

CITY COUNCIL MEETING
Tuesday, September 2, 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 their Regular City Council Meeting on Tuesday, September 2, 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).

CONSENT AGENDA

3. Minutes from the August 5, 2008, Public Hearing and Regular City Council Meeting

SCHEDULED ITEMS

4. Swearing in of New Deputy City Recorder
5. Review/Action on Cedar Hills Golf Course Items and Clubhouse
6. Review/Action on Tree City USA
7. Review/Action on Amendments to the City Code Title 3, Chapter 1, Business Licensing
8. Review/Action on Funds for a Statue
9. Review/Action on School Zone at Deerfield Elementary
10. City Manager Report and Discussion

MAYOR AND COUNCIL REPORTS

11. Board and Committee Reports

EXECUTIVE SESSION

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

ADJOURNMENT

14. Adjourn

Posted this 28th day of August, 2008.

Kim E. Holindrake, City Recorder

- Supporting documentation for this agenda is posted on the City's Web Site at 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

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

City Council Memorandum

SUBJECT: Swearing in of New Deputy City Recorder
APPLICANT PRESENTATION:
STAFF PRESENTATION: Konrad Hildebrandt

BACKGROUND AND FINDINGS:

The City has hired Cathy Larsen as the Deputy City Recorder. With the advice and consent of the City Council, Konrad Hildebrandt appoints Cathy Larsen to the office of Deputy City Recorder.

PREVIOUS LEGISLATIVE ACTION:

FISCAL IMPACT:

SUPPORTING DOCUMENTS:

RECOMMENDATION

To appoint Cathy Larsen to the office of Deputy City Recorder.

MOTION

To appoint Cathy Larsen to the office of Deputy City Recorder.



CITY OF CEDAR HILLS

TO:	Mayor and City Council
FROM:	Konrad Hildebrandt, City Manager
DATE:	9/2/2008

Konrad City Council
Agenda Item

SUBJECT:	Golf Course Items and Clubhouse
APPLICANT PRESENTATION:	N/A
STAFF PRESENTATION:	Konrad Hildebrandt
BACKGROUND AND FINDINGS:	
<p>The City of Cedar Hills is actively finishing up all of the approved reconfiguration efforts. All reconfiguration projects will be completed by the end of Fall 2008.</p> <p>The City Council asked for cost estimates on constructing the previously designed clubhouse, leaving the second floor a shell only. These cost estimates will be provided at the meeting.</p> <p>Further direction on how to proceed with the clubhouse development is staff-requested.</p>	
PREVIOUS LEGISLATIVE ACTION:	
NONE	
FISCAL IMPACT:	
<p>The purpose of the 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.</p>	
SUPPORTING DOCUMENTS:	
None	
RECOMMENDATION:	
None	
MOTION:	
None	



CITY OF CEDAR HILLS

TO:	Mayor and City Council
FROM:	Konrad Hildebrandt, City Manager
DATE:	9/2/2008

Konrad City Council
Agenda Item

SUBJECT:	Tree City USA – The Arbor Foundation
APPLICANT PRESENTATION:	N/A
STAFF PRESENTATION:	Konrad Hildebrandt
BACKGROUND AND FINDINGS: The City Council has requested that staff investigate the requirements of participating as a Tree City USA member. Following are the basic requirements of membership: <ol style="list-style-type: none">1. Establishment of a Board – this is completed through our Parks and Trails Committee bylaws2. Development of a Community Tree Care Ordinance3. Budgeted \$2 per capita (\$19,554) for a Forestry Program – done annually4. Annual Arbor Day Observance and Proclamation Some of the benefits of Tree City USA participation include: Public Image, Citizen Pride, Financial Assistance (small grant availability), Publicity, (see attached).	
PREVIOUS LEGISLATIVE ACTION: NONE	
FISCAL IMPACT: \$2 per capita for a Forestry Program	
SUPPORTING DOCUMENTS: 15 Reasons to Become a Tree City	
RECOMMENDATION: Staff recommends that the City Council decide on the merits of becoming a Tree City USA City.	
MOTION: To approve the development of a Tree City USA Program and direct staff to complete all Tree City Standards	

15 Reasons to Become a Tree City

Becoming a Tree City:

1. encourages better care of community forests
2. touches the lives of people within the community who benefit daily from cleaner air, shadier streets, and aesthetic beauty that healthy, well-managed urban forests provide
3. recognizes and rewards communities for annual advancements in urban forestry practices
4. increases public awareness of the many social, economical and environmental benefits urban forestry practices
5. Provides education to improve current urban forestry practices
6. builds cooperation between public and private sectors to effectively manage urban forests
7. encourages, supports, and strengthens effective urban forestry programs in diverse communities nationwide
8. can make a strong contribution to a community's pride
9. serves as a blueprint for planting and maintaining a community's trees
10. puts people in touch with other communities and resources that can help them improve their program
11. brings solid benefits to a community such as helping to gain financial support for tree projects and contributing to safer and healthier urban forests
12. helps present the kind of image that most citizens want to have for the place they live or conduct business
13. tells visitors, through signage, that here is a community that cares about its environment
14. sometimes gives preference over other communities when allocations of grant money are made for trees or forestry programs, and
15. provides a way to reach large numbers of people with information about tree care



CITY OF CEDAR HILLS

TO:	City Council
FROM:	Brad Kearn-Zoning Administrator
DATE:	September 2, 2008

City Council Agenda Item

SUBJECT:	Sexually Oriented Business
APPLICANT PRESENTATION:	
STAFF PRESENTATION:	Konrad Hildebrandt
BACKGROUND AND FINDINGS:	City of Cedar Hills attorney, Eric Johnson, suggested linking the website of the findings of fact reports to our SOB ordinance. These reports will further strengthen the City's position in defending its position against any future potential litigation. www.secondaryeffectsresearch.com
PREVIOUS LEGISLATIVE ACTION:	NONE
FISCAL IMPACT:	NONE
SUPPORTING DOCUMENTS:	www.secondaryeffectsresearch.com
RECOMMENDATION:	Recommend approval of the report link to the SOB Ordinance.
MOTION:	To recommend that the web link of the findings of fact reports be approved.

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 3, BUSINESS AND LICENSE REGULATIONS, OF THE CITY CODE OF THE CITY OF CEDAR HILLS, UTAH, BY AMENDING 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, Article E, Section 1, Paragraph B.1, of the City Code, entitled Title, Purpose and Applicability, is hereby amended to read as follows:

3-1E-1 B. TITLE, PURPOSE AND APPLICABILITY:

1. Based on evidence of the adverse secondary effects of adult uses presented in hearings and in reports **found at www.secondaryeffectsresearch.com and** made available to the City Council, and on findings incorporated in the cases of *City of Erie v. Pap's A.M.*, 529 U.S. 277, 120 S.Ct. 1382, 146 L.Ed.2d 265 (2000); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41, 106 S.Ct. 925, 89 L.Ed.2d 29 (1986); *Young v. American Mini Theatres, [Inc.]*, 427 U.S. 50, 96 S.Ct. 2440, 49 L.Ed.2d 310 (1976); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560, 111 S.Ct. 2456, 115 L.Ed.2d 504 (1991); *California v. La Rue*, 409 U.S. 109, 93 S.Ct. 390, 34 L.Ed.2d 342 (1972); *O'Connor v. City and County of Denver*, 894 F.2d 1210 (10th Cir.1990); *Z.J. Gifts D-2, L.L.C. v. City of Aurora*, 136 F.3d 683 (10th Cir.1998); *Dodger's Bar & Grill, Inc. v. Johnson County*, 98 F.3d 1262 (10th Cir.1996); *Dodger's Bar & Grill, Inc. v. Johnson County Bd. of County Com'rs*, 32 F.3d 1436 (10th Cir.1994); *American Target Advertising, Inc. v. Giani*, 199 F.3d 1241 (10th Cir.2000); *MS News Co. v. Casado*, 721 F.2d 1281 (10th Cir.1983); *Cortese v. Black*, 87 F.3d 1327, (10th Cir.1996); *Heideman v. South Salt Lake City*, 348 F.3d 1182 (10th Cir. 2003); *Doctor John's Inc. v. Roy*, 465 F.3d 1150 (10th Cir. 2006), *Salt Lake City v. Wood*, 1999 Utah App. 323, 991 P.2d 595 (Utah Ct.App.1999); *Midvale City Corp. v. Haltom*, 73 P.3d 334 (Utah 2003); *United States v. Freedberg*, 724 F.Supp. 851 (D.Utah 1989); and documents concerning the secondary effects occurring in and around sexually oriented businesses, including, but not limited to, Phoenix, Arizona-1984; Minneapolis, Minnesota-1980; Houston, Texas-1997; Indianapolis, Indiana-1984; Amarillo, Texas; Garden Grove, California-1991; Los Angeles, California-1977; Whittier, California-1978; Austin, Texas-1986; Seattle, Washington-1989; Oklahoma City, Oklahoma-1986; Cleveland, Ohio-; and Dallas, Texas-1997; St. Croix County, Wisconsin-1993; Bellevue, Washington-1998; Newport News, Virginia-1996; New York Times Square study-1994; Phoenix, Arizona-1995-98; and

also on findings from the paper entitled “Stripclubs According to Strippers: Exposing Workplace Sexual Violence,” by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota, and from “Sexually Oriented Businesses: An Insider's View,” by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, Jan. 12, 2000; crime statistics of the City of South Salt Lake for the past seven years; and the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota) the town council finds as follows:

SECTION 2. Title 3, Chapter 1, Article E, Section 10, of the City Code, entitled Bond Required, is hereby amended to read as follows:

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 ~~designated on the City’s Fees, Bonds, and Fines Schedule of twenty thousand dollars (\$20,000.00)~~. 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 ~~the original amount twenty thousand dollars (\$20,000.00)~~ within fifteen (15) days of the date of notice of any draw against it.

**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 2ND DAY OF SEPTEMBER, 2008.**

Michael C. McGee, Mayor

ATTEST:

Kim E. Holindrake, City Recorder



CITY OF CEDAR HILLS

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

City Council Memorandum

SUBJECT: Funds for a Statue
APPLICANT PRESENTATION:
STAFF PRESENTATION: Council member Wright

BACKGROUND AND FINDINGS:

- Artist: Mark DeGraffenried
- Pictures can be seen at degraffenried.net under the commissions link look at "Crossings" or "Legacy"
- The statue is titled "Legacy" and represents the emigration of pioneers into Utah. It was commissioned to commemorate the 200 year celebration of the pioneers coming into Utah.
- Mark grew up in Highland Utah and said he would be "tickled" to have this statue so close to his home town. (He now lives in Clarkston Utah).
- The larger than life statue is currently on display at the Utah Cultural Celebrations Center - 3100 South on Redwood Road.
- Mark thinks a round a bout is the perfect place to display the statue for it was made to be viewed 360 degrees.
- The statue is a four figure family. The father stands over 7 feet tall holding a suitcase and among trunks.
- The mother is holding out her hands to her little girl taking her first steps which symbolizes emigrants stepping into new and unknown adventures.
- There is a little boy holding a stick and poking a crab which symbolizes emigrants who sailed across the sea to America then traveled cross country to Utah representing the long journey.
- Four statues were cast. Three are in England and one is left (the one we want to buy) the mold is broken and was thrown away so no others will ever be cast.
- There are five 18inch versions of this statue that were made for the original commissioner to show him what the larger than life size would look like. These five could possibly be used to give to big donors at a cost of 2,500 dollars a piece.
- There are two other organizations who want this statue yet because of Marisa's Uncle Vern's (curator of the Springville Art Museum) relationship with the artist Cedar Hills has been given first priority. The artist will hold it for our city for one month. After that he will offer it to UTA Trax who is willing to pay more than 60k for it. Peace Park also wants it and was quoted

the price of 90k a while back and has been looking for a donor ever since. If they find a donor they want to buy it.

- If we were to commission this piece it would cost us anywhere from 130k to 200K depending on the artist. DeGraffenried is considered one of the West's finest sculptures says Vern Swanson. Vern describes the statue by saying "DeGraffenried's bronze of pioneer family winding their way to Utah is both powerful and tender. "Legacy" tells the story of the travails of thousands of pioneer families."
- As far as payment the artist has made our town an amazing offer. He will except 10 thousand now and give us the piece now then the remaining 50 thousand will be due in one year. There are two reasons the artist is being soooooooooo generous with our town:
- First: He really wants to see this statue in a permanent home so close to his home town of Highland. He grew up around the A.F. canyon and remembers Cedar Hills when is was nothing more than farm land. It would be very sentimental for him to have his art in his homeland.
- Thus he is giving us a deal of a lifetime.
- Second: He works a lot with Vern and respects him. He and Vern have come to an arrangement. DeGraffenried owns half of the sculpture and the man who cast it owns the other half. The caster spoke with Vern a while back and quoted the price of the statue as 90k. Vern then went back to Degraffenried and the two agreed to offer the statue to the city of Cedar Hills at 60k.
- Basically we could not have payed anyone money to get us a better deal!



CITY OF CEDAR HILLS

TO:	Mayor and City Council
FROM:	David H. Bunker, City Engineer
DATE:	9/2/2008

City Council Agenda Item

SUBJECT:	Review/Action on School Zone at Deerfield Elementary
APPLICANT PRESENTATION:	Click here to enter text.
STAFF PRESENTATION:	David Bunker
BACKGROUND AND FINDINGS: Members of the City Council requested pricing to install flashing lights in the school zone at Deerfield Elementary. We received pricing from Safety Supply & Sign to install 2 flashing beacons, timer, speed limit signs and treated posts.	
PREVIOUS LEGISLATIVE ACTION: None.	
FISCAL IMPACT: Pricing for just supplies would be approximately \$5,800.00. This would not include any required installation.	
SUPPORTING DOCUMENTS: Click here to enter text.	
RECOMMENDATION: City Council should review the provided information and direct staff on further action.	
MOTION: To approve/not approve the installation of flashing lights at the Deerfield Elementary school zone.	