



**CITY COUNCIL MEETING
OF THE CITY OF CEDAR HILLS
Tuesday, December 2, 2014 7:00 p.m.**

Notice is hereby given that the City Council of the City of Cedar Hills, Utah, will hold a **City Council Meeting on Tuesday, December 2, 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. Crawley and Pledge led by C. Geddes
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 (Consent items are only those which require no further discussion or are routine in nature. All items on the Consent Agenda are adopted by a single motion)

5. Minutes from the November 5, 2014 City Council Meeting

CITY REPORTS AND BUSINESS

6. City Manager
7. Mayor and Council

SCHEDULED ITEMS

8. Review/Action on Conceptual Plans for the Rosegate at Cedar Hills Development, located at approximately 4600 West and Cedar Hills Drive in the SC-1 Commercial Zone
9. Review/Action on Signage on the Amsource Property, located at 4800 West and Cedar Hills Drive in the SC-1 Commercial Zone
10. Review Action on the 2014 Fiscal Year Audit
11. Review/Action on a Resolution Adopting the Municipal Wastewater Planning Program
12. Review Action on an Ordinance setting the Time and Place of the regular City Council meetings for 2015
13. Review/Action to Approve the Dispatch Building Agreement with the Utah Valley Dispatch Special Service District

ADJOURNMENT

14. Adjourn

Posted this 26th day of November, 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:	12/2/2014

City Council Agenda Item

SUBJECT:	Presentation by the Cultural Arts Citizens Advisory Committee
APPLICANT PRESENTATION:	n/a
STAFF PRESENTATION:	Mayor Gygi
BACKGROUND AND FINDINGS: The Cultural Arts Citizens Advisory committee was established in January of this year to assist the Mayor, Council, and staff to discuss, recommend, plan, prepare and implement various Cultural Arts events and opportunities. The committee will be updating the Council on their activities, recommendations, etc.	
PREVIOUS LEGISLATIVE ACTION: Resolution No. 01-21-2014A	
FISCAL IMPACT: n/a	
SUPPORTING DOCUMENTS: n/a	
RECOMMENDATION: n/a	
MOTION: No motion necessary, presentation only.	



CITY OF CEDAR HILLS

TO:	Mayor and City Council
FROM:	David Bunker, City Manager
DATE:	12/2/2014

City Council Agenda Item

SUBJECT:	Review/Action on a finding of fact regarding congregate care centers in the SC-1 commercial zone.
APPLICANT PRESENTATION:	Cory Shupe, Blu Line Designs; Doug Young, Cedar Hills Farm Land LLC.
STAFF PRESENTATION:	Chandler Goodwin, Assistant City Manager/City Planner

BACKGROUND AND FINDINGS:

Cory Shupe and Doug Young are asking the City Council to make a determination on a congregate care facility as it relates to an assisted living facility. Assisted living facilities and convalescent care are specifically listed as a conditional use in the office/retail subzone of the SC-1 commercial zone. In section 3.2 of the Design Guidelines it states, "If a proposed use is not listed in the use table below but it can be shown to be substantially the same as an existing item in the chart, then it can be treated as the item in the chart." The applicants request the City Council to make a finding of fact regarding the similar nature of a congregate care center as it is related to assisted living, as both are for the purpose of caring for senior individuals. Both congregate care and assisted living provide a variety of services that are meant to ease the burden of aging, as well as improving the quality of life for the tenants. The difference between the types of facilities is in the level of care required for the tenants. While both are considered senior housing options, individuals in congregate care are typically more independent and active in the community than those in assisted living centers.

PREVIOUS LEGISLATIVE ACTION:**FISCAL IMPACT:**

N/A

SUPPORTING DOCUMENTS:**RECOMMENDATION:**

To have a discussion on the merits of congregate care as it relates to assisted living facilities.

MOTION:

To approve/not approve a finding of fact that a congregate care facility is similar/not similar in nature to an assisted living facility, and shall/shall not be treated as an assisted living facility or convalescence care center in interpreting the Guidelines for the Design and Review of Planned Commercial Development Projects.



CITY OF CEDAR HILLS

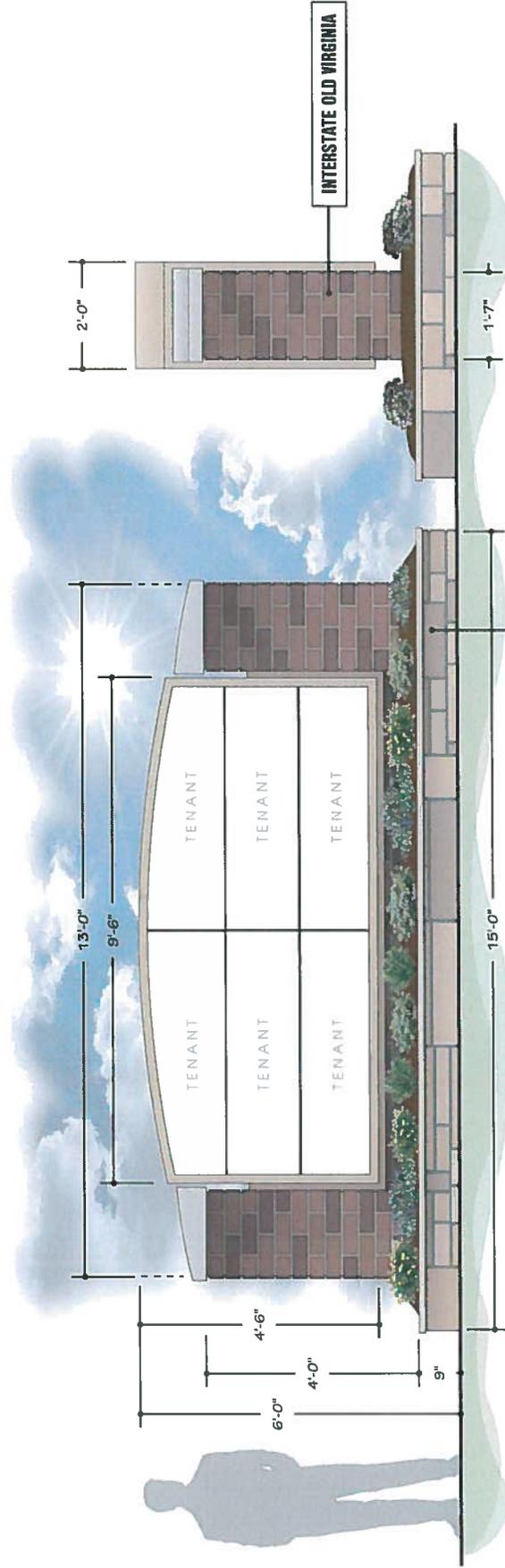
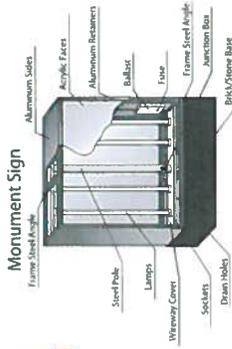
TO:	Mayor and City Council
FROM:	David Bunker, City Manager
DATE:	12/2/2014

City Council Agenda Item

SUBJECT:	Review/Action on proposed monument sign for the Amsource property
APPLICANT PRESENTATION:	
STAFF PRESENTATION:	Chandler Goodwin, Assistant City Manager/City Planner
BACKGROUND AND FINDINGS:	<p>Planning Commission has reviewed the submitted signage for the Amsource site, and has made the recommendation to the City Council for approval. The proposed monument sign is constructed of the same materials (Old Virginia brick, Mountain Valley Sandstone) as the approved AFCU. The sign is 6' high and approximately 13' wide, with a planter box to enhance the landscaping. The Planning Commission gave feedback to Amsource to change the initial sign to match more closely the architectural themes of the Commercial Design Guidelines, and better compliment the AFCU building.</p>
PREVIOUS LEGISLATIVE ACTION:	N/A
FISCAL IMPACT:	N/A
SUPPORTING DOCUMENTS:	Amsource Sign Elevations
RECOMMENDATION:	<p>Planning Commission has reviewed the proposed sign, and has made the recommendation to the City Council to approve the sign as proposed.</p>
MOTION:	<p>To approve/not approve the proposed sign elevations for the Amsource monument sign to be located on 4800 W Cedar Hills Drive</p>

INTERNALLY ILLUMINATED D/S MONUMENT SIGN

Qty 1 Internally Illuminated Double Sided Monument Sign _____
 Faces: 3/16" Acrylite White Acrylic Faces _____
 Retainers: 2" .063 Aluminum Retainers Painted Matthews MP _____
 Returns: 24" .063 Aluminum Returns Painted Matthews MP _____
 Illumination: Fluorescent Lamps Spaced 8" On Center _____
 Columns & Base To Be Interstate Old Virginia Brick _____
 Planter Box to be Mountain Valley Sandstone _____



INTERNALLY ILLUMINATED D/S MONUMENT SIGN

Scale: 1/2" = 1'-0" (11" x 17" Page Size)

IG GROUP SIGN & CONSTRUCTION IS A CONTRACTOR WITH THE STATE OF UTAH - CONTRACTOR LICENSE 7922686-5501 B100 AND S440 - WORKS COMPENSATION #261.8676 - \$2,000,000 LIABILITY INSURANCE - DRAWING IS REPRESENTATIONAL ONLY: SCALE, SIZING AND COLOR MAY VARY REFER TO PROPOSAL FOR EXACT SPECS.

 830 North 100 East, Lehi, UT 84043 Office 801.768.0464 Fax 801.768.0465	INSTALL ADDRESS: Cedar Hills 4800 W. Cedar Hills Dr. Cedar Hills, UT Melanie Child 801.741.4552	DESIGN # CH C M 006-14	SALES PERSON Al Latimer 801.558.6420
	DATE 11/20/14	DESIGNER MAT	SALES PERSON SIGNATURE REQUIRED FOR PRODUCTION



PROUD MEMBER OF:
 THIS DRAWING WAS CREATED TO ASSIST YOU IN VISUALIZING OUR PROPOSAL AND CANNOT BE COPIED OR REVISED IN ANY FORM. THE ORIGINAL IDEAS HEREIN ARE THE EXCLUSIVE PROPERTY OF IG GROUP.



CITY OF CEDAR HILLS

TO:	Mayor Gygi & City Council
FROM:	David Bunker, City Manager
DATE:	12/2/2014

City Council Memorandum

SUBJECT:	Exit Conference--Fiscal Year 2014 Financial Audit
APPLICANT PRESENTATION:	Diana Cannell, Allred Jackson Shareholder
STAFF PRESENTATION:	Charl Louw, Finance Director
BACKGROUND AND FINDINGS: Review of the annual financial report and the related audit results. Annually we contract with independent auditors to review the basic financial statements. The independent auditors are expected to obtain reasonable assurance that the financial statements are free from material misstatement and are fairly presented in accordance with generally accepted accounting principles. The City received an unqualified opinion, or clean opinion.	
PREVIOUS LEGISLATIVE ACTION: None	
FISCAL IMPACT: None	
SUPPORTING DOCUMENTS: The 2014 Independent Audit Report will be distributed at the meeting and is available online: http://cedarhills.org/sites/default/files/2014-financial-statements.pdf	
RECOMMENDATION: To accept the 2014 annual financial audit report.	
MOTION: To accept the 2014 annual financial audit report.	



CITY OF CEDAR HILLS

TO:	Mayor and City Council
FROM:	Jeff Maag, Public Works Director
DATE:	12/2/2014

City Council Agenda Item

SUBJECT:	Municipal Wastewater Planning Annual Report
APPLICANT PRESENTATION:	n/a
STAFF PRESENTATION:	Jeff Maag, Public Works Director

BACKGROUND AND FINDINGS:

As part of an annual system evaluation required by the Utah State Department of Environmental Quality, the city is required to pass a resolution stating we have prepared a Municipal Wastewater Planning Program Report, and have taken necessary actions to maintain effluent requirements contained in the Utah Pollutant Discharge Elimination System (UPDES) permit.

Completing this process gives our system additional points on the Utah Wastewater Project Priority List System which is used to allocate funds under the wastewater grant and loan program. Also the results are used to focus the state's technical assistance program

PREVIOUS LEGISLATIVE ACTION:

Annual resolution passed.

FISCAL IMPACT:

none

SUPPORTING DOCUMENTS:

Municipal Wastewater Planning Program Report and resolution.

RECOMMENDATION:

Staff recommends the City Council approve the Municipal Wastewater Planning Program Resolution

MOTION:

To approve/not approve Resolution No. _____, a resolution adopting the Municipal Wastewater Planning Program for the City of Cedar Hills, Utah.

STATE OF UTAH

MUNICIPAL WASTEWATER PLANNING PROGRAM

SELF-ASSESSMENT REPORT

FOR

CEDAR HILLS

2013



Resolution Number _____

MUNICIPAL WASTEWATER PLANNING PROGRAM RESOLUTION

RESOLVED that *CEDAR HILLS* informs the Water Quality Board the following actions were taken by the *CITY COUNCIL*

1. Reviewed the attached Municipal Wastewater Planning Program Report for 2013.
2. Have taken all appropriate actions necessary to maintain effluent requirements contained in the UPDES Permit (If Applicable).

Passed by a (majority) (unanimous) vote on

(date)

Mayor/Chairman

Attest: Recorder/Clerk

**Municipal Wastewater Planning Program (MWPP)
Financial Evaluation Section**

Owner Name: *CEDAR HILLS*

Name and Title of Contact Person:

Jeff Maag
Public Works Director

Phone: *801-785-9668*

E-mail: *jmaag@cedarhills.org*

PLEASE SUBMIT TO STATE BY: March 1, 2014

Mail to: MWPP - Department of Environmental Quality
c/o Paul Krauth, P.E.
Division of Water Quality
195 North 1950 West
P.O. Box 144870
Salt Lake City, Utah 84114-4870
Phone : (801) 536-4346

NOTE: *This questionnaire has been compiled for your benefit by a state sponsored task force comprised of representatives of local government and service districts. It is designed to assist you in making an evaluation of your wastewater system and financial planning. Please answer questions as accurately as possible to give you the best evaluation of your facility. If you need assistance please call, Emily Cantón. Utah Division of Water Quality: (801) 536-4342.*

I. Definitions: The following terms and definitions may help you complete the worksheets and questionnaire:

User Charge (UC) - A fee established for one or more class(es) of users of the wastewater treatment facilities that generate revenues to pay for costs of the system.

Operation and Maintenance Expense - Expenditures incurred for materials, labor, utilities, and other items necessary for managing and maintaining the facility to achieve or maintain the capacity and performance for which it was designed and constructed.

Repair and Replacement Cost - Expenditures incurred during the useful life of the treatment works for obtaining and installing equipment, accessories, and/or appurtenances necessary to maintain the existing capacity and the performance for which the facility was designed and constructed.

Capital Needs - Cost to construct, upgrade or improve the facility.

Capital Improvement Reserve Account - A reserve established to accumulate funds for construction and/or replacement of treatment facilities, collection lines or other capital improvement needs.

Reserve for Debt Service - A reserve for bond repayment as may be defined in accordance with terms of a bond indenture.

Current Debt Service - Interest and principal costs for debt payable this year.

Repair and Replacement Sinking Fund - A fund to accumulate funds for repairs and maintenance to fixed assets not normally included in operation expenses and for replacement costs (defined above).

Part I: OPERATION AND MAINTENANCE

Complete the following table:

Question	Points Earned	Total
Are revenues sufficient to cover operation, maintenance, and repair & replacement (OM&R) costs <u>at this time</u> ?	YES = 0 points NO = 25 points	0
Are the projected revenues sufficient to cover operation, maintenance, and repair & replacement (OM&R) costs for the <u>next five years</u> ?	YES = 0 points NO = 25 points	0
Does the facility have sufficient staff to ensure proper O&M?	YES = 0 points NO = 25 points	0
Has a dedicated sinking fund been established to provide for repair & replacement costs?	YES = 0 points NO = 25 points	25
Is the repair & replacement sinking fund adequate to meet anticipated needs?	YES = 0 points NO = 25 points	25
TOTAL PART I =		50

Part II: CAPITAL IMPROVEMENTS

Complete the following table:

Question	Points Earned	Total
Are present revenues collected sufficient to cover all costs and provide funding for capital improvements?	YES = 0 points NO = 25 points	0
Are projected funding sources sufficient to cover all projected capital improvement costs for the <u>next five years</u> ?	YES = 0 points NO = 25 points	0
Are projected funding sources sufficient to cover all projected capital improvement costs for the <u>next ten years</u> ?	YES = 0 points NO = 25 points	0
Are projected funding sources sufficient to cover all projected capital improvement costs for the <u>next twenty years</u> ?	YES = 0 points NO = 25 points	0
Has a dedicated sinking fund been established to provide for future capital improvements?	YES = 0 points NO = 25 points	25
TOTAL PART II =		25

Part III: GENERAL QUESTIONS

Complete the following table:

Question	Points Earned	Total
Is the wastewater treatment fund a separate enterprise fund/account or district?	YES = 0 points NO = 25 points	0
Are you collecting 95% or more of your sewer billings?	YES = 0 points NO = 25 points	0
Is there a review, at least annually, of user fees?	YES = 0 points NO = 25 points	0
Are bond reserve requirements being met if applicable?	YES = 0 points NO = 25 points	0
TOTAL PART III =		0

Part IV: PROJECTED NEEDS

Estimate as best you can the following:

Cost of projected capital improvements (in thousands)	2014	2015	2016	2017	2018
	0	0	250	0	0

Point Summation

Fill in the values from Parts I through III in the blanks provided in column 1. Add the numbers to determine the MWPP point total that reflects your present financial position for meeting your wastewater needs.

Part	Points
I	50
II	25
III	0
Total	75

**Municipal Wastewater Planning Program (MWPP)
Collection System Section**

Owner Name: CEDAR HILLS

Name and Title of Contact Person:

Jeff Maag
Public Works Director

Phone: 801-785-9668

E-mail: jmaag@cedarhills.org

PLEASE SUBMIT TO STATE BY: March 1, 2014

Mail to: MWPP - Department of Environmental Quality
c/o Paul Krauth, P.E.
Division of Water Quality
195 North 1950 West
P.O. Box 144870
Salt Lake City, Utah 84114-4870
Phone : (801) 536-4346

Form completed by

Part I: SYSTEM AGE

A. What year was your collection system first constructed (approximately)?

Year 1980

B. What is the oldest part of your present system?

Oldest part 31 years

Part II: BYPASSES

A. Please complete the following table:

Question	Number	Points Earned	Total Points
How many days last year was there a bypass, overflow or basement flooding by untreated wastewater in the system due to rain or snowmelt?		0 times = 0 points 1 time = 5 points 2 times = 10 points 3 times = 15 points 4 times = 20 points 5 or more = 25 points	0
How many days last year was there a bypass, overflow or basement flooding by untreated wastewater due to equipment failure? (except plugged laterals)		0 times = 0 points 1 time = 5 points 2 times = 10 points 3 times = 15 points 4 times = 20 points 5 or more = 25 points	0
TOTAL PART II =			0

B. The Utah Sewer Management Program defines sanitary sewer overflows into two classes:

Number of Class 1 SSOs in Calendar year 2013 0

Number of Class 2 SSOs in Calendar year 2013 0

Class 1 - a Significant SSO means a SSO or backup that is not caused by a private lateral obstruction or problem that:

- (a) effects more than five private structures;
- (b) affects one or more public, commercial or industrial structure(s);
- (c) may result in a public health risk to the general public;
- (d) has a spill volume that exceeds 5,000 gallons, excluding those in single private structures; or
- (e) discharges to Waters of the state.

Class 2 - a Non-Significant SSO means a SSO or backup that is not caused by a private lateral obstruction or problem that does not meet the Class 1 SSO criteria.

Part II: BYPASSES (cont.)

- C. Please specify whether the bypass(es) was caused a contract or tributary communities, etc.
NONE
-
-
-
-
-

Part III: NEW DEVELOPMENT

- A. Please complete the following table:

Question	Points Earned	Total Points
Has an industry (or other development) moved into the community or expanded production in the past two years, such that either flow or wastewater loadings to the sewerage system were significantly increased (10 - 20%)?	No = 0 points Yes = 10 points	<input type="radio"/>
Are there any major new developments (industrial, commercial, or residential) anticipated in the next 2- 3 years, such that either flow or BOD ₅ loadings to the sewerage system could significantly increase (25%)?	No = 0 points Yes = 10 points	<input type="radio"/>
TOTAL PART III =		<input type="radio"/>

- B. Approximate number of new residential sewer connections in the last year
10 new residential connections
- C. Approximate number of new commercial/industrial connections in the last year
0 new commercial/industrial connections
- D. Approximate number of new population serviced in the last year
40 new people served

Part IV: OPERATOR CERTIFICATION

A. How many collection system operators are currently employed by your facility?

3 collection system operators employed

B. What is/are the name(s) of your DRC operator(s)?

David Bunker

C. You are required to have the collection DRC operator(s) certified at Grade II

What is the current grade of the DRC operator(s)? Grade II

D. State of Utah Administrative Rules require all operators considered to be in DRC to be appropriately certified. List all the operators in your system by their certification class.

Not Certified _____
 Small Lagoons _____
 Collection I _____
 Collection II Travis Huston, David Bunker, Dee Howard
 Collection III _____
 Collection IV _____

E. Please complete the following table:

Question	Points Earned	Total Points
Is/are your DRC operator(s) currently certified at the appropriate grade for this facility? (see C)	Yes = 0 points No = 50 points	0
How many continuing education units has each of the DRC operator(s) completed over the last 3 years?	3 or more = 0 points less than 3 = 10 points	0
TOTAL PART IV =		0

Part V: FACILITY MAINTENANCE

A. Please complete the following table:

Question	Points Earned	Total Points
Do you follow an annual preventative maintenance program?	Yes = 0 points No = 30 points	0
Is it written?	Yes = 0 points No = 20 points	0
Do you have a written emergency response plan?	Yes = 0 points No = 20 points	0
Do you have an updated operations and maintenance manual	Yes = 0 points No = 20 points	0
Do you have a written safety plan?	Yes = 0 points No = 20 points	20
TOTAL PART V =		20

Part VI: SUBJECTIVE EVALUATION

This section should be with the system operators.

A. Has your system completed it's the Utah Sewer Management Program.

Yes X NO _____

B. Describe the physical condition of the sewer collection system: (lift stations, etc. included)

Three major collector lines all gravity. Jetted and camera all lines on rotating schedule.

C. What sewerage system improvements does the community have under consideration for the next 10 years?

Line extension for future development.

Part VI: SUBJECTIVE EVALUATION (cont.)

D. Explain what problems, other than plugging have you experienced over the last year

None

E. Is your community presently involved in formal planning for system expansion/upgrading? If so explain.

As per City Master Plan subject to new development.

F. Has your system completed it's *System Evaluation and Capacity Assurance Plan* As defined by the Utah Sewer Management Program.

Yes _____ NO

G. Does the municipality/district pay for the continuing education expenses of operators?

ALWAYS SOMETIMES _____ NO _____

If they do, what percentage is paid?

approximately 100 %

H. Is there a written policy regarding continuing education and training for wastewater operators?

YES _____ NO

POINT SUMMATION

Fill in the values from Parts II through V in the blanks provided in column 1. Add the numbers to determine the MWPP point total that your wastewater facility has generated for the past twelve months.

Part	Points
II	0
III	0
IV	0
V	20
Total	20

RESOLUTION NO. _____

A RESOLUTION ADOPTING THE MUNICIPAL WASTEWATER PLANNING PROGRAM FOR THE CITY OF CEDAR HILLS, UTAH.

RESOLVED, that the City of Cedar Hills informs the Water Quality Board the following actions were taken by the City Council:

1. Reviewed the Municipal Wastewater Planning Program Report for 2013, which is attached to this Resolution;
2. Have taken all appropriate actions necessary to maintain effluent requirements contained in the Utah Pollutant Discharge Elimination System (UPDES) Permit (if applicable).

PASSED AND APPROVED THIS 2ND DAY OF DECEMBER, 2014.

APPROVED:

Gary R. Gygi, Mayor

ATTEST:

Colleen A. Mulvey, City Recorder



CITY OF CEDAR HILLS

TO:	Mayor and City Council
FROM:	Colleen Mulvey, City Recorder
DATE:	12/2/2014

City Council Agenda Item

SUBJECT:	Setting the Time and Place of City Council Meetings for 2015
APPLICANT PRESENTATION:	n/a
STAFF PRESENTATION:	David Bunker, City Manager
BACKGROUND AND FINDINGS: In accordance with UCA 10-3-502, the city is required to set by ordinance the time and place for holding its regular City Council meetings.	
PREVIOUS LEGISLATIVE ACTION:	
FISCAL IMPACT: n/a	
SUPPORTING DOCUMENTS: Proposed Ordinance and 2015 Public Notice/Schedule of regular City Council meetings.	
RECOMMENDATION: To approve the proposed 2015 City Council meeting schedule.	
MOTION: To adopt Ordinance No. _____, an Ordinance setting the time and place of the regular meetings of the City Council of the City of Cedar Hills, Utah.	

ORDINANCE NO. _____

AN ORDINANCE SETTING THE TIME AND PLACE OF THE REGULAR MEETINGS OF THE CITY COUNCIL OF THE CITY OF CEDAR HILLS, UTAH.

WHEREAS, §10-3-502 UCA requires that the time and place of regular City Council meetings be set by ordinance, which meetings shall be held at least once each month, and

WHEREAS, §52-4-202 UCA requires the City to adopt and give notice of its annual meeting schedule.

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

**SECTION I
ESTABLISHMENT OF TIME AND PLACE OF COUNCIL MEETINGS**

The regular meetings of the City Council of the City of Cedar Hills for the year 2015 shall be held according to the attached schedule, commencing at 7:00 p.m. The location of said council meetings shall be the Cedar Hills Community Recreation Center at 10640 N Clubhouse Drive, Cedar Hills, Utah.

**SECTION II
CONFLICTING ORDINANCES REPEALED**

All other ordinances that are in conflict herewith are hereby repealed.

**SECTION III
EFFECTIVE DATE**

This ordinance shall take effect upon its passage and posting.

PASSED AND ORDERED POSTED BY THE CITY COUNCIL OF THE CITY OF CEDAR HILLS, UTAH, THIS 2ND DAY OF DECEMBER, 2014.

APPROVED:

ATTEST:

Gary R. Gygi, Mayor

Colleen A. Mulvey, City Recorder

ORDINANCE NO. _____

**AN ORDINANCE SETTING THE TIME AND PLACE OF THE REGULAR MEETINGS
OF THE CITY COUNCIL OF THE CITY OF CEDAR HILLS, UTAH
PUBLIC NOTICE OF REGULAR MEETINGS
FOR THE CITY COUNCIL
2015**

The City of Cedar Hills, Utah, hereby gives notice that the City Council will hold its regular meetings beginning at 7:00 p.m. at the Community Recreation Center, 10640 N Clubhouse Drive, on Tuesdays according to the following schedule:

MONTH	DATES	TIME
January	6 and 20	7:00 p.m.
February	3 and 17	7:00 p.m.
March	3 and 17	7:00 p.m.
April	7 and 21	7:00 p.m.
May	5 and 19	7:00 p.m.
June	16	7:00 p.m.
July	7 and 21	7:00 p.m.
August	4 and 25 (election canvass)	7:00 p.m.
September	8 and 22	7:00 p.m.
October	6 and 20	7:00 p.m.
November	17 (election canvass)	7:00 p.m.
December	1 (holiday schedule)	7:00 p.m.



CITY OF CEDAR HILLS

TO:	Mayor and City Council
FROM:	David Bunker, City Manager
DATE:	12/2/2014

City Council Agenda Item

SUBJECT:	UVDSSD Dispatch Building Agreement
APPLICANT PRESENTATION:	N/A
STAFF PRESENTATION:	David Bunker, City Manager
BACKGROUND AND FINDINGS: <p>As a member city of the Utah Valley Dispatch Special Service District (UVDSSD), the City of Cedar Hills will be a partner in the proposed Dispatch Building Agreement as attached. As per the agreement, the City of Cedar Hills would have an associated expected cash contribution of \$62,279.00 paid either in one cash payment prior to June 30, 2015, or two payments, with the first on or before June 30, 2015 and the other on or before December 31, 2015. However, this amount is an estimated portion of the capital payment anticipated, and may be adjusted to reflect the actual cost of the completed project.</p> <p>The District has received qualified proposals from architectural design firms and has proceeded through an interview process. The District Board may wish to award a design contract within the first month or two of 2015. In order to proceed with the award, the District would like to have the member entities approve the Dispatch Building Agreement by the end of December 2014.</p>	
PREVIOUS LEGISLATIVE ACTION: N/A	
FISCAL IMPACT: Estimated at \$62,279.00	
SUPPORTING DOCUMENTS: Dispatch Building Agreement	
RECOMMENDATION: It is recommended that the City Council discuss the merits of continued participation with UVDSSD including the financial obligations associated with participation in the construction of a new dispatch facility and approve the Dispatch Building Agreement.	
MOTION: To approve/not approve the Dispatch Building Agreement with the Utah Valley Dispatch Special Service District for the construction of a new dispatch center and appurtenances with an approximate cost to the City of Cedar Hills of \$62,279.00.	

DISPATCH BUILDING AGREEMENT

This Dispatch Building Agreement is made and entered into as of the ____ day of _____, 2014, by and between Utah County Dispatch Special Service District, a political subdivision organized and existing under the laws of the State of Utah (Districts) and [member], a political subdivision of the State of Utah (the Participant).

RECITALS:

WHEREAS, District was organized under the Special Service District Act, Title 17D Chapter 1, Utah Code Annotated 1953, as amended, as a separate legal entity to provide dispatch services to public safety entities located in Utah County; and

WHEREAS, in order to provide adequate dispatch services, given the current volume of calls, District is now undertaking the acquisition and construction of a new building to house dispatching equipment and personnel located in Spanish Fork City, Utah (the Project); and

WHEREAS, the Members have previously financed, or are willing to finance, their respective shares of the Cost of Construction of the Project; and

WHEREAS, in order to enable District to have the funds to proceed with the project, it is necessary that each Member enter a Dispatch Building Agreement which constitutes the legal, valid, and binding obligation of each respective Member; and

WHEREAS, District and the Members are duly authorized under applicable provisions of law to execute, deliver, and perform this Agreement and their respective governing bodies having jurisdiction have taken all necessary actions and given all necessary approvals in order to constitute this Agreement a legal, valid, and binding obligation of the parties hereto; and

WHEREAS, the Board has determined that District would spend \$1,800,000.00 of reserved funds toward the completion of the Project;

NOW THEREFORE, in consideration of the mutual covenants and agreements herein contained,

it is agreed by and between the parties hereto as follows:

Section 1. Definitions of Terms.

As used herein, the following terms shall have these meanings:

Annual Budget means the fiscal year budget adopted by District.

Authorized Officer of District means the Chairman, Vice-Chairman, Secretary, or Treasurer of the Board, or the Executive Director of District when authorized to perform specific acts or duties under the Agreements by resolution duly adopted by the Board.

Board means the Board of Trustees of District.

By-Laws means the duly adopted by-laws of District.

Capital Payment means any payment or payments made to District by a Member pursuant to Section 4 of this Agreement and designated as a Capital Payment for the Project.

Capital Payment Percentage means the percentage obtained by dividing (1) the sum of all Capital Payments made by or credited to the Member, by (2) the sum of all Estimated Project Costs as determined and allocated to such computation by District, all as more fully provided in Section 4 hereof. The Member's initial Capital Payment Percentage shall be calculated by District and set forth on Exhibit A attached hereto and incorporated herein by this reference.

Cost of Construction means all costs and expenses heretofore or hereafter paid or incurred by District in connection with the acquisition, construction, and installation of the Project and placing the same in service, including all expenses preliminary and incidental thereto, and the cost of planning, designing, acquiring, constructing, and placing in operation any facilities related to the Project, including land costs, less the amount of reserved funds being used by District to pay toward the cost of the Project.

Cost of Construction shall further include, but shall not be limited to, the following:

- (1) working capital and reserve requirements of the Project, including reserves for those items set forth in the definition of Operation and Maintenance Costs, as may be

determined from time to time by District;

- (2) planning and development costs, engineering fees, contractors fees, fiduciaries fees, auditors and accountants fees, costs of obtaining governmental and regulatory permits, rulings, licenses and approvals, the cost of real property, labor, materials, equipment, supplies, training and testing costs, insurance premiums, legal, and financial advisory costs, administrative and general costs, and all other costs properly allocable to the initial acquisition of the Project and placing the same in operation;
- (3) all costs relating to litigation, claims, or judgments not otherwise covered by insurance and arising out of the acquisition, construction, or operation of the Project;
- (4) payment to District or any Member to reimburse advances or payments made or incurred for costs preliminary or incidental to the acquisition and construction of the Project;
- (5) legally required or permitted federal, state, and local taxes relating to the Project incurred during the period of the acquisition or construction thereof; and
- (6) all other costs incurred by District and properly allocable to the acquisition of the Project.

Date of Commercial Operation means the date on which the Project is capable of operating reliably and continuously.

Fiscal Year means a period commencing on July 1 of each calendar year and ending on June 30 of the next succeeding calendar year.

Facilities means the Dispatch Building and all facilities, structures, improvements and all real and personal property acquired or constructed by District as part of the Project.

Members means each government entity which is a member of District, as identified on Exhibit "A".

Member Representative means the individual appointed to the Board by the Member.

Project means the acquisition of an interest in real estate and construction, including equipping,

of a new building to house dispatching equipment and personnel.

Schedule of Members means the schedule of Members and their respective Capital Payment Percentages, attached hereto as Exhibit A, as the same may be amended or supplemented from time to time in accordance with the provisions hereof.

Section 2. Term of Contract

This Building Agreement shall become effective upon the execution of Building Agreements by District and by all Members listed in Exhibit A hereto, and shall, continue until the date on which the Project has been fully completed and paid for.

Section 3. Acquisition and Construction of Project

- (a) District shall use its best efforts to construct the Project to meet its needs and to keep the costs within budget.
- (b) The contracts are required to be executed by December 31, 2014 in order to timely acquire an interest in real property and complete construction of the Project. Failure of any Member to timely execute the contract shall cause the Board to review and exercise sanctions as authorized by the District by-laws and resolutions creating the District.

Section 4. Capital payments; Calculation of Capital Payment Percentage.

- (a) Participant may elect to make one or two Capital Payments.
 - (i) If Participant elects to make one Capital Payment, the estimated payment shall be due to District by June 30, 2015.
 - (ii) If participant elects to make two Capital Payments, the first payment, representing one-half of the estimated Capital Cost shall be due on or before June 30, 2015, and the balance, including any true up cost, if known, shall be due by December 31, 2015.

The governing body of Participant shall determine whether to make one or two Capital Payments.

Participant shall give notice to District of the determination of its decision to make one or two Capital

Payments by December 31, 2014. In the event that Participant does not notify District of the determination of its governing body by December 15, 2014, Participant shall be deemed to have elected to make two Capital Payments.

(b) Upon substantial completion of the construction of the Project, District will give notice to each of the Members of the anticipated Date of Commercial Operation of the Project. District shall prepare and submit to the Members a final accounting of the Cost of Construction and Capital Payments. To the extent that such final accounting statement discloses that additional amounts are owed by some or all of the Members, then District shall seek Board approval to pay the balance from the District's fund balance, if funds are available, and if not to submit a billing statement to such Members. Participant shall pay an amount equal to its share of the final Cost of Construction of the Project.

(c) In connection with each Capital Payment that may be made by Participant pursuant to this Section, Participant acknowledges and agrees with District that:

- (1) the sum of the Capital Payment Percentages of all Members shall equal 100%
- (2) District shall have absolute and exclusive authority to establish escrow arrangements governing the deposit and disbursement of each Capital Payment and to determine and calculate from time to time the Estimated Project Costs and the Member=s Capital Payment Percentage, and all such determinations and calculations by District shall be conclusive and binding upon Participant.

(d) Estimated Project Costs shall be determined by District in its sole discretion based upon the items of the Cost of Construction. The amount of Estimated Project Costs shall be determined from time to time so as to provide for a proportional allocation of the Cost of Construction.

(e) Participant acknowledges and agrees that the estimated amount of the Capital Payment to be made by Participant will be subject to adjustment to reflect the actual cost of the various items included in Estimated Project Costs.

(f) Participant acknowledges that once payment is made, it is non-refundable, even in the event Participant leaves the District.

Section 5. Construction Management.

Construction of the Project shall be managed by District with the advice of the Operations Board. It is the intention of the Members and District that they will exercise a high degree of cooperation in the construction of the Project.

DATED this ___ day of _____, 2014

UTAH VALLEY DISPATCH SPECIAL
SERVICE DISTRICT by:

David A. Oyler, Chair

Attest:

Deborah Mecham, Executive Director

[MEMBER] by:

Mayor/Commissioner

Attest:

City Recorder/County Clerk/

**EXHIBIT A
SCHEDULE OF PARTICIPANTS 2015 FEE SHARE
PERCENTAGE AND ESTIMATED CAPITAL PAYMENT**

MEMBERS	CAPITAL PAYMENT PERCENTAGE	ESTIMATED AMOUNT OF CAPITAL COST
Alpine City	2.72%	\$95,074
American Fork City	15.01%	\$525,455
City of Cedar Hills	1.78%	\$62,279
Cedar Fort	0.20%	\$7,151
Eagle Mountain	5.75%	\$201,118
Elk Ridge City	0.46%	\$16,203
Fairfield Town	0.10%	\$3,472
Genola City	0.30%	\$10,541
Goshen City	0.27%	\$9,546
Highland City	5.61%	\$196,397
Lehi City	17.39%	\$608,772
Payson City	8.11%	\$283,939
Salem City	2.34%	\$81,759
Santaquin City	3.49%	\$122,157
Saratoga Springs City	7.05%	\$246,874
Spanish Fork City	12.12%	\$424,340
Utah County	16.82%	\$588,830
Vineyard	0.24%	\$8,294
Woodland Hills	0.22%	\$7,798
Member Totals	99.98%	\$3,499,999