

CITY COUNCIL MEETING
Tuesday, March 17, 2009 7:30 p.m.
Public Safety Building
3925 W Cedar Hills Drive, Cedar Hills, Utah

(NOTE TIME CHANGE)

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, March 17, 2009, beginning at 7:30 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 March 3, 2009, Regular City Council Meeting

SCHEDULED ITEMS

4. Review/Action on Chase Bank Landscaping
5. Review/Action to Award the Bid for the 2009 Cottonwood Well Pump House Project
6. Review/Action to Release the Bid Bond for Vancon, Inc.
7. Review/Action on a Resolution Adopting a Proclamation for Arbor Day
8. City Manager Report and Discussion

MAYOR AND COUNCIL REPORTS

9. Board and Committee Reports

EXECUTIVE SESSION

10. Motion to go into Executive Session, Pursuant to Utah State Code 52-4-205
* * * EXECUTIVE SESSION * * *
11. Motion to Adjourn Executive Session and Reconvene City Council Meeting

ADJOURNMENT

12. Adjourn

Posted this 12th day of March, 2009.

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 and City Council
FROM:	Greg Robinson, Assistant to the City Manager
DATE:	3/3/2009

City Council Agenda Item

SUBJECT:	Review/ Recommendation on Preliminary/Final Revised Site Plan for the Cedar Hills Retail Subdivision, Lot 2 - Phillips Edison - Chase Bank
APPLICANT PRESENTATION:	Ted Watson, Chase Bank VP/Sr. Project Manager & Rick Espinosa, CLC
STAFF PRESENTATION:	Greg Robinson, Assistant to the City Manager, Planning

BACKGROUND AND FINDINGS:

Chase Bank has returned to discuss the landscaping changes and also to explain the need for the drive along the west side of the building.

Chase has added walkways connecting to the corner and 4800 West, they also have sidewalk connections to the Lot 1 to the north. They have sufficiently matched the landscaping to the Walmart site. They have also added additional trees, including evergreens to maintain wintertime landscaping.

The biggest change to the site plan is to the west drive which has been moved closer to the building in order to maintain a strip of landscaping after the future 4800 West expansion. This strip will include plantings that will be maintained at an approximate height of 2' feet, which is intended to screen the west drive from 4800 West traffic, and provide a pedestrian buffer for the 4800 West sidewalk.

It is Chase's intention to return at a later date to discuss the signage for this project.

PREVIOUS LEGISLATIVE ACTION:

March 3, 2009 – City Council approved final site plan subject to landscaping changes, explanation of west drive, and approval of signage.

February 26, 2009 – Planning Commission recommendation for approval

February 17, 2009 – City Council extension of Phillips Edison Site Plan Approval

FISCAL IMPACT:

N/A

SUPPORTING DOCUMENTS:

The amended site plan documents will be emailed before council meeting and hard copies will be provided at the meeting.

RECOMMENDATION:

Chase has met with staff and also with Councilman Richardson, they have met the landscaping requirements asked of them by the City, and it is staff recommendation to accept the changes to the site plan.

MOTION:

To approve/not approve the amended landscaping plan for the Revised Site Plan for the Cedar Hills Retail Subdivision.



CITY OF CEDAR HILLS

TO:	Mayor and City Council
FROM:	David H. Bunker, City Engineer
DATE:	3/17/2009

City Council Agenda Item

SUBJECT:	Cottonwood Well Pumphouse Project 2009
APPLICANT PRESENTATION:	None
STAFF PRESENTATION:	David Bunker
BACKGROUND AND FINDINGS: After City Council awarded the Cottonwood Well Pumphouse Project to Vancon, Inc on March 3, 2009, the City received a call from Vancon on Friday March 6, to request a withdrawl of their bid due to an error in cost tabulation in the bid. The bid was in the amount of \$275,000. The error was in the electrical portion of the bid. Vancon had received a bid for electrical services from a sub-contractor in the amount of \$60,000. During the bid submission, Vancon inadvertently used \$6,000 for the electrical component, and the error of \$54,000 was not discovered until after they were awarded the project. The second low bidder, Hills Construction, has a responsive bid of \$326,000. The City has not had previous experience with the Company, but references will be verified.	
PREVIOUS LEGISLATIVE ACTION: Previously awarded the Cottonwood Well Pumphouse Project to Vancon, Inc on March 3, 2009.	
FISCAL IMPACT: Cottonwood Well Pumphouse Project has an engineers estimate of \$727,000, this does not include the pre-purchase of the pump & motor, scada and telemetry.	
SUPPORTING DOCUMENTS: References for Hills Construction.	
RECOMMENDATION: Staff recommends City Council review the presented bid by Hills Contruction and award the project to the responsive low bidder, considering budget limitations.	
MOTION: Due to the withdrawl of bid from Vancon, Inc. for the Cottonwood Well Pumphouse Project, I make a motion to award/not award a contract to _____, for the construction of the Cottonwood Well Pumphouse Project 2009 in the approximate amount of \$_____.	

CONTRACTOR REFERENCE CALLS
COTTONWOOD WELL PUMP STATION PROJECT

10-Mar-09

CONTRACTOR	PROJECT	COMPLETE DATE	REF NAME	COMPANY	REF PHONE	Contract Value	COMMENTS
Hills Construction	Metro Booster Station (Sandy City)	Mar-09	Jason Luettinger	Bowen Collins and Assoc	801-495-2224	\$362,574	The project went well. Hills Construction is good to work with and does excellent work. Would recommend for future projects.
	3-Wells and Pump Stations (JVVCD)	Mar-09	Vern Conder	Hansen, Allen and Luce	801-566-5599	\$4,034,061	They perform above average work; very reasonable with change orders; good to work with; do a good job; Gilbert, the superintendent, is a go-getter and takes care of the project.
	Mantua Pump Station (City of Mantua)	Feb-09	Lee Watkins	Hanson and Assoc	435-723-3491	\$126,450	Good to work with; good on schedule; highly recommend for future projects

BID TABULATION

CITY OF CEDAR HILLS
COTTONWOOD WELL PUMP STATION
Bids Opened at 2:00 pm on 2-26-09

Item No.	Classification of Unit Price Work	Qty	Unit	1 VanCon Inc.		2 Hills Construction		3 J&R Development		4 Absolute Constructors		5 Clear Construction		6 S&L Landscaping		7 J. Lyne Roberts		8 Counterpoint Const		9 Nelson Brothers Const		
				Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price
	Base Bid Items																					
1	Construction of the Cottonwood Well Pump Station Project	1	LS		\$275,000.00		\$326,000.00															\$443,730.00
	Additive Alternate Bid Items																					
A-1	Seeding, complete (seed mix and installation as specified on project documents)	1	SY	\$0.72	\$0.72	\$1.70	\$1.70	\$1.80	\$1.80	\$1.69	\$1.69	\$4.69	\$4.69	\$0.85	\$0.85	\$1.60	\$1.60	\$1.60	\$1.60	\$1.54	\$1.54	
A-2	Tree, Rocky Mountain Juniper, (5 gal)	1	EA	\$40.00	\$40.00	\$40.00	\$40.00	\$55.00	\$55.00	\$44.00	\$44.00	\$44.00	\$44.00	\$40.00	\$40.00	\$47.00	\$47.00	\$40.00	\$40.00	\$40.00	\$40.00	\$40.00
A-3	Tree, Rocky Mountain Glow (15 gal)	1	EA	\$150.00	\$150.00	\$230.00	\$230.00	\$205.00	\$205.00	\$231.00	\$231.00	\$220.00	\$220.00	\$220.00	\$220.00	\$175.00	\$175.00	\$210.00	\$210.00	\$210.00	\$210.00	\$210.00
A-4	Tree, Limber Pine (5 gal)	1	EA	\$86.00	\$86.00	\$44.00	\$44.00	\$60.00	\$60.00	\$43.45	\$43.45	\$43.50	\$43.50	\$40.00	\$40.00	\$105.00	\$105.00	\$40.00	\$40.00	\$39.50	\$39.50	\$39.50
A-5	Large Shrub, Utah Serviceberry (5 gal)	1	EA	\$26.00	\$26.00	\$33.00	\$33.00	\$55.00	\$55.00	\$33.00	\$33.00	\$33.00	\$33.00	\$30.00	\$30.00	\$32.00	\$32.00	\$30.00	\$30.00	\$30.00	\$30.00	\$30.00
A-6	Large Shrub, Squawhush (5 gal)	1	EA	\$26.00	\$26.00	\$33.00	\$33.00	\$50.00	\$50.00	\$33.00	\$33.00	\$33.00	\$33.00	\$30.00	\$30.00	\$32.00	\$32.00	\$30.00	\$30.00	\$30.00	\$30.00	\$30.00
A-7	Small Shrub/Groundcover, Mountain Snowberry (5 gal)	1	EA	\$26.00	\$26.00	\$31.00	\$31.00	\$55.00	\$55.00	\$30.80	\$30.80	\$31.00	\$31.00	\$30.00	\$30.00	\$32.00	\$32.00	\$30.00	\$30.00	\$28.00	\$28.00	\$28.00
A-8	Small Shrub/Groundcover, Wyoming Big Sage (5 gal)	1	EA	\$26.00	\$26.00	\$32.00	\$32.00	\$50.00	\$50.00	\$31.90	\$31.90	\$31.00	\$31.00	\$30.00	\$30.00	\$32.00	\$32.00	\$30.00	\$30.00	\$29.00	\$29.00	\$29.00
A-9	Small Shrub/Groundcover, Rabbitbrush (5 gal)	1	EA	\$26.00	\$26.00	\$32.00	\$32.00	\$50.00	\$50.00	\$31.90	\$31.90	\$32.00	\$32.00	\$30.00	\$30.00	\$32.00	\$32.00	\$30.00	\$30.00	\$29.00	\$29.00	\$29.00
A-10	Small Shrub/Groundcover, Creeping Manotia (2 gal)	1	EA	\$26.00	\$26.00	\$25.00	\$25.00	\$35.00	\$35.00	\$23.10	\$23.10	\$23.00	\$23.00	\$25.00	\$25.00	\$32.00	\$32.00	\$22.00	\$22.00	\$21.00	\$21.00	\$21.00
A-11	Landscaping gravel, complete (installation as specified on project documents)	1	SY	\$7.86	\$7.86	\$23.00	\$23.00	\$20.00	\$20.00	\$21.98	\$21.98	\$22.00	\$22.00	\$20.00	\$20.00	\$9.50	\$9.50	\$20.00	\$20.00	\$19.98	\$19.98	\$19.98
	Additive Alternate Total				\$440.58		\$524.70		\$636.80		\$525.82		\$517.19		\$495.85		\$530.10		\$483.60		\$478.02	\$478.02

10 Newman Const		11 Landmark Excavating		12 Build Inc		12 K&P Plumbing		14 Chad Broderick Const	
Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount
	\$451,618.85		\$465,000.00		\$474,900.00		\$488,000.00		\$535,000.00
\$1.54	\$1.54	\$4.41	\$4.41	\$0.38	\$0.38	\$2.00	\$2.00	\$1.21	\$1.21
\$51.19	\$51.19	\$82.51	\$82.51	\$39.00	\$39.00	\$50.00	\$50.00	\$49.50	\$49.50
\$284.42	\$284.42	\$275.34	\$275.34	\$145.00	\$145.00	\$250.00	\$250.00	\$82.50	\$82.50
\$312.86	\$312.86	\$275.34	\$275.34	\$39.00	\$39.00	\$50.00	\$50.00	\$49.50	\$49.50
\$45.51	\$45.51	\$55.06	\$55.06	\$34.00	\$34.00	\$45.00	\$45.00	\$37.40	\$37.40
\$45.51	\$45.51	\$55.06	\$55.06	\$30.00	\$30.00	\$45.00	\$45.00	\$37.40	\$37.40
\$45.51	\$45.51	\$55.06	\$55.06	\$30.00	\$30.00	\$45.00	\$45.00	\$37.40	\$37.40
\$45.51	\$45.51	\$55.06	\$55.06	\$30.00	\$30.00	\$45.00	\$45.00	\$37.40	\$37.40
\$45.51	\$45.51	\$55.06	\$55.06	\$30.00	\$30.00	\$45.00	\$45.00	\$37.40	\$37.40
\$34.13	\$34.13	\$53.04	\$53.04	\$33.00	\$33.00	\$49.00	\$49.00	\$26.40	\$26.40
\$18.77	\$18.77	\$13.22	\$13.22	\$46.00	\$46.00	\$45.00	\$45.00	\$175.00	\$175.00
	\$930.46		\$959.26		\$458.38		\$671.00		\$572.11



CITY OF CEDAR HILLS

TO:	Mayor and City Council
FROM:	David H. Bunker, City Engineer
DATE:	3/17/2009

City Council Agenda Item

SUBJECT:	Vancon Inc. Bid Withdrawl
APPLICANT PRESENTATION:	None
STAFF PRESENTATION:	David Bunker
BACKGROUND AND FINDINGS: <p>After City Council awarded the Cottonwood Well Pumphouse Project to Vancon, Inc on March 3, 2009, the City received a call from Vancon on Friday March 6, to request a withdrawl of their bid due to an error in cost tabulation in the bid. The bid was in the amount of \$275,000. The error was in the electrical portion of the bid. Vancon had received a bid for electrical services from a sub-contractor in the amount of \$60,000. During the bid submission, Vancon inadvertently used \$6,000 for the electrical component, and the error of \$54,000 was not discovered until after they were awarded the project.</p> <p>Vancon posted a bid security in the amount of \$13,750, or 5% of the submitted bid. If the bid is accepted and the contractor cannot perform according to the contract specifications, the City has the option of collection of the bid security. See ARTICLE 8 – BID SECURITY and ARTICLE 16 – MODIFICATION AND WITHDRAWL OF BID, Volume 1 of 2 Specifications.</p> <p>Recently, the City also had another contractor withdraw a bid for the 2009 Pressurized Irrigation project. However, that contractor was not officially awarded the project, but realized the error within 24 hours and submitted a request for withdrawl. The city did allow that contractor to withdraw their bid.</p>	
PREVIOUS LEGISLATIVE ACTION: <p>Awarded Cottonwood Well Pumphouse Project to Vancon, Inc. on March 3, 2009.</p>	
FISCAL IMPACT: <p>Vancon Inc. submitted a bid of \$275,000. Next low bid submitted by Hills Const. at \$326,000.</p>	
SUPPORTING DOCUMENTS: <p>N/A.</p>	
RECOMMENDATION: <p>Staff recommends City Council review the bid security procedures and ramifications of bid withdrawl by Vancon, Inc. Issues to consider are 1)additional cost for review by Bowen & Collins & staff 2) possible project delay 3) increased project costs</p>	
MOTION: <p>To release/not release the bid security bond for the Cottonwood Pumphouse Well project to Vancon Inc.</p>	

ARTICLE 5 - PRE-BID CONFERENCE

5.01 A pre-Bid conference will be held at 10 a.m. local time on February 17, 2009 at the office of the OWNER. Representatives of Owner and Engineer will be present to discuss the Project. Bidders are encouraged to attend and participate in the conference. Engineer will transmit to all prospective Bidders of record such Addenda as Engineer considers necessary in response to questions arising at the conference. Oral statements may not be relied upon and will not be binding or legally effective.

ARTICLE 6 - SITE AND OTHER AREAS

6.01 The Site is identified in the Bidding Documents. Easements for permanent structures or permanent changes in existing facilities are to be obtained and paid for by Owner unless otherwise provided in the Bidding Documents. All additional lands and access thereto required for temporary construction facilities, construction equipment, or storage of materials and equipment to be incorporated in the Work are to be obtained and paid for by Contractor.

ARTICLE 7 - INTERPRETATIONS AND ADDENDA

7.01 All questions about the meaning or intent of the Bidding Documents are to be submitted to Engineer in writing. Interpretations or clarifications considered necessary by Engineer in response to such questions will be issued by Addenda mailed or delivered to all parties recorded by Engineer as having received the Bidding Documents. Questions received less than ten days prior to the date for opening of Bids may not be answered. Only questions answered by Addenda will be binding. Oral and other interpretations or clarifications will be without legal effect.

7.02 Addenda may be issued to clarify, correct, or change the Bidding Documents as deemed advisable by Owner or Engineer.

ARTICLE 8 - BID SECURITY

8.01 A Bid must be accompanied by Bid security made payable to Owner in an amount of 5 percent of Bidder's maximum Bid price and in the form of a certified check or bank money order or a Bid bond (on the form attached) issued by a surety meeting the requirements of Paragraphs 5.01 and 5.02 of the General Conditions.

8.02 The Bid security of the Successful Bidder will be retained until such Bidder has executed the Contract Documents, furnished the required contract security and met the other conditions of the Notice of Award, whereupon the Bid security will be returned. If the Successful Bidder fails to execute and deliver the Contract Documents and furnish the required contract security within 10 days after the Notice of Award, Owner may annul the Notice of Award and the Bid security of that Bidder will be forfeited. The Bid security of other Bidders whom Owner believes to have a reasonable chance of receiving the award may be retained by Owner until the earlier of seven days after the Effective Date of the Agreement or 61 days after the Bid opening, whereupon Bid security furnished by such Bidders will be returned.

8.03 Bid security of other Bidders whom Owner believes do not have a reasonable chance of receiving the award will be returned within seven days after the Bid opening.

ARTICLE 15 - SUBMITTAL OF BID

15.01 The Bid Form is to be completed and submitted with the Bid security and the following data:

- A. Section 00425 – Contractor's Current Business License Information.
- B. Section 00431 – Certificate of Bidder's Experience and Qualifications.
- C. Section 00436 – Project Organization Description.
- D. Section 00440 – Resumes of Key Personnel.

15.02 A Bid shall be submitted no later than the date and time prescribed and at the place indicated in the Advertisement or Invitation to Bid and shall be enclosed in an opaque sealed envelope plainly marked with the Project title (and, if applicable, the designated portion of the Project for which the Bid is submitted), the name and address of Bidder, and shall be accompanied by the Bid security and other required documents. If a Bid is sent by mail or other delivery system, the sealed envelope containing the Bid shall be enclosed in a separate envelope plainly marked on the outside with the notation "BID ENCLOSED." A mailed Bid shall be addressed to:

David Bunker, City Engineer
10246 N Canyon Road
Cedar Hills, Utah 84062

ARTICLE 16 - MODIFICATION AND WITHDRAWAL OF BID

16.01 A Bid may be modified or withdrawn by an appropriate document duly executed in the manner that a Bid must be executed and delivered to the place where Bids are to be submitted prior to the date and time for the opening of Bids.

16.02 If within 24 hours after Bids are opened, any Bidder files a duly signed written notice with Owner and promptly thereafter demonstrates to the reasonable satisfaction of Owner that there was a material and substantial mistake in the preparation of its Bid, that Bidder may withdraw its Bid, and the Bid security will be returned. Thereafter, if the Work is rebid, that Bidder will be disqualified from further bidding on the Work.

ARTICLE 17 - OPENING OF BIDS

17.01 Bids will be opened at the time and place indicated in the Advertisement or Invitation to Bid and, unless obviously non-responsive, read aloud publicly. An abstract of the amounts of the base Bids and major alternates, if any, will be made available to Bidders after the opening of Bids.

ARTICLE 18 - BIDS TO REMAIN SUBJECT TO ACCEPTANCE

18.01 All Bids will remain subject to acceptance for the period of time stated in the Bid Form, but Owner may, in its sole discretion, release any Bid and return the Bid security prior to the end of this period.

ARTICLE 19 – EVALUATION OF BIDS AND AWARD OF CONTRACT



CITY OF CEDAR HILLS

TO:	City Council
FROM:	Zoning Department
DATE:	March 17, 2009

City Council Agenda Item

SUBJECT:	Arbor Day Proclamation
APPLICANT PRESENTATION:	
STAFF PRESENTATION:	Konrad Hildebrandt – City Manager
BACKGROUND AND FINDINGS: In order for our community to be eligible to participate in the Arbor Day Grant program, an Arbor Day Observance and Proclamation date needs to be set up and the form filled out by the Mayor. All other requirements to participate in the Tree City USA program have been met. The TREE CITY USA award is made in recognition of work completed by the city during the calendar year.	
PREVIOUS LEGISLATIVE ACTION: None	
FISCAL IMPACT: None	
SUPPORTING DOCUMENTS: See attached Arbor Day Proclamation form.	
RECOMMENDATION: To approve and complete the Arbor Day Proclamation form.	
MOTION: Motion to approve the Arbor Day Proclamation.	

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CEDAR HILLS, UTAH,
ADOPTING A PROCLAMATION DESIGNATING APRIL 24, 2009, AS ARBOR DAY.**

WHEREAS, the City of Cedar Hills wishes to celebrate and support efforts to protect trees and woodlands with the City.

NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Cedar Hills, Utah as follows:

SECTION 1. The attached Proclamation is issued by the City Council of the City of Cedar Hills, Utah, resolving that April 24, 2009, is designated as “Arbor Day.”

SECTION 2. This Resolution shall take effect immediately upon its approval and adoption.

PASSED, APPROVED and ADOPTED this 17th day of March, 2009.

Michael C. McGee, Mayor

ATTEST:

Kim E. Holindrake, City Recorder

OFFICIAL PROCLAMATION

CITY OF CEDAR HILL, UTAH

Arbor Day
April 24, 2009

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

WHEREAS, the holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

WHEREAS, Arbor Day is now observed throughout the nation and the world, and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, lower our heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

WHEREAS, trees in our City increase the property values, enhance the economic vitality of business areas, and beautify our community, and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal.

NOW THEREFORE, I, Michael C. McGee, Mayor of the City of Cedar Hills do hereby proclaim April 24, 2009, as "ARBOR DAY" in the City of Cedar Hills, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

FURTHER, I urge all citizens to plant and care for trees to gladden the heart and promote the well-being of this and future generations.

Dated this 17th day of March, 2009.

Michael C. McGee, Mayor