES:** Each applicant for a sexually oriented business or employee license shall be required to pay regulatory license fees as set by resolution and added in the consolidated fee schedule. The fees will be reviewed periodically. An application is not complete until all appropriate fees have been paid.

3-1E-10 **BOND REQUIRED:** Each application for a sexually oriented business license shall post with the City Recorder, a cash or corporate surety bond payable to the City in the amount of five thousand dollars (\$5,000.00). Any fines assessed against the business, officers or managers for violations of City ordinances shall be taken from this bond if not paid in cash within ten (10) days after notice of fine, unless an appeal is filed as provided by this Ordinance. In the event the funds are drawn against the cash or surety bond to pay such fines, the bond shall be replenished to five thousand dollars (\$5,000.00) within fifteen (15) days of the date of notice of any draw against it.

3-1E-11 **ISSUANCE CONDITIONS:**

- A. **Specified:** The City Business Licensing Official shall approve the issuance of a license to the applicant within thirty (30) days after receipt of a completed application, unless the official finds one or more of the following:

1. The applicant is a minor.
2. The applicant is overdue in payment to the City of taxes, fees, fines or penalties assessed against the applicant or imposed on the applicant in relation to a sexually oriented business.
3. The applicant has falsely answered a material question or request for information as authorized by this Ordinance.
4. The applicant has violated a provision of this Ordinance or similar provisions found in statutes or ordinances from any jurisdiction within five (5) years immediately preceding the application; a criminal conviction for a violation of a provision of this Ordinance or similar provisions from any jurisdiction, whether or not it is being appealed, is conclusive evidence of a violation, but a conviction is not necessary to prove a violation.
5. The premises to be used for the business has been disapproved by the Utah County Health Department, the Fire Department, the Police Department, the building officials or the zoning officials as not being in compliance with applicable laws and

ordinances of the City.

If any of the foregoing reviewing agencies cannot complete their review within the thirty (30) day approval or denial period, the agency or department may obtain from the City Business Licensing Official an extension of time of no more than thirty (30) days for their review.

6. The required license fees have not been paid.
  7. All applicable sales and use taxes have not been paid.
  8. An applicant for the proposed business is in violation of or not in compliance with this Ordinance or similar provisions found in statutes or ordinances from any jurisdiction.
  9. An applicant has been convicted or pleaded or pled nolo contendere to a crime involving: prostitution; exploitation of prostitution; aggravated promotion of prostitution; aggravated exploitation of prostitution; solicitation of sex acts; sex acts for hire; compelling prostitution; aiding prostitution; sale, distribution or display of material harmful to minors; sexual performance by minors; possession of child pornography; lewdness; indecent exposure; any crime involving sexual abuse or exposure; any crime involving sexual abuse or exploitation of a child; sexual assault or aggravated sexual assault; rape; forcible sodomy; forcible sexual abuse; incest; harboring a runaway child; criminal attempt; conspiracy or solicitation to commit any of the foregoing offenses; or offenses involving similar elements from any jurisdiction, regardless of the exact title of the offense for which:
    - a. Less than five (5) years have elapsed from the date of conviction, if the conviction is of a misdemeanor offense or less than five (5) years if the convictions are of five (5) or more misdemeanors within the five (5) years; or
    - b. Less than five (5) years have elapsed from the date of conviction, if the offense is of a felony.
    - c. The fact that a conviction is being appealed shall have no effect on the disqualification pursuant to this subsection.
- B. Approval Time; Review: The total time for the City to approve or deny a license shall not exceed sixty (60) days from the receipt of a completed application and payment of all fees. Businesses located outside of the corporate boundaries of the City, but requiring a license under this Ordinance, may be denied a license pursuant to this Ordinance if the business does not have a valid business license to conduct business at the business location from the appropriate jurisdiction for that location.
1. Upon receipt of an application, all departments required to review the application shall determine within ten (10) days whether or not the application is incomplete in

items needed for processing. Incomplete applications shall immediately be returned to the applicant with a specification of the items that are incomplete.

2. The time for processing applications specified in this Section shall begin to run from the receipt of a complete application.
3. In the event that a license for semi-nude entertainment, semi-nude dancing agencies, adult businesses or semi-nude entertainment businesses has not been disapproved within thirty (30) days or the sixty (60) days allowed after an extension, the City shall issue the license pending completion of the City's review.
4. Any license pursuant to subsection B 3 of this Section may be revoked by the City pursuant to the revocation procedures provided for herein, if the completed review determines that the license should have been denied.

3-1E-12 **TERM OF LICENSE:** Sexually oriented business and employee licenses issued pursuant to this Ordinance shall be valid from the date of issuance through January 1, of each succeeding year. The license fees required under the consolidated fee schedule shall not be prorated for any portion of a year, but shall be paid in full for whatever portion of the year the license is applied for.

3-1E-13 **NOTICE OF CHANGE OF INFORMATION:** Any change in the information required to be submitted under this Ordinance for either a sexually oriented business license or sexually oriented business employee license shall be given, in writing, to the City Business Licensing Official and the Police Department within fourteen (14) days after such change.

3-1E-14 **TRANSFER LIMITATIONS:** Sexually oriented business licenses granted under this Ordinance shall not be transferable. It is unlawful for a license held by an individual to be transferred. It is unlawful for a license held by a corporation, partnership or other non-corporate entity to transfer any part ~~in excess of ten percent (10%)~~ thereof, without filing a new application and obtaining prior City approval. If any transfer of the controlling interest in a business licensee occurs, the license is immediately null and void and the business shall not operate until a separate new license has been properly issued by the City as provided in this Ordinance.

3-1E-15 **DISPLAY OF LICENSE:** It is unlawful for any sexually oriented business location within the boundaries of the City to fail to display the license granted pursuant to this Ordinance in a prominent location within the business premises. It is unlawful for any individual licensed pursuant to this Ordinance to fail to carry, at all times while engaged in licensed activities within the corporate boundaries of the City, their employee license on their person. If the individual is nude, such license shall be visibly displayed within the same room the employee is performing. When requested by the Police Department, City licensing or other enforcement personnel or health official, it is unlawful to fail to show the appropriate licenses while engaged in licensed activities within the corporate boundaries of the City.

- 3-1E-16      **STATEMENT IN ADVERTISING:** It is unlawful for any advertisement by the sexually oriented business or employee to fail to state that the business or employee is licensed by the City, and shall include the City license number.
- 3-1E-17      **REGULATIONS AND UNLAWFUL ACTIVITIES:** It is unlawful for any sexually oriented business or sexually oriented business employee to:
- A.      Allow minors on the licensed premises or allow, offer, or agree to conduct any outcall business with minors.
  - B.      Alcoholic Beverages: To allow, offer or agree to allow any alcohol to be stored, used or consumed on or in the licensed premises.
  - C.      Locking Outside Door: Allow the outside door to the premises to be locked while any customer is in the premises.
  - D.      Gambling: Allow, offer or agree to gambling on the licensed premises.
  - E.      Touching: Allow, offer or agree to any sexually oriented business employee touching or being touched by any patron or customer; except that outcall employees and customers may touch, except that any touching of specified anatomical areas, whether clothed or unclothed, is prohibited.
  - F.      Controlled Substances:
    - 1.      Allow, offer or agree to illegal possession, use, sale or distribution of controlled substances on the licensed premises.
    - 2.      Allow sexually oriented business employees to possess, use, sell or distribute controlled substances while engaged in the activities of the business.
  - G.      Prostitution: Allow, offer or agree to commit prostitution, solicitation of prostitution, solicitation of a minor or permitting activities harmful to a minor to occur on the licensed premises or, in the event of an outcall employee or business, the outcall employee committing, offering or agreeing to commit prostitution, attempting to commit prostitution, soliciting prostitution, soliciting a minor or committing activities harmful to a minor.
  - H.      Specified Sexual Activities: Allow, offer, commit or agree to any “specified sexual activity” as validly defined by City ordinances or State statute in the presence of any customer or patron.
  - I.      Nudity: Allow, offer or agree to any outcall employee appearing before any customer or patron in a state of nudity.
  - J.      Masturbation: Allow, offer or agree to allow a patron or customer to masturbate in the presence of the sexually oriented business employee or on the premises of a sexually oriented business.

3-1E-18      **OUTCALL SERVICES; OPERATION REQUIREMENTS:** It is unlawful for any business or employee providing outcall services contracted for in the City to fail to comply with the following requirements:

- A.      **Contract:** All businesses licensed to provide outcall services pursuant to this Ordinance shall provide to each patron a written contract in receipt of pecuniary compensation for services. The contract shall clearly state the type of services to be performed, the length of time such services shall last, the cost to the patron and any special terms or conditions relating to the services performed. The contract need not include the name of the patron. The business licensee shall keep and maintain a copy of each written contract pursuant to this Section for a period not less than one year from the date of provision of services thereunder. The contracts shall be numbered and entered into a register listing the contract number, date, names of all employees involved in the contract and pecuniary compensation paid.
- B.      **Office; Phone:** All outcall businesses licensed pursuant to this Ordinance shall maintain an open office or telephone at which the licensee or licensee's designated agent may be personally contacted during all hours outcall employees are working. The address and phone number of the license location shall appear and be included in all patron contracts and published advertisements. For outcall businesses that premises are licensed within the corporate limits of the City, private rooms or booths where the patrons may meet with the outcall employee shall not be provided at the open office or any other location by the service, nor shall patrons meet outcall employees at the business premises.
- C.      **Advertising:** Outcall services shall not advertise in such manner that would lead a reasonably prudent person to conclude that specified sexual activities would be performed by the outcall employee.
- D.      **Licensing Regardless Of Business Location:** All employees of outcall services who provide outcall services within the City shall be licensed in accordance with this Ordinance, regardless of the primary location of the business.

3-1E-19      **DESIGN OF PREMISES:**

- A.      **Adult Business:**
  - 1.      In addition to the general requirements of disclosure for a sexually oriented business, any applicant for a license as an adult business shall also submit a diagram, drawn to scale, of the premises of the license. The design and construction, prior to granting a license or opening for business, shall conform to the following:
    - a.      The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms.
    - b.      Restrooms may not contain any video reproduction equipment or any of the business merchandise. Signs shall be posted requiring only one person be allowed in the restroom and only one person in any stall at a time; and

requiring that patrons shall not be allowed access to manager's station areas.

- c. For businesses that exclude minors from the entire premises, all windows, doors and other apertures to the premises shall be darkened or otherwise constructed to prevent anyone outside the premises from seeing the inside of the premises.
- d. The diagram required does not necessarily need to be a professional engineer's or architect's blueprint; however, the diagram must show marked internal dimensions, all overhead lighting fixtures and ratings for illumination capacity.

2. It shall be the duty of the licensee and the licensee's employees to ensure that the views from the manager's station in subsection A 1 of this Section remain unobstructed by any doors, walls, merchandise, display racks or any other materials at all times that any patron is present in the premises and to ensure that no patron is permitted access to any area of the premises that has been designated as an area in which patrons will not be permitted.
3. The premises shall at all times be equipped and operated with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one foot-candle, measured at the floor level. It shall be the duty of the licensee and the licensee's employees present on the premises to ensure that the illumination described above is maintained at all times that any patron is present on the premises.

**B. Semi-Nude Entertainment Business:**

1. It is unlawful for a business premises licensed for semi-nude entertainment to:
  - a. Permit a bed, sofa, mattress or similar item in any room on the premises, except that a sofa may be placed in a reception room open to the public or in any office to which patrons are not admitted, and except that in an adult theater, such items may be on the stage as part of a performance.
  - b. Allow any door on any room used for business, except for the door to an office to which patrons shall not be admitted, outside doors and restroom doors to be lockable from the inside.
  - c. Provide any room in which the employee or employees and the patron are alone together without a separation by a solid physical barrier at least three feet high and six inches wide (3' x 6"). The patron or patrons shall remain on one side of the barrier and the employee or employees shall remain on the other side of the barrier.
2. Adult theaters shall also require that the performance area shall be separated from the patrons by a minimum of three feet (3'), which separation shall be delineated by

a physical barrier at least three feet (3') high.

3-1E-20      **ALCOHOL PROHIBITED:**

- A.      It is unlawful for any business licensed pursuant to this Ordinance to allow the sale, storage, supply or consumption of alcoholic beverages on the premises.
- B.      It is unlawful for any person to possess or consume any alcoholic beverage on the premises of any sexually oriented business.

3-1E-21      **PROHIBITED ACTIVITIES:**

A.      Semi-Nude Agencies:

- 1.      It is unlawful for any individual or entity to furnish, book or otherwise engage the services of a professional dancer, model or performer to appear in a state of semi-nudity for pecuniary compensation in or for any semi-nude entertainment business or adult theater if licensed pursuant to this Ordinance, unless such agency is licensed pursuant to this Ordinance.
- 2.      It is unlawful for any individual or entity to furnish, book or otherwise engage or permit any person to perform as a professional dancer, model or performer in a state of semi-nudity or nudity, either gratuitously or for compensation, in or for any business licensed pursuant to this Ordinance unless such person is licensed pursuant to this Ordinance.

B.      Performers: It is unlawful for any professional dancer, model or performer, while performing in any business licensed pursuant to this Ordinance, to:

- 1.      Touch in any manner any other person;
- 2.      Throw any object or clothing off the stage area;
- 3.      Accept any money, drink or any other object directly from any person;
- 4.      Allow another person to touch such performer or to place any money or object on the performer or within the costume or person or the performer;
- 5.      Place anything within the costume or adjust or move the costume while performing so as to render the performer in a state of nudity.

C.      Patrons: It is unlawful for any person or any patron of any business to touch in any manner any performer; to place any money or object on or within the costume or person of any performer; or to give or offer to give to any such performer any drinks, money or object while such performer is performing; except that money may be placed on the stage, which shall not be picked up by the performer except by hand.

3-1E-22      **DEFENSES TO PROSECUTION:** It is a defense to prosecution or violation under this Ordinance that a person appearing in a state of nudity did so in a modeling class operated:

- A.      By a proprietary school licensed by the State or a college, junior college or university supported entirely or partly by taxation;
- B.      By a private college or university that maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation.

3-1E-23      **SUSPENSION OR REVOCATION OF LICENSE:**

- A.      Procedure: The denial, suspension or revocation of any license issued pursuant to this Ordinance shall be done in accordance with Section 6 of this Ordinance, which sets forth the applicant's right to present evidence why the license should not be suspended or denied.
- B.      Conditions Specified: The City may issue a notice suspending or revoking a sexually oriented business license or employee license granted under this Ordinance if a licensee or an employee of the licensee has:
  - 1.      Violated or is not in compliance with the provisions of this Ordinance;
  - 2.      Refused to allow any inspection of the premises of the sexually oriented business specifically authorized by this Ordinance or by any other statute or ordinance;
  - 3.      Failed to replenish the cost bond as provided in this Ordinance (such a suspension shall extend until the bond has been replenished);
  - 4.      Given materially false or misleading information in obtaining the license;
  - 5.      Knowingly operated the sexually oriented business or worked under the employee license during the period when the business license or employee licensee's license was suspended;
  - 6.      Committed an offense that would be grounds for denial of a license for which the time period required has not elapsed;
  - 7.      On two (2) or more occasions within a twelve (12) month period, a person committed in or on, or solicited for on the licensed premises, or an outcall employee solicited or committed on or off the premises, an offense that would be grounds for denial of a license for which a conviction has been obtained, and the person was an employee, whether or not licensed, of the sexually oriented business at the time the offenses were committed;
  - 8.      Delinquent in payment to the City for ad valorem taxes or sales taxes related to the sexually oriented business.

- C. **Effective Date:** Suspension or revocation shall take effect within fifteen (15) days of the issuance of notice, unless an appeal is filed as provided by this Ordinance.
- D. **Appeal No Effect On Revocation:** The fact that a conviction is being appealed shall have no effect on the revocation of the license.
- E. **Length Of Revocation:** When a license issued pursuant to this Ordinance is revoked, the revocation shall continue for one (1) year from its effective date and the license shall not be reissued to the sexually oriented business or employee for one (1) year from the date of such revocation.

**3-1E-24 VIOLATION; PENALTY:**

- A. **Suit For Injunction:** An entity or individual who operated or causes a sexually oriented business to be operated without a valid license, or who employs or is employed as an employee of a sexually oriented business, or who operates such a business or functions as such an employee in violation of the provisions of this Ordinance is subject to a suit for injunction in addition to the civil and criminal violations provided herein and any other remedy available at law or in equity.
- B. **Civil Penalty:** In addition to revocation or suspension of a license, as provided in this Ordinance, each violation of this Ordinance shall, upon citation by the Business Licensing Official or Zoning Official, require the licensee to pay a civil penalty. Such fines shall be deducted from the cost bond posted pursuant to this Ordinance, unless paid within ten (10) days of notice of the fine or the final determination after any appeal.
- C. **Misdemeanor Offense:** In addition to a civil fine provided in this Ordinance, the violation of any provision of this Ordinance shall be a Class B misdemeanor, and subject the violator to the penalty provisions as provided (each day of a violation shall be considered a separate offense):
  - 1. **Penalty For Violation Of Nuisance Ordinance:** Unless otherwise specifically authorized by statute, the City Council may provide a penalty for the violation of any City ordinance by a fine not to exceed the maximum Class B Misdemeanor fine under Utah Code Annotated section 76-3-301, or by a term of imprisonment up to six (6) months, or by both the fine and the term of imprisonment. The City Council may prescribe a minimum penalty for the violation of any City ordinance and may impose a civil penalty for the unauthorized use of City property, including, but not limited to, the use of parks, streets and other public grounds or equipment. Rules of civil procedure shall be substantially followed.
- D. **Employee Violations:** Every act or omission by an employee constituting a violation of the provisions of this Ordinance shall be deemed the act or omission of the sexually oriented business licensee and/or operator. If such act or omission occurs either with the authorization, knowledge or approval of the licensee and/or operator, or as a result of the licensee's and/or operator's negligent failure to supervise the conduct of the employee, the sexually oriented business licensee shall be punishable for such act or omission in the same

manner as if the licensee committed the act or caused the omission.

- E. **Responsibility For Conduct:** A sexually oriented business licensee and/or operator shall be responsible for the conduct of all employees while on the licensed premises and any act or omission of any employee constituting a violation of the provisions of this Ordinance shall be deemed the act or omission of the licensee and/or operator for the purposes of determining whether the licensee's license shall be revoked, suspended or renewed.

**PART II  
PENALTY AND ADOPTION**

**A. CONFLICTING PROVISIONS**

Whenever the provisions of this Ordinance conflict with the provisions of any other Ordinance, resolution or part thereof, the more stringent shall prevail.

**B. PROVISIONS SEVERABLE**

This Ordinance and the various sections, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid it is hereby declared that the remainder of the ordinance shall not be affected thereby.

**C. AMENDMENT TO BE ADDED TO CITY CODE**

The City Council hereby authorizes and directs that insert pages reflecting the provisions enacted hereby shall be made and placed in the City Code, Title 3.

**D. PENALTY**

Hereafter these amendments shall be construed as part of the Business and License Regulations of the City of Cedar Hills, Utah, to the same effect as if originally a part thereof, and all provisions of said zoning ordinance shall be applicable thereto, including, but not limited to, the enforcement, violation and penalty provisions.

**E. EFFECTIVE DATE**

This Ordinance shall take effect upon its passage and publication as required by law.

**PASSED AND ORDERED POSTED BY THE CITY COUNCIL OF THE CITY OF CEDAR HILLS,  
UTAH, THIS 5TH DAY OF AUGUST, 2008.**

\_\_\_\_\_  
Michael C. McGee, Mayor

ATTEST:

\_\_\_\_\_  
Kim E. Holindrake, City Recorder



# CITY OF CEDAR HILLS

<b>TO:</b>	City Council
<b>FROM:</b>	Building / Zoning
<b>DATE:</b>	August 5, 2008

## City Council Memorandum

<b>SUBJECT:</b>	Parking Regulations
<b>APPLICANT PRESENTATION:</b>	Same
<b>STAFF PRESENTATION:</b>	Brad Kearl
<b>BACKGROUND AND FINDINGS:</b> Reason that change is needed: Vehicles have been parking illegally and when given notice to move vehicle the owner simply rolls the vehicle forward or backwards a few feet. This defeats the purpose of the City Code to maintain clean and safe roadways. Also staff feels 72 hours is excessive and that 48 hours is sufficient time to move parked vehicles. Clarification and or simplicity are needed for parking during winter months, (November-March). Vehicle owners shall be responsible for parking at their own risk of citation if left in streets during snow removal.	
<b>PREVIOUS LEGISLATIVE ACTION:</b> Title 5, Chapter 2, Section 5	
<b>FISCAL IMPACT:</b> NONE	
<b>SUPPORTING DOCUMENTS:</b> See attached proposed Ordinance Amendment	
<b>RECOMMENDATION:</b> Staff recommends approval of Parking Regulations Amendment	
<b>MOTION:</b> To approve Parking Regulations Amendment.	

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING TITLE 5 OF THE CITY CODE OF THE CITY OF CEDAR HILLS, UTAH, REGARDING PARKING REGULATIONS.**

WHEREAS, the City Council of the City of Cedar Hills has determined that it is in the best interest of the City of Cedar Hills and the residents thereof to enact certain amendments to Title 5 of the City Code.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR HILLS, UTAH COUNTY, STATE OF UTAH:**

**PART 1  
AMENDMENTS**

**SECTION 1:** Title 5, Chapter 2, Section 5, of the City Code entitled Parking Regulations, is hereby amended by adding the following definition to Paragraph A:

LOCATION: The area of road that provides frontage for each individual property.

**SECTION 2:** Title 5, Chapter 2, Section 5, of the City Code entitled Parking Regulations, is hereby amended by changing Paragraph B, 1. to read as follows:

1. It shall be unlawful to park any vehicle in the same location on a street or municipal property for a continuous period of time exceeding ~~forty-eight (48)~~ ~~seventy-two (72)~~ hours.

**SECTION 3:** Title 5, Chapter 2, Section 5 of the City Code entitled Parking Regulations, is hereby amended by changing Paragraph F to read as follows:

- F. Parking During Snow Removal: 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. ~~upon said streets when:~~
  - ~~1. Snow is falling; or~~
  - ~~2. There is a visible amount of snow on the street; and~~
  - ~~3. The street has not been plowed since the snow fell.~~

**PART II  
PENALTY AND ADOPTION**

**A. CONFLICTING PROVISIONS**

Whenever the provisions of this Ordinance conflict with the provisions of any other Ordinance, resolution or part thereof, the more stringent shall prevail.

**B. PROVISIONS SEVERABLE**

This Ordinance and the various sections, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid it is hereby declared that the remainder of the ordinance shall not be affected thereby.

**C. AMENDMENT TO BE ADDED TO CITY CODE**

The City Council hereby authorizes and directs that insert pages reflecting the provisions enacted hereby shall be made and placed in the City Code, Title 5.

**D. PENALTY**

Hereafter these amendments shall be construed as part of the Public Safety and Traffic Regulations of the City Code of the City of Cedar Hills, Utah, to the same effect as if originally a part thereof, and all provisions of said regulations shall be applicable thereto, including, but not limited to, the enforcement, violation and penalty provisions.

**E. EFFECTIVE DATE**

This Ordinance shall take effect upon its passage and publication as required by law.

**PASSED AND ORDERED POSTED BY THE CITY COUNCIL OF THE CITY OF CEDAR HILLS, UTAH, THIS 5TH DAY OF AUGUST, 2008.**

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Michael C. McGee, Mayor

ATTEST:

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Kim E. Holindrake, City Recorder



# CITY OF CEDAR HILLS

<b>TO:</b>	Mayor McGee & City Council
<b>FROM:</b>	Konrad Hildebrandt, City Manager
<b>DATE:</b>	7/31/08

<b>SUBJECT:</b>	Certified Tax Rate 2008
<b>APPLICANT PRESENTATION:</b>	
<b>STAFF PRESENTATION:</b>	Rachel Brown, Finance Director
<b>BACKGROUND AND FINDINGS:</b>	Due to a calculation error, we need to change the Certified Tax Rate portion for the GO bond payment to .000906. This makes the total tax levy .002596.
<b>PREVIOUS LEGISLATIVE ACTION:</b>	
<b>FISCAL IMPACT:</b>	None
<b>SUPPORTING DOCUMENTS:</b>	
<b>RECOMMENDATION:</b>	Certify the tax rate of .002596
<b>MOTION:</b>	Adopt Resolution No. _____ A Resolution setting the total property tax levy assessed upon real and personal property for general governmental purposes for the 2008-2009 tax year for the City of Cedar Hills, Utah.



# CITY OF CEDAR HILLS

<b>TO:</b>	Mayor McGee and City Council
<b>FROM:</b>	Konrad Hildebrandt, City Manager
<b>DATE:</b>	7/31/08

<b>SUBJECT:</b>	Budget Amendments
<b>APPLICANT PRESENTATION:</b>	
<b>STAFF PRESENTATION:</b>	Rachel Brown, Finance Director
<b>BACKGROUND AND FINDINGS:</b> Budget Amendments arising from the Mayor and Council Salary Changes.	
<b>PREVIOUS LEGISLATIVE ACTION:</b>	
<b>FISCAL IMPACT:</b> Council Salary +\$23,000 Council Benefits +\$2,150 Admin Benefits +\$2200 Community Services Intern +\$10,400 Sales Tax Revenue -\$34,250 Council Misc Expenses -\$72,000	
<b>SUPPORTING DOCUMENTS:</b>	
<b>RECOMMENDATION:</b> Approve/reject the resolution	
<b>MOTION:</b> Adopt Resolution No. _____ A RESOLUTION ADOPTING THE AMENDED 2008-2009 FISCAL YEAR BUDGET FOR THE CITY OF CEDAR HILLS, UTAH.	



# CITY OF CEDAR HILLS

<b>TO:</b>	Mayor McGee and City Council
<b>FROM:</b>	Konrad Hildebrandt, City Manager
<b>DATE:</b>	7/31/08

<b>SUBJECT:</b>	Employee Cafeteria Plan
<b>APPLICANT PRESENTATION:</b>	
<b>STAFF PRESENTATION:</b>	Rachel Brown, Finance Director
<b>BACKGROUND AND FINDINGS:</b>	We need to adopt the City Employee Cafeteria Plan by Resolution
<b>PREVIOUS LEGISLATIVE ACTION:</b>	
<b>FISCAL IMPACT:</b>	None
<b>SUPPORTING DOCUMENTS:</b>	
<b>RECOMMENDATION:</b>	Approve/reject the resolution
<b>MOTION:</b>	

**ADOPTING RESOLUTION**

The undersigned Principal of City of Cedar Hills (the Employer) hereby certifies that the following resolutions were duly adopted by the Employer on \_\_\_\_\_, and that such resolutions have not been modified or rescinded as of the date hereof:

RESOLVED, that the form of amended Cafeteria Plan including a Dependent Care Flexible Spending Account and Health Flexible Spending Account effective July 1, 2008, presented to this meeting is hereby approved and adopted and that the duly authorized agents of the Employer are hereby authorized and directed to execute and deliver to the Administrator of the Plan one or more counterparts of the Plan.

RESOLVED, that the Administrator shall be instructed to take such actions that are deemed necessary and proper in order to implement the Plan, and to set up adequate accounting and administrative procedures to provide benefits under the Plan.

RESOLVED, that the duly authorized agents of the Employer shall act as soon as possible to notify the employees of the Employer of the adoption of the Cafeteria Plan by delivering to each employee a copy of the summary description of the Plan in the form of the Summary Plan Description presented to this meeting, which form is hereby approved.

The undersigned further certifies that attached hereto as Exhibits A and B, respectively, are true copies of City of Cedar Hills Cafeteria Plan as amended and restated and the Summary Plan Description approved and adopted in the foregoing resolutions.

\_\_\_\_\_  
Principal

Date: \_\_\_\_\_



# CITY OF CEDAR HILLS

<b>TO:</b>	Mayor and City Council
<b>FROM:</b>	David H. Bunker, City Engineer
<b>DATE:</b>	8/5/2008

## City Council Agenda Item

<b>SUBJECT:</b>	Juniper Heights Plats C & D Durability Release
<b>APPLICANT PRESENTATION:</b>	None
<b>STAFF PRESENTATION:</b>	David Bunker
<b>BACKGROUND AND FINDINGS:</b> A final walkthrough of the Juniper Heights Subdivision Plats C & D has been conducted. City staff conducted an initial inspection which produced a punch list of items to correct. Following the correction of these items, the staff re-inspected the subdivision for compliance with City standards. At this time all improvements have been installed per development regulations and agreements. One outstanding item is the slope vegetation on the north facing slope on Cottonwood Drive. It is recommended that \$5,000 be held until the slope is sufficiently re-vegetated.	
<b>PREVIOUS LEGISLATIVE ACTION:</b> N/A	
<b>FISCAL IMPACT:</b> N/A	
<b>SUPPORTING DOCUMENTS:</b> N/A	
<b>RECOMMENDATION:</b> Staff recommends the City Council act to accept the subdivisions improvements and authorize the release of the durability guarantee less the bond for slope vegetation.	
<b>MOTION:</b> To approve/not approve acceptance of subdivision improvements for Juniper Heights Plats C & D, release of the durability guarantee, subject to an appropriate durability bond to be put in effect for slope vegetation on Cottonwood Drive, and all inspection fees paid.	



# CITY OF CEDAR HILLS

<b>TO:</b>	Mayor and City Council
<b>FROM:</b>	David H. Bunker, City Engineer
<b>DATE:</b>	8/5/2008

## City Council Agenda Item

<b>SUBJECT:</b>	Canyon Heights Plat G Landscaping Bond Release
<b>APPLICANT PRESENTATION:</b>	None
<b>STAFF PRESENTATION:</b>	David Bunker
<b>BACKGROUND AND FINDINGS:</b> Canyon Heights Plat G has retained a bond amount for the vegetation of the slope on Timp Cove Drive. The city inspectors have reported that the slope has been sufficiently established and the remaining bond can be released.	
<b>PREVIOUS LEGISLATIVE ACTION:</b> N/A	
<b>FISCAL IMPACT:</b> N/A	
<b>SUPPORTING DOCUMENTS:</b> N/A	
<b>RECOMMENDATION:</b> Staff recommends the City Council act to accept the improvements and authorize the release of the bond for slope vegetation.	
<b>MOTION:</b> To approve/not approve acceptance of slope vegetation for Canyon Heights Plat G, subject to payment of all inspection fees paid, etc . . . .	



# CITY OF CEDAR HILLS

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**TO:** Mayor McGee, City Council, and Staff  
**FROM:** Kim E. Holindrake, City Recorder  
**DATE:** July 28, 2008

## City Council Memorandum

**SUBJECT:** Utah Valley Dispatch Special Service District  
**APPLICANT PRESENTATION:**  
**STAFF PRESENTATION:** Konrad Hildebrandt, City Manager

### **BACKGROUND AND FINDINGS:**

Recently the County contacted the City stating that because of legislative changes each city needs to adopt a resolution to be included in the Utah Valley Dispatch Special Service District.

### **PREVIOUS LEGISLATIVE ACTION:**

May 20, 2008, City Council Meeting discussion and action:

7. Review/Action to Participate in the Utah County Public Safety Dispatch Special Service District (7:58 p.m.) See handouts.

Staff Presentation:

Konrad Hildebrandt stated that Utah County and Utah County commissioners are proposing a county-wide Public Safety Dispatch Special Service District. The advantage is that all members of the District would have representation. Currently there is no representation. The County is asking for cities to approve putting it on the November ballot.

Council Discussion:

- Mayor McGee is in favor of this, though he is concerned that the creation of a special taxing district will relieve the County Commission of paying with the taxes that they currently generate. There is no corresponding decrease in taxes paid to the County that were previously paid for dispatch. However he is in favor of the agreement because better dispatch is needed.
- C. Bowman stated that she would like to know what it will cost first.

**MOTION: C. Richardson - To indicate intrigue and maybe even some support for the concept of a Utah County-wide dispatch special service district based on the limited amount of information available at this time, however expressing some concern that this will ultimately be a new tax.** Seconded by C. Bowman.

Further Discussion:

- Mayor McGee said that the Council is not creating anything tonight. It is just giving approval to send it to the ballot.
- C. Bowman stated that she would like to change the motion to change the county commissioner's tax to offset the new taxes created by the special service district.
- C. Wright has talked to her neighbor who works with the sheriff's department. He said that if American Fork and other communities support it, Cedar Hills needs to join. She is tired

of being the council that holds everything up, and wondered why there was hedging in the motion.

- C. Richardson said that he cannot support this proposal carte blanche without the details on the service agreement, city representation, proposed tax increase, and other items that can make or break the proposal. It sounds good on the surface, but there are few details available at this time. C. Richardson said that the county commission doesn't need city approval to place this on the ballot. The reason they are coming to the cities is for their blessing. But cities can only bless it so much without further details being provided. He would like the county commission to continue on the path but realize that there is still much work to be done.

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

**FISCAL IMPACT:**

**SUPPORTING DOCUMENTS:**

- Resolution provided by the County.

**RECOMMENDATION**

**MOTION**

To approve Resolution No. \_\_\_\_\_, 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.

PUBLIC HEARING AND CITY COUNCIL MEETING

Tuesday, July 8, 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  
David Bunker, City Engineer  
Greg Robinson, Assistant to the City Manager-Planning  
Others: Ken Lemmon, Mark Hulbert, Ben Higbee, Randy Jensen, Alan Petersen, Craig Mull,

**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 7:15 p.m. by Mayor McGee.

Invocation given by C. Bowman

Pledge of Allegiance led by Mayor McGee

2. Public Comment

- Ken Lemmon: He moved to Cedar Hills two years ago and put a lawn in in 2006. His experiences last year with the pressurized irrigation were good. He spent 30 years in the pumping industry although most of his experience ties to nuclear plants than irrigation water. He spoke with Delco Western who gave a very positive report with regard to the City and efforts addressing the current problems. His understanding is that there was a water model created that included future use and there have been modifications. The intent of the design was to have some redundancy. As a homeowner, on July 1 the City web site stated that the problems were repaired and the system was back to normal. It clearly wasn't the case. He cautions about things put on the web site. Yesterday it was updated stating that some user have low pressure and the highest demand is between 5 a.m. and 7 p.m. His suggestions are accurate communication, public meetings to explain problems, a change in the watering schedule, educational program on usage, and stop giving citations.
- Mark Hulbert: The land across the street from him is owned by the City and is a weed sore, eye sore, and garbage pit. See handouts. He would like it cleaned up and maybe a few trees planted. There are also weeds in the sidewalks, which destroy the sidewalks. He is surrounded by vacant lots and no have ever been cut down in the four years he has lived there. In the summer it is a fire hazard.
- Ben Higbee: He referred to the same pictures that were handed out by Mr. Hulbert. He also has City property by his home and would like to see it cleaned up and landscaped . He is willing to provide dirt if the City needs it to create a culvert and landscape. Another option would be for the City to sell him the property, and he would maintain it.
- Randy Jensen: In his neighborhood the builder put in lines that spray over on his property and he has turned down the neighbors sprinklers. He doesn't have enough water pressure to spray his lawn. The City seems to be competing with the residents for watering. He called the City office and was told the problems were solved.
- Alan Petersen: His sprinkler system will allow him to water every third day. He is over watering because of the watering schedule. He would like to water every third day. He understands that there

are some problems with the system. He would like the City to look at the engineering of the system to allow the citizens to water when they need to and conserve water. Because each house gave a share water to the City, the City has the responsibility to engineer the system properly.

**PUBLIC HEARINGS**

3. Amendments to the City Code Title 3, Chapter 1, Business Licensing - Premises Occupations and Title 10, Chapter 5, Section 23, and Chapter 4, Articles D and E

No Comments

4. Amendments to the Zone Map to change the upper water tank and pressurized irrigation tank site from the H-1 Hillside Development Zone to the PF Public Facilities Zone. The property is located at approximately 10440 North and 3600 West.

No Comments

5. Compensation for Elected and Appointed Officials

Jerry Dearinger: He has lived in Cedar Hills for three years and property taxes have gone up sharply. He still considers Cedar Hills a small town. He proposed that the City pass off as much to the private sector and allow them to compete to provide services such as water. This Council took over what someone left and do not have the privilege of creating their own system and are working to upgrade it. He is primarily on Manila Water. He sees that there is a very substantial raise proposed for the Mayor and Council members. He suggested creating committees so the Mayor and Council can have the time to make a living. He is quite opposed to any raises but he hasn't heard the reasons. We should all contribute somewhere or another. He is happy to help out but not to pay out. His income stream is becoming limited.

**SCHEDULED ITEMS**

6. Minutes from the June 17, 2008, Public Hearing and Regular City Council Meeting

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

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

**MOTION: C. Wright - To move Item 12 before Item 7.** Seconded by C. Bowman.

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

12. Review/Action on Ordinance Adopting the Compensation for Elected and Appointed Officials

See handouts.

Staff Presentation:

Konrad Hildebrandt stated that he is fully supportive of compensating the Mayor and Council appropriately. There are areas suited for volunteers but the Mayor and Council should be compensated appropriately. The Mayor and Council oversees a 12 plus million dollar budget. Review of salary analysis. The average council salary is \$8,165.33 and Cedar Hills pays \$3,600.00. The average mayoral salary is \$14,179.24 and Cedar Hills pays \$9,000.00. Staff recommended reducing sales tax revenues, not adding the building and zoning employee back to the budget, adding a Community Services part-time intern (\$10,000 yearly), administrative benefits, compensate the Council to allow them to get city information electronically, and compensate the Council for attending outside meetings.

Council Discussion:

- C. Perry stated that currently the Council is at 44% of the average and the Mayor is at 66.4%. There needs to be a discussion on compensation for outside meetings. Konrad Hildebrandt stated that it is based on one meeting per Council member and two meetings for Mayor McGee per month. He would like to keep the salaries at the current rate. His philosophy is that the e-mail is a fallacy because there is no market, no supply and demand. People run for office and then they decide what their own salaries should be; that's not a market system. None of the this Council ran for the money. The question is, is this the best use of the money. Raising the salaries will not result in better or more candidates for office and therefore is not the best use of the money. If it's right, it's right; and if it's fair, it's fair. You have to stand up for your position.
- C. Kirk stated that the \$300 the Council receives right now is for time and expenses. He doesn't like breaking it down to each individual meeting or mileage. The City needs to be up front and if salaries are raised it should cover those expenses. He read an email from a resident about compensation. The e-mail stated, *his company compensates based on the market and third-party surveys with unbiased data. Set compensation at the average without leading or lagging behind the market. The City should adopt a fiscal prudent approach to the compensation of the City Council and Mayor. Regardless of what the compensation turns out to be, it should be based on a sound salary determination process rather than the actual dollar amount that is decided. The process will dictate the appropriate number.* C. Kirk stated that he would like to pay the Mayor and Council the average. He doesn't need a health and benefit plan or be reimbursed for certain things. The salary he is being paid compensates him for those costs. He doesn't like the additional benefits but may be in favor of a salary increase.
- C. Richardson stated that in HR plans you don't look at just the hourly rate but also the benefit plans and the City doesn't have enough money to do that. Reimbursements are given instead of salaries because of taxes. Feels that current compensation does not cover the costs of being away from family and for the time spent. Would like take care of this item, so that future councils do not have to deal with it. Staff recommendation is appropriate. He did bring this issue up and the reasoning is that there is no way to reimburse him for what he does or time away from family. There will always be someone on top and someone on bottom. Each council member sacrifices a lot but it very much volunteerism. Some people can't afford that type of contribution. He feels this is the best time for this change and makes it closer to reimbursement. He proposes creating a 457 plan for those who want to divert their salaries for tax benefits. It doesn't cost the City anything.
- C. Bowman stated that no one runs for the money or stays serving for the money. No one wants to vote themselves a raise, but it needs to be done. Next year is a voting year and it will be an issue.

She would rather take care of it now for generations to come. The Council and Mayor are under paid. It is a good use of public funds. She doesn't believe future councils will go overboard or ever do anything drastic or out of control. It is awkward to give yourself a raise but it needs to be done. She wants to see a change in salaries but no additional benefits.

- C. Wright stated that things change at the last meeting that she doesn't agree with such as library reimbursement. She feels it is inappropriate to discuss this at this time. She takes offense when people complain and don't want to be part of the solution. It should be addressed after the City's commercial district is established. She wants to put some of the monies back from where they were taken and the rest in the capital fund. Much of it is about perception. The raises could occur as the seats become open.
- Mayor McGee stated that he is in favor of the raises, to compensate the next mayor and council because he will not be running for re-election. They need to be fairly compensated.

**MOTION: C. Wright - To not make any increase to compensation or benefits for the Mayor and Council.** No second. Motion dies.

**MOTION: C. Richardson - To approve Ordinance 7-8-2008A, an ordinance amending the compensation for elected and appointed officials as indicated in the memo recommended by staff, specifically keeping the same compensation as currently in place and providing a stipend of \$50 per meeting capped at \$150 per month for City Council members and \$200 a month for the Mayor and allowing City Council members and the Mayor to electively put all or some of their salary into a 457 or 401 plan at their own cost.** No second. Motion dies.

Further Discussion.

**MOTION: C. Bowman - To approve Ordinance 7-8-2008A, an ordinance amending the compensation for elected and appointed officials, increasing the mayor's salary to \$1,100.00 and the council members to \$600.00 per month.** Second by C. Richardson.

**AMEND MOTION: C. Bowman - This is 93% of the average for the mayor's salaries and 88% of average for the council salaries of the other reporting cities.** Seconded by C. Richardson. Roll call vote taken.

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

Motion passes.

7. Review/Action on Golf Course Reconfiguration

See handouts.

Staff Presentation:

The actual reconfiguration is complete and playable for the last few weeks. The major goal was to appropriate property for the City to sell and lower the debt service that is being charge to the residents through a general obligation bond. Representatives from Century 21 Harmon are here to

present information.

Craig Mull presented a marketing plan and additional information. The marketing plan begins this week with meetings with the City and engineers. Information will be implemented into a package or brochure to assist prospective buyers in making a decision. The targeted market is to go after developers and investors as well as other real estate agents throughout the state and nation that already have investors. The pricing analysis comes from the immediate area statistics. Next is an initial market analysis using the 3.8 million amount. Finally is information about Century 21 Harmon. The note at the end gives the City an exit with no obligation.

Council Discussion:

- C. Kirk stated that the pricing analysis is disappointing, and the City knows the market is not prime right now. He doesn't like dropping the figure that the Council agreed on.
- C. Bowman stated that you can assume that offers will come in lower than what is requested.
- C. Perry stated that time also costs money. It would cost \$200,000 to wait.
- C. Richardson stated that another option is that the City could carry back the full purchase price, which would make the developers financing very easy to get because they would only carry \$600,000 or \$700,000. In exchange for that it becomes a joint venture with the Community Development Agency.

Five minute recess.

8. Review/Action on Final Plat for the Dimond Subdivision

See handouts.

Staff Presentation:

D. Bunker reported that the Dimond Subdivision is a two-lot subdivision on 4000 West and 9046 North. There is an existing home on Lot 1. The subdivision requirements of curb, gutter, sidewalk, asphalt, and utilities as well as drainage improvements need to be installed. Water rights for the additional lot are required. The Woodis Subdivision has not brought the utilities to its southern boundary yet. Another problem is that Lot 1 is on Manila water and can stay on that water. Lot 2 is required to connect to Cedar Hills water. The developer is required to install utilities from the north corner of Lot 1 to the south corner of Lot 2. The sewer line exists through Lot 2 from the back on the north side.

**MOTION: C. Richardson - To approve the Dimond Subdivision Final Plat subject to a full set of improvements and water rights being verified by the City.** Seconded by C. Bowman.

Further Discussion:

- C. Perry would like staff to look into the Town of Cedar Hills property identified on the plat.

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

Motion passes.

9. Review/Action on The Charleston at Cedar Hills Assisted Living Center Site Plan and Exterior Elevations

See handouts.

Staff Presentation:

David Bunker reported that this expansion was approved earlier but this new expansion is larger. It still meets the zoning criteria. The Fire Chief is okay with the 10-foot setback on the southeast corner as long as the isle way remains clear and there is access on the south side of the building. There is an Alzheimer’s unit in the expansion.

**MOTION: C. Richardson - To approve the Charleston site plan and exterior elevations.** Seconded by C. Perry.

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

**MOTION: C. Kirk - To extend the meeting for one-half hour.** Seconded by C. Bowman.

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

10. Review/Action on Final Site Plan for the Cedar Hills Retail Center for the Commercial Property Located on the Southeast Corner at the Intersection of Cedar Hills Drive and 4800 West, Amsource

See handouts.

**MOTION: C. Richardson - In regards to the final approval for Amsource, I move that the Architecture - elevation plans be accepted subject to final approval of elevations as part of the execution of a development agreement, including:**

- 1. All utility and access doors colored such as to blend with the exterior walls.**
- 2. City Council acceptance of a complete set of color elevation plans and sample boards that are deemed harmonious with the American Colonial style, and compatible with existing and proposed developments.**

**Landscaping - landscaping plan to be accepted, subject to:**

- 1. A finding by the City Council that the combined quantity (25%) and quality of landscaping (to be 3”+ caliper trees, 5 gallon+ shrubs) meets the intent of the Design Guidelines, and successfully mitigates the hard surface and visual impact of the development. Also acceptance by the City Council of a special landscape feature which will count towards the landscape requirements, or bond in lieu. Landscaping species, counts and spacing shall be as the approved Walmart and Philip Edison developments.**

2. Retention basin shall have Kentucky bluegrass sod or substantial equivalent installed by developer in tandem with an automated irrigation system (including permanent power) and developer shall consult with a qualified landscape engineer to ensure that water-wise landscape is used .
3. Installation and acceptance of physical or virtual berming per Design Guidelines standards so as to shield the view of parking lots.
5. Acceptance of a fencing plan or a determination of landscaping in lieu of City required fencing as part of the development agreement.

Traffic -the UDOT Cat III traffic impact study is accepted by the City Council, including MAG 2030 projections for 4800 West and modeling of LOS projections; and a Council finding that the traffic capacity appears to be appropriate for the proposed project and the traffic safety and calming can be appropriately mitigated.

Additional requirements include:

1. Acceptance by the City Council of a Livability and Safety Standards Plan as recommended by the Cedar Hills Traffic Safety and Livability Oversight Committee. Allocation of costs associated with the Livability and Safety Standards Plan shall be allocated as follows: City of Cedar Hills 1/3; south development: 1/3; north development 1/3. Suballocation shall be based on equivalent residential units (ERUs) vs. anticipated project plan as projected by the City Planner.
2. The east ingress/egress on Cedar Hills Drive shall be verified as to be align with the ingress/egress of the northern commercial development.
3. Submission and acceptance of a combined Lone Peak Public Safety District and American Fork Police Department five-year accident report for the areas of:  
A
4. Traffic related exactions to be based on a TIS. Exaction adjustments are to be based on accepted development agreement calling for a post-construction traffic measurement and study conducted by the applicant at a period one year after issuance of occupancy. If empirical observations of a post-construction measurement and study indicate additional mitigations required, they shall be installed at applicants' expense, proportional to project ERUs as determined by the City Planner. The City Council may also, at their option, accept a cash bond in lieu of installation of mitigation devices.
5. Development is to be human scaled and pedestrian friendly.

Site Plan - submitted site plan is accepted, and to make a finding that:

1. The proposed site plan complies with the purpose and intent statement of the Guidelines of the Design and Review of Planned Commercial Development Projects (Design Guidelines), and that the allowed latitude is necessary for individual use within the Plan area. Considered factors include density, diversity and design.
2. The planned development meets the minimum standards of the Community Vision section of the Design Guidelines.
3. In compliance with 4.2.3 and 4.3.3, the building size for building "Retail A" was reviewed by the City Council and is approved based on a determination of compliance with at least the minimum standards for items such as building placement, aesthetics, noise control, lighting design, traffic control, etc., to give the feel consistent with the overall development as well as the community as a whole.
4. Building height and setback are in harmony with the intent of the Land Use section of the Design Guidelines, and exceed all minimum standards; building facades subject to

final review.

5. An August 2003 independent noise analysis for a nearby commercial development determined a preconstruction daytime ambient noise of 52 dbA.

6. All residential and commercial development is expected to contribute to increased ambient noise levels.

Site Plan acceptance includes:

1. Acceptance of pedestrian flow paths between the proposed site pads, specifically at the main access route.

3. Building placement and sub districting has been reviewed, and a finding that Retail A placement is in harmony with the intent of the Design Guidelines, taking into account the requirement for a human-scaled, pedestrian-friendly development that is sensitive to the surrounding residential areas, and placement of the intense-retail uses away from nearby residential.

8. Signs shall be subject to all provisions of the Cedar Hills sign ordinance. The City Council makes a finding that the west and north side facades of the building(s) are determined to be the building front.

9. Outside storage and sales and overnight parking shall not be allowed as outlined in the Design Guidelines.

Final engineering and verification, including but not limited to:

2. Water and sewer lines to the eastern boundary.

3. acceptance of a GEOTEC report.

4. Development of a shared parking agreement.

5. Lighting plan verification and acceptance. Plan shall show City approved lights on the accepted lighting plan, and also show the street lights along Cedar Hills Drive and 4800 West.

6. Construction access via 4800 West only. Streets shall be kept free of dirt and debris during construction.

7. Approval of a drainage plan

8. Approval of the determined location for the moved sewer meter.

9. Site improvements: curb and gutter alignments for 4800 West shall be verified for right-of-way (ROW) width. An approved subdivision plat shall verify the proper ROW dedication. Sidewalks to be installed by the developer, or at the City Council's discretion a cash bond may be accepted.

10. All utilities for complete site improvement shall be included as part of the subdivision requirements.

Fire Marshall and Police Chief Approval

Legal Review

Verification of Water rights submitted

Execution of a Development Agreement

The issuance of a conditional use permit (CUP) and acceptance of the CUP by City Council.

A notice to developer that the approval is for that phased portion designated as Retail A, and that further approval will be required for a finding and acceptance by the City Council that the development satisfies the city's subdivision ordinance and section 4.5 of the Design Guidelines. Said finding shall be part of an executed development agreement. No approval is given or implied that that phased portion designated as "Bank" has been or will be approved.

**Acceptance of recorded CC&Rs providing for the construction, completion, reasonable maintenance, upkeep and cleanliness, and surety of the combined project completion. Said CC&Rs shall allow for the inclusion of adjacent development as a future phase and association member.**

11. Review/Action on Resolution Indicating the Intent of the City of Cedar Hills to Adjust the Common Boundary with Pleasant Grove City
13. Review/Action to Adopt the Police Service Contract with American Fork City, Utah
14. Review/Action on the Amendments to the City Code Title 3, Chapter 1, Business Licensing – Premises Occupations and Title 10, Chapter 5, Section 23, and Chapter 4, Articles D and E.

C. Perry 7-8-2008b  
C. Richardson Second

15. R/A on Amendments to the Zone Map to change the upper water tank and pressurized irrigation tank site from the H-1 Hillside Development Zone to the PF Public Facilities Zone. The property is located at approximately 10440 North and 3600 West

C. Richardson – Motion  
C. – Second

16. City Manager Report and Discussion

17. Board and Committee Reports

C. Perry – motion to go into executive session  
C. – Second

Discussion of St. Andrews property determining the asking price, council decided 4.2 with a listing as the CDA

C. – motion to adjourn executive session  
C. Perry – Second

C. Perry – Motion to adjourn  
C. Kirk – Second