



**CITY COUNCIL MEETING
OF THE CITY OF CEDAR HILLS
Wednesday, November 5, 2014 7:00 p.m.
PLEASE NOTE DATE CHANGE**

Notice is hereby given that the City Council of the City of Cedar Hills, Utah, will hold a City Council Meeting on Wednesday, November 5, 2014, beginning at 7:00 p.m. at the Community Recreation Center, 10640 N Clubhouse Drive, Cedar Hills, Utah. This is a public meeting and anyone is invited to attend.

COUNCIL MEETING

1. Call to Order, Invocation given by C. Rees and Pledge led by C. Zappala
2. Approval of Meeting's Agenda
3. 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)

REPORTS/PRESENTATIONS/RECOGNITIONS

4. Presentation by the Cultural Arts Citizens Advisory Committee

CONSENT AGENDA

5. Appointment of Regular Member to the Board of Adjustment
6. Minutes from the October 22, 2014 City Council Meeting

CITY REPORTS AND BUSINESS

7. City Manager
8. Mayor and Council

SCHEDULED ITEMS

9. Review/Action on Authorizing an Agreement with New Hope Bible Church for Rental of Rooms at the Community Recreation Center
10. Discussion on Contract for Community Recreation Center Concessions
11. Review/Action on an Ordinance Amending Title 8, Chapter 2, Relating to Impact Fees

ADJOURNMENT

12. Adjourn

Posted this 31st day of October, 2014

/s/ Colleen A. Mulvey, City Recorder

- Supporting documentation for this agenda is posted on the city's website 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 801-785-9668 at least 48 hours in advance of the meeting.
- An Executive Session may be called to order pursuant to Utah State Code 54-4-204 & 54-4-205.
- The order of agenda items may change to accommodate the needs of the City Council, the staff, and the public.
- This meeting may be held electronically via telephone to permit one or more of the council members to participate.



CITY OF CEDAR HILLS

TO:	Mayor and City Council
FROM:	David Bunker, City Manager
DATE:	11/5/2014

City Council Agenda Item

SUBJECT:	Appointment of Regular Member to the Board of Adjustment
APPLICANT PRESENTATION:	n/a
STAFF PRESENTATION:	David Bunker
BACKGROUND AND FINDINGS: <p>The mayor shall make a recommendation to the city council on appointment of new regular or alternate members to the Board of Adjustment. Currently there is a vacancy on the Board of Adjustment. Also, a pending application to meet with the Board has been received, necessitating a meeting with the board during November.</p> <p>Mayor Gygi has received and reviewed the application of Charelle Hagen. The Mayor wishes to appoint the Mrs. Hagen as a regular member of the Board of Adjustment.</p>	
PREVIOUS LEGISLATIVE ACTION: UCA 10-9a-701 City Code 9-1C-1	
FISCAL IMPACT: n/a	
SUPPORTING DOCUMENTS:	
RECOMMENDATION: Staff recommends that the above named resident be made a regular member of the Board of Adjustment	
MOTION: No motion necessary, appointed by the Mayor	



CITY OF CEDAR HILLS

TO:	Mayor and City Council
FROM:	Greg Gordon
DATE:	11/5/2014

City Council Agenda Item

SUBJECT:	New Hope Bible Church
APPLICANT PRESENTATION:	
STAFF PRESENTATION:	Greg Gordon

BACKGROUND AND FINDINGS:

For the last month New Hope Bible Church has been renting the basement rooms from the City for their church services on Sunday mornings for 2 ½ hours each week. They love the set up and the space so as a result Pastor Chris Dodson has approached staff about paying to continue with the same setup for 2 years and are wanting to pay the City \$12,000 upfront. In addition they want to assist the City by adding some Community Events for anyone in the City every other month in the downstairs area. The ideas they have thrown out are movie night, first aid fair, financial seminar, Young Mother classes, etc. They will take care of all the advertising once the dates are verified through Natalie 2 weeks prior to the events and they will happen during the weekdays. They currently have approximately 25 members who attend weekly. During the summer month's staff does not have to be here since golf staff is here and can open the doors for them, during the winter month's staff will need to be here to open the doors and help them during the time they will be using the rooms.

PREVIOUS LEGISLATIVE ACTION:**FISCAL IMPACT:****SUPPORTING DOCUMENTS:****RECOMMENDATION:**

Staff recommends that you approve the agreement with the New Hope Bible to prepay for 2 years' worth of rental in the basement.

MOTION:

To approve the recommended agreement with New Hope Bible for the use of the both rooms in the basement of the Community Center for 2 years on Sunday mornings from 10:00-12:30pm.



CITY OF CEDAR HILLS

TO:	Mayor and City Council
FROM:	Greg Gordon, Recreation Director
DATE:	11/5/2014

City Council Agenda Item

SUBJECT:	Recreation Center Concessions Contract
APPLICANT PRESENTATION:	N/A
STAFF PRESENTATION:	David Bunker
BACKGROUND AND FINDINGS: Recently members of an evaluation committee met to review the concessions contract for the Recreation Center food services. The current contract calls for a 60 day notice of termination if the contract is not renewed. The committee met to discuss the contract and services provided based on customer reviews, and recommended non-renewal. The Council may discuss the process to secure an alternate occupant, considering internal operations, or temporarily discontinuing the food services program.	
PREVIOUS LEGISLATIVE ACTION: None	
FISCAL IMPACT: Varies	
SUPPORTING DOCUMENTS: N/A.	
RECOMMENDATION: Staff recommends that the City Council discuss the viability of the recreation center concession contract.	
MOTION: Discussion item only. No motion necessary at this time.	



CITY OF CEDAR HILLS

TO:	Mayor and City Council
FROM:	David Bunker, City Manager
DATE:	11/5/2014

City Council Agenda Item

SUBJECT:	Review/Action on amending Title 8, Chapter 2 Article B, relating to Cedar Hills Impact Fees
APPLICANT PRESENTATION:	N/A
STAFF PRESENTATION:	Chandler Goodwin
BACKGROUND AND FINDINGS: The City of Cedar Hills adopted a new impact fee analysis in March of 2014. The analysis was done by Zions Bank Public Finance, and implemented a new fee structure for the various impact fees. The new analysis outlined a new way to compute impact fees that differed from years past. Cedar Hills City Code, Title 8, Chapter 2, Articles B-G detail each specific impact fee, and how to compute the fee. Staff is proposing that articles B-G be condensed to remove the repetitive code and create one article that references all impact fee studies. The computation method currently found in the City code will be removed, and replaced with a reference to the analysis of March 2014.	
PREVIOUS LEGISLATIVE ACTION: New Impact Fees were adopted on March 4, 2014, and took effect in June of 2014.	
FISCAL IMPACT: N/A	
SUPPORTING DOCUMENTS: Proposed Impact Fee Ordinance	
RECOMMENDATION: Staff recommends that the Council approve the impact fee ordinance titled, "The City of Cedar Hills Impact Fee Ordinance," to replace Title 8, Chapter 2, Article B-G.	
MOTION: To approve/not approve Ordinance No. _____, An Ordinance amending the Cedar Hills Impact Fees ordinances Title 8, Chapter 2, Articles B-G, and adopting "The City of Cedar Hills Impact Fee Ordinance."	

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 8 , CHAPTER 2, ARTICLE B, CEDAR HILLS IMPACT FEES.

WHEREAS, the Utah State Legislature through the enactment of Title 11, Chapter 36, Impact Fees Act, of the Utah Code Annotated (UCA) 1953, has sought to encourage the City of Cedar Hills to enact impact fee; and

WHEREAS, the imposition of impact fees is one of the preferred methods of ensuring that development bears a proportionate share of the cost of capital facilities necessary to accommodate such development. This must be done in order to protect the public health, safety, and welfare; and

WHEREAS, impact fees are reasonable and legally permissible means of generating the revenue necessary to provide funding to construct adequate public facilities that are necessary to service new development; and

WHEREAS, the City Council of the City of Cedar Hills has theretofore authorized the preparation of a Capital Facilities Plan and Impact Fee Analysis; and

WHEREAS, a report entitled “Impact Fee Analysis” setting forth a reasonable methodology and analysis for the determination of impact fees of new development on the need for and the costs of additional public facilities improvements in the City of Cedar Hills has been prepared; and

WHEREAS, the City Council of the City of Cedar Hills has determined that the proposed amendments are in the best interest of the City and its citizens;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR HILLS, UTAH, AS FOLLOWS:

**PART I
AMENDMENTS**

TITLE: CEDAR HILLS IMPACT FEES

8-2B-1 : SHORT TITLE:

This article shall be known and may be cited as *THE CITY OF CEDAR HILLS IMPACT FEE ORDINANCE*. (Ord. 7-9-97D, 7-9-1997, eff. 7-9-1997)

8-2B-2 : INTENT AND PURPOSE:

- A. This article is intended to assist in the implementation of the city general plan.
 - 1. The purpose of this article is to regulate the use and development of land so as to assure that new development bears a proportionate share of the cost of capital

expenditures necessary for public facility improvements in the city. (Ord. 7-9-97D, 7-9-1997, eff. 7-9-1997)

8-2B-3 : RULES OF CONSTRUCTION:

- B. The provisions of this article shall be liberally constructed so as to effectively carry out its purpose in the interest of the public health, safety and welfare
- C. For the purpose of administration and enforcement, unless otherwise stated in this article, the following rules of construction shall apply to the text of this article:
 - 1. In case of any difference of meaning or implication between the text of this article and any caption illustration, summary table or illustrative table, the text shall control.
 - 2. The word “shall” is always mandatory and not discretionary; the word “may” is permissive.
 - 3. Words used in the present tense shall include the future; words used in the singular shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
 - 4. The phrase “used for” includes “arranged for”, “designed for”, “maintained for” or “occupied for”.
 - 5. The word “person” includes individual, a corporation, a partnership, an incorporated association, or any other similar entity.
 - 6. Unless the context clearly indicates the contrary; where a regulation involves two (2) or more items, conditions, provisions or events connected by the conjunction “and”, “or” or “either... or”, the conjunction shall be interpreted as follows:
 - a. “And” indicates that all the connected terms, conditions, provisions or events shall apply.
 - b. “Or” indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
 - c. “Either... or” indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
 - 7. The word “includes” shall not limit a term to the specific example, but is intended to extend its meaning to all other instances or circumstances of the like kind or character.
 - 8. “Mayor” means the mayor or the city officials he/she may designate to carry out the administration of this article. (Ord. 7-9-97D, 7-9-1997, eff. 7-9-1997)

8-2B-4 : DEFINITIONS:

The Following words and phrases used in this article shall have the following meaning unless a different meaning clearly appears in the context:

CAPITAL IMPROVEMENT: Includes public facility planning and engineering, land acquisition, site improvements, buildings and equipment, but excludes maintenance and operation.

DEVELOPMENT ORDER: A regulatory approval by the City of Cedar Hills

FEE PAYER: A person applying for the issuance of a building permit.

PRIVATE RECREATIONAL FACILITY: Any recreational facility that is not owned by or dedicated to any governmental entity. (Ord. 7-9-97D, 7-9-1997, eff. 7-9-1997; amd. 2004 Code)

WATER STORAGE, TREATMENT AND DISTRIBUTION FACILITIES: Includes any system of tanks, water treatment facilities, distribution and transmission lines, and pump stations whether for culinary or pressurized irrigation purposes. Additionally, for purposes of this article, the term "water improvements also includes any system of tanks, water treatment facilities, distribution and transmission lines, and pump stations whether for culinary or pressurized irrigation purposes. (Ord. 4-18-2000A, 4-18-2000, amd. 2004 Code)

8-2B-5: IMPOSITION OF IMPACT FEES:

- A. Any person who, after the effective date hereof, seeks to develop land within the city by applying for a land use permit or building permit for a building, is hereby required to pay an impact fee in a manner and amount set forth in this article.
- B. No new building permit for any activity requiring payment of an impact fee pursuant to section 8-2B-7 of this article shall be issued unless and until the impact fee hereby required has been paid.
- C. No extension of a building permit issued prior to the effective date hereof for any activity requiring payment of an impact fee pursuant to section 8-2B-7 of this article shall be granted unless an until the impact fee hereby required has been paid. (Ord. 7-9-97D, 7-9-1997, eff. 7-9-1997; amd. 2004 Code)

8-2B-6: COMPUTATION OF AMOUNT OF IMPACT FEE:

- A. Formula: For the formula for the computation methodology of impact fees, see Impact Fee Analysis Public Safety, March 4, 2014.
 1. If a land use application or building permit is requested for mixed uses, then the fee shall be determined using the schedule by apportioning the space committed to uses specified on the schedule.
 2. If the type of development activity that a land use application or building permit is applied for is not specified on the above fee schedule, the mayor shall use the fee applicable to the most comparable type of land use on the above fee schedule. The mayor shall be guided in the selection of a comparable type by the city general plan, supporting documents of the city general plan, and the city zoning ordinance. If the mayor determines that there is no comparable type of land use on the above fee schedule, then the mayor shall determine the appropriately discounted fee by considering demographic or other documentation which is available from state, local and regional authorities. (Ord. 7-9-97D, 7-9-1997, eff. 7-9-1997; amd. 2004 Code)
 3. In the case of change of use, redevelopment or expansion or modification of an existing use that required the issuance of a land use application or building permit,

the impact fee shall be based upon the net positive increase in the impact fee for the new use as compared to the previous use.

- B. Independent Fee Calculation Study: If a fee payer opts not to have the impact fee determined according to subsection A of this section, then the fee payer shall prepare and submit to the mayor an independent fee calculation study for the land development activity for which a land use application or building permit is sought. The documentation submitted shall show the basis upon which the independent fee calculation was made. The mayor shall consider the documentation submitted by the fee payer but is not required to accept such documentation as he/she shall reasonably deems to be inaccurate or not reliable and may, in the alternative, require the fee payer to submit additional or different documentation for consideration. If an acceptable independent fee calculation study is not presented, the fee payer shall pay impact fees based upon the schedule shown in subsection A of this section. If an acceptable independent fee calculation study is presented, the mayor may adjust the fee to that appropriate to the particular development. Determinations made by the mayor pursuant to this subsection may be appealed to the city council by filing a written appeal request with the mayor within ten (10) days of the mayor's determination. (Ord. 7-9-97D, 7-9-1997, eff. 7-9-1997; amd. 2004 Code)

8-2B-7: PAYMENT OF FEE:

- A. The fee payer shall pay the impact fees required by this article to the mayor prior to the issuance of a land use permit or building permit.
- B. All funds collected shall be properly identified by impact fee type and district and promptly transferred for deposit in the appropriate impact fee trust fund to be held in separate accounts as determined by section 8-2B-9 of this article and used solely for the purposes specified in this article. (Ord. 7-9-97D, 7-9-1997, eff. 7-9-1997; amd. 2004 Code)

8-2B-8: ROADWAY FACILITIES IMPACT FEE DISTRICTS:

- A. There are hereby established impact fee districts shown in the written analysis as adopted by resolution of the city council and incorporated herein by reference. (Ord. 7-9-97D, 7-9-1997, eff. 7-9-1997; amd. 2004 Code)

8-2B-9: IMPACT FEE TRUST FUNDS ESTABLISHED:

- A. There are hereby established separate impact fee trust funds, one for each public facility type established by the written analysis and district as established in section 8-2B-8 of this article.
- B. Funds withdrawn from these accounts must be used in accordance with the provisions of section 8-2C-10 of this article. (Ord. 7-9-97D, 7-9-1997, eff. 7-9-1997; amd. 2004 Code)

8-2B-10: USE OF FUNDS:

- A. Funds collected from impact fees shall be used solely for the purpose of acquiring and/or making capital improvements and their related costs to public facilities under the jurisdiction of the city.
- B. Funds shall be used exclusively for acquisitions, expansions or capital improvements within the impact fee districts as identified in the written analysis, from which the funds

were collected or for projects in other impact fee districts that are of benefit to the impact fee district from which the funds were collected. Funds shall be expended in the order in which they are collected.

- C. In the event that bonds or similar debt instruments are issued for advanced provision of capital facilities for which impact fees may be expended, impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities provided are of the type described in subsection A of this section and are located within the appropriate impact fee districts created by section 8-2B-8 of this article or as provided in subsection B of this section.
- D. At least once each fiscal period the mayor shall present to the city council a proposed capital improvements program for public facilities, assigning funds, including any accrued interest, from the several impact fee trust funds to specific public improvement projects and related expenses. Monies, including any accrued interest, not assigned in any fiscal period shall be retained in the same impact fee trust funds until the next fiscal period, except as provided by the refund provisions of this article.
- E. Funds may be used to provide refunds as described in section 8-2B-11 of this article.
- F. The city shall be entitled to retain not more than twenty percent (20%) of the funds collected as compensation for the expense of collecting the fee and administering this article. (Ord. 7-9-97D, 7-9-1997, eff. 7-9-1997; amd. 2004 Code)

8-2B-11: REFUND OF FEES PAID:

- A. If a land use permit or building permit expires without commencement of construction, the fees have not been spent or encumbered, and no impact has resulted, then the fee payer shall be entitled to a refund, with interest at the rate of six percent (6%) per annum, of the impact fee paid as a condition for its issuance; except that the city shall retain ten percent (10%) of the fee to offset a portion of the cost of collection and refund. The fee payer must submit an application for such a refund to the mayor within thirty (30) days of the expiration of the permit.
- B. Except as provided in Utah Code Annotated section 11-36(a)-302, any funds not expended or encumbered by the end of the calendar quarter immediately following six (6) years from the date the impact fee was paid shall, upon application of the then current landowner, be returned to such landowner with interest at the rate of six percent (6%) per annum; provided, that the landowner submits an application for a refund to the mayor within one hundred eighty (180) days of the expiration of the six (6) year period. (Ord. 7-9-97D, 7-9-1997, eff. 7-9-1997; amd. 2004 Code)

8-2B-12: EXEMPTIONS AND CREDITS:

- A. Exemptions:
 - 1. Specified: The following may be exempted from payment of the impact fee:
 - a. Alterations or expansion of an existing building where no additional residential units are created and where the use is not changed.
 - b. The construction of accessory buildings or structures where no additional residential units or equivalent residential units are created and where the use is not changed.
 - c. The replacement of a destroyed or partially destroyed building or structure with a new building or structure of the same size and use.

- d. The installation of a replacement mobile home on a lot or other such site when a impact fee for such mobile home site has previously been paid pursuant to this article or where a mobile home legally existed on such site on or prior to the effective date hereof.
 - e. The construction of buildings by a government agency or other development activities with a broad public purpose as determined by the mayor. In the event that an exemption is granted, the city council shall establish the source of funding to pay for the impact of the development activity.
2. Time Limit For Filing Claim: Any claim of exemption must be made no later than the time of application for a building permit. Any claim not so made shall be deemed waived.

B. Credits

1. Public capital improvements may be offered by the fee payer as total or partial payment of the required impact fee. The offer must specifically request or provide for an impact fee credit. If the mayor accepts such an offer, whether the acceptance is before or after the effective date hereof, the credit shall be determined and provided in the following manner:
 - a. Credit for the dedication of land shall be valued at one hundred percent (100%) of the most recent assessed value by the Utah County property appraiser; by such other appropriate method as the city council may have accepted prior to the effective date hereof for particular public improvements; or by fair market value established by private appraisers acceptable to the city. Credit for the dedication of park land shall be provided when the property has been conveyed at no charge to, and accepted by, the city in a manner satisfactory to the city council.
 - b. Applicants for credit for construction of public improvements shall submit acceptable engineering drawings and specifications, and construction cost estimates to the mayor. The mayor shall determine credit for construction based upon either these cost estimates or upon alternative engineering criteria and construction cost estimates if the mayor determines that such estimates submitted by the applicant are either unreliable or inaccurate. The mayor shall provide the applicant with a letter or certificate setting forth the dollar amount of the credit, the reason for the credit, and the legal description or other adequate description of the project or development to which the credit may be applied. The applicant must sign and date a duplicate copy of such letter or certificate indicating his agreement to the terms of the letter or certificate and return such signed document to the mayor before credit will be given. The failure of the applicant to sign, date and return such document within sixty (60) days shall nullify the credit.
 - c. Except as provided in subsection B-1d of this section, credit against impact fees otherwise due will not be provided until:
 - (1) The construction is completed and accepted by the city;
 - (2) A suitable maintenance and warranty bond is received and approved by the mayor of the city, when applicable.

- d. Credit may be provided before completion of specified public improvements if adequate assurances are given by the applicant that the standards set out in subsection B-1c of this section will be met and if the fee payer posts security as provided below for costs of such construction. Security in the form of a cash escrow agreement shall be posted with an approved by the mayor at one hundred twenty five percent (125%) of the amount determined by the city engineer. Twenty five percent (25%) of the cash escrow account shall remain for two (2) years after completion of the project, as a guarantee of the work, pursuant to the city cash bond escrow agreement. If the public improvement construction project will not be constructed within one year of the acceptance of the offer by the mayor, the amount of the security shall be increased by ten percent (10%) compounded for each year of the life of the security. The security shall be reviewed and approved by the mayor prior to acceptance of the security by the city council. If the public improvement construction project is not to be completed within five (5) years of the date of the fee payer's offer, the city council must approve the public improvement construction project and its scheduled completion date prior to the acceptance of the offer by the mayor.
2. Any claim for credit must be made no later than the time of application for a land use permit or building permit. Any claim not so made shall be deemed waived.
3. Credits shall not be transferable from one project or development to another without the approval of the city council and may only be transferred to a development within a different impact fee district upon a finding by the city council that the dedication for which the credit was given benefits such different impact fee district.
4. Determinations made by the mayor pursuant to this section may be appealed to the city council by filing a written appeal with the mayor within ten (10) days of the mayor's determination. (Ord. 7-9-97D, 7-9-1997, eff. 7-9-1997; amd. 2004 Code)

8-2B-13: REVIEW OF FEE SCHEDULE:

The fee schedule contained in subsection 8-2B-6A of this article shall be reviewed by the city council at least once each fiscal biennium (i.e., every 2 years). (Ord. 7-9-97D, 7-9-1997, eff. 7-9-1997)

8-2B-14: CHALLENGES AND APPEALS:

Any challenges or appeals of these impact fees must comply with Utah Code Annotated section 11-36a-701. (Ord. 7-9-97D, 7-9-1997, eff. 7-9-1997)

8-2B-15: PENALTY:

Any person violating any provision of this chapter shall be guilty of a class C misdemeanor and, upon conviction, subject to penalty as provided in section 1-4-1 of this code; however, in addition to or in lieu of any criminal prosecution, the city shall have

the power to sue in civil court to enforce the provisions of this article. (Ord. 7-9-97D, 7-9-1997, eff. 7-9-1997)

**PART II
CONFLICTING ORDINANCES REPEALED, PROVISIONS SEVERABLE
AND EFFECTIVE DATE**

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. EFFECTIVE DATE

This Ordinance shall take effect upon its passage and posting.

PASSED, ADOPTED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF THE CITY OF CEDAR HILLS, UTAH, THIS 4TH DAY OF NOVEMBER, 2014.

ATTEST:

Gary Gygi; Mayor

Colleen Mulvey, City Recorder