

PUBLIC HEARING AND CITY COUNCIL MEETING
Tuesday, August 19, 2008 7:00 p.m.
Public Safety Building
3925 W Cedar Hills Drive, Cedar Hills, Utah

Present: Mayor Mike McGee, Presiding
Council Members: Marisa Wright, Ken Kirk, Eric Richardson, Jim Perry
Konrad Hildebrandt, City Manager
David Bunker, City Engineer
Ashley Vogelsberg, Community Services Director
Cathy Larsen, Deputy Recorder
Others: Shawn Richins, Karissa Neely (Lone Peak Press), Brent Uibel

COUNCIL MEETING:

1. This meeting of the City Council of the City of Cedar Hills, having been posted throughout the City and the press notified, was called to order at 7:25 p.m.

Invocation given by C. Richardson

Pledge of Allegiance led by C. Wright

2. Public Comment

No public comment.

PUBLIC HEARINGS

3. Amendments to the City Code Title 3, Chapter 1, Business Licensing and Title 10, Chapter 6A, Section 2, Use Requirements – Sexually Oriented Businesses – CONTINUED FROM AUGUST 5, 2008

No comments.

CONSENT AGENDA

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

C. Perry presented amendments to the minutes of the Public Hearing and City Council Meeting held on August 5, 2008.

MOTION: C. Kirk – To accept the minutes and amendments to the August 5th meeting. Seconded by C. Richardson.

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

SCHEDULED ITEMS

5. Review/Action on Cedar Hills Golf Course Items and Clubhouse (7:29 p.m.)

See handouts.

Staff Presentation:

Konrad Hildebrandt reported on the proposed golf course clubhouse. The clubhouse is totally ready to bid out. The clubhouse site improvements are done. The water line and sewer line are into the site. (Original clubhouse plans from 2003 shown.) The clubhouse would resemble the Thanksgiving Pointe clubhouse. The pro-shop would be on the right side, and the restrooms and restaurant on the left side. The hospitality unit is on the top. There are eight hotel-type suites on the top, which are proposed to leave vacant. This area could be used for office suites. The bottom is a basic cart barn and there would be a wrap-around deck. These 2003 clubhouse plans could be modified very easily. The site would have a beautiful view. A proposal was made to leave the second floor open for future development and leasing a restaurant area. The kitchen area would need to be completed for tournaments and events. The clubhouse could be built for approximately \$2,000,000. The existing lease payments of \$75,000 per year would cover half that cost. This would leave \$1,000,000 that the City could refinance right now with the current budget. The Director of the Salt Lake County courses, where they have five or six courses, did research that showed an increase of 12% revenue through the existence of a clubhouse. If the City experienced an increase of 12%, that would be the other \$75,000 to make the \$2,000,000 debt service payment. The debt is a 25-year bond. It is a given that the golf course has to break even or better. The City would have to show another source of revenue with a coverage ratio of 1.5 or more. If the City revenue bonded, it could be taken out of franchise fees or sales tax. The City would have to show the long-term coverage through franchise or sales tax. Once the sales tax is bonded, the City is committed and can't do it again. There are two additional facilities in the future: Recreation/aquatics center (anticipate a G.O. Bond), and secondly a city center. There is approximately \$850,000 in the City's PTIF from franchise fees, which would be a nice start towards a community center. The sale of the lots on Centennial could bring in additional revenue. The clubhouse could be used as a community building as well as other multiple functions.

Brent Uibel suggested that whoever leases the restaurant area pay for the kitchen and equipment in it outright. That way if they relinquish on their lease, the city owns the stuff outright. David Bunker brought up the work being done on the railing on holes 15 and 9. The product has been delivered, using the St. Andrews estates area as the staging area. They are going to start bringing in materials and it will take about two weeks to complete. It is a welded railing. The welder will need to be on the cart path for a week. The welder could stop and let golf carts pass by.

Council Discussion:

- C. Wright suggested she decorate the clubhouse to save money, with council approval.
- C. Kirk stated he would like the Planning Commission to review the clubhouse plans and make a recommendation. He stated he did not want to see other lease payments out there.
- C. Perry questioned whether there had been a thought of putting the clubhouse by the river where there is better visibility. He suggested paying off what the City currently has and then looking into the purchase of the clubhouse later. He stated that the final payment on the cart barn is due this year. He suggested that they gather concrete values so there is no speculation on costs.
- C. Richardson suggested that a couple members of Council, staff, and the Mayor should be a committee to explore the issue. The Planning Commission does not have to approve the plans by law, but the plans could go to them for their opinion. He suggested that Council members explore the size and scale, do field trips, and make phone calls. Once the size and scale are right with known costs, then the Planning Commission can make their recommendation. He suggested looking at what the long-term philosophy is. He asked that the City get at least two other bids on the clubhouse.
- Mayor McGee stated that he would be in favor of trading in one payment for the exact same payment and getting a better facility. For the next council meeting, information will be presented on when payments for the cart barn and other buildings will be finished.

6. Review/Action on Resolution Adopting Fees (8:05 p.m.)

See handouts.

Staff Presentation:

Konrad Hildebrandt stated this is in continuation of the council discussion at the last meeting in regards to adding the sexually oriented business bond fee and the parking violation fee to the Cedar Hills Fees, Bonds, and Fines Schedule.

MOTION: C. Richardson – To adopt Resolution No. 8-19-2008A, a Resolution adding, amending, or deleting certain fees of the official fee schedule of the City of Cedar Hills, Utah. Seconded by C. Perry.

Vote taken by role call.

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

7. Review/Action on Landscape Watering Schedule (8:08 p.m.)

See handouts.

Staff Presentation:

Konrad Hildebrandt stated that this ordinance is to amend the City Code in regards to landscape watering. Residents have been notified of changes already. This will amend the times from 9:00 a.m. - 7:00 p.m. to 10:00 a.m. - 7:00 p.m. David Bunker stated that the water tank has been brought down to 20% full several times. He would not like to see the tank go below 8 feet. Konrad Hildebrandt advised that it would not be a good idea to have no watering restrictions without meters.

Public Comment:

Brent Ubell stated that most people will follow the schedule because they are honest people, but there are those that won't. He agrees that preparation of the soil will help reduce the need for water. Education will help those who want to participate. For those who refuse, education will not help. He feels there needs to be restrictions in place.

Council Discussion:

- C. Kirk feels the new watering schedule makes residents water more than they actually need to. He would prefer being able to water every third day. He doesn't feel the watering schedule works. He suggests that there be no watering schedule and let residents water as needed. He would love to see the citizens of the community be self-restrained in their watering and do away with restrictions.
- C. Perry stated that when the City had new landscaping in Mesquite Park, the City watered every day. Residents shouldn't be restricted from watering when the City is watering. He feels the watering restrictions need to either all be in the City watering schedule or in the ordinance. He feels the watering schedule should be consistent with the ordinance. He stated that when the Council decided not to put water restrictions in place last time and just send out a flyer asking residents to conserve, watering increased overnight. He believes that the current system lacks the capacity to keep water available to all residents. There will be an injustice to the residents in the townhouses because they run out of water first. The current schedule should be kept until the spring when the restrictions can be eliminated.
- C. Richardson agrees the restrictions shouldn't be in both places; the city schedule and the ordinance. Whose schedule is it and who makes it? Is it the Council's, the staff? Three Council members did not agree to the schedule. He wants to ensure that the schedule is from the Council,

which is not what happened with the last flyer. He doesn't want to see restrictions as a long-term solution. The options are metering the City; fixing the problem by adding pumps, wells and piping; or water rights. He feels he could not look at making changes until January, 2009.

- Mayor McGee stated that restricting watering does not affect new sod. It is all about preparing the soil properly for new landscaping. The City will have the new well on-line next year, which will dramatically supplement what is going on now. He feels the City should maintain the current schedule and make changes next year. He stated that when residents were asked to not use too much water, they increased their watering.
- C. Wright feels the well needs to be up and running before restrictions are finalized in the schedule.

MOTION: C. Richardson – To continue this item until the first meeting in January, 2009; and in the meantime, instruct staff to work with City Council to come up with a plan in order to work towards eliminating the day-watering restrictions. Seconded by C. Wright.

Yes - C. Wright
C. Richardson
No - C. Kirk
C. Perry
Yes - Mayor McGee Motion passes.

Further Discussion:

- C. Perry asked if the Council expects staff to enforce this ordinance or not. The law needs to match the flyer. The City Council has a moral obligation to make the ordinance match the flyer. It is not a conservation method (as stipulated in the current ordinance) to extend the hours of watering instead of cutting the hours. The city-prescribed schedule can be more restrictive than the ordinance and not less restrictive.
- C. Kirk proposed ordinance amendments as follows. Paragraph 7-4-2, Irrigation Regulations: Sprinkler Irrigation of public and private landscapes is prohibited between the hours of 10:00 a.m. and 6:00 p.m. The next sentence is eliminated in its entirety. Schools, churches, home-owner associations, parks, and golf courses must have a watering schedule approved by the City. The provision for this chapter shall apply to all landscapes within the City with the following exceptions: Sub-paragraph A is left intact except for the last sentence being removed. Sub-paragraphs B and C remain the same. The rest of the ordinance remains the same. The effective date would be January 1, 2009. He would be willing to revisit this ordinance and address the time. If the ordinance is made effective now, it fixes what is going on because it fixes the flyer. The flyer can be more restrictive than the schedule, not less.
- C. Richardson stated that Utah State changed from night-time watering to day-time watering because it was more inefficient to water at night-time with the canyon breeze. He stated that the law states there can be a city-prescribed schedule.
- Mayor McGee stated that the flyer regarding watering schedule has misled the public. To reconsider the motion, has to be done by the two people who presented the motion.

MOTION: C. Richardson - To reconsider this item. Seconded by C. Wright.

Yes - C. Wright
C. Kirk
C. Perry
C. Richardson Motion passed.

Further Discussion:

- C. Perry stated that he is in favor of anything that makes the ordinance consistent with the flyer and

readdressing the issue in January.

- C. Richardson stated that the Council needs to roll back the evening hours from 7:00 p.m. to 6:00 p.m. This puts the ordinance in line with the flyer and the Council can revisit this in January.
- David Bunker suggested removing the times completely and allowing the Council to set times if needed.
- C. Kirk stated that this allows the Council to change it periodically as needed. The flyer would not be put out this year. If times are taken out of the ordinance completely, the City has already established times by a City directive.

MOTION: C. Perry - To approve Ordinance No. 8-19-2008A, an ordinance amending Title 7 of the City Code of Cedar Hills, Utah, as amended specifically eliminating the first sentence of 7-4-2 and modifying the second sentence to read, "as a conservation method, public and private landscapes may be required to water according to a City-prescribed schedule approved by the City Council," and to continue this item pending recommendations from the City Engineer on expanding and/or upgrading the pressurized irrigation system. And Part II, E, to strike, "and publication as required by law."
Seconded by C. Wright. Vote taken by roll call.

Yes - C. Wright
C. Kirk
C. Perry
C. Richardson Motion passed.

8. Review/Action on Amendments to the City Code Title 3, Chapter 1, Business Licensing and Title 10, Chapter 6A, Section 2, Use Requirements – Sexually Oriented Business (8:98 p.m.)

See handouts.

Staff Presentation:

Konrad Hildebrandt stated that the bond amount for a sexually oriented business was raised to \$20,000 and now needs to be moved from the ordinance and to the fee schedule.

C. Richardson excused. (9:01 p.m.)

Council Discussion:

- C. Perry stated that there were some issues advised by the city attorney. The Council needs to understand why the attorney's recommendation wasn't followed.
- C. Kirk stated that the Council was to have these case files kept on file as an addendum to the recommendations.

MOTION: C. Perry – To table this item until the studies are provided. Seconded by C. Kirk.

AMEND MOTION: C. Perry – To address the concerns of the City Attorney. Seconded by C. Kirk.

Yes - C. Wright
C. Kirk
C. Perry Motion passed.

C. Richardson returns. (9:02)

9. Review/Action on Mesquite Park (9:03 p.m.)

See handouts.

Staff Presentation:

Konrad Hildebrandt stated that staff was asked to look into additional amendments for Mesquite Park, specifically a pavilion with culinary water, tables, and benches. The pavilion would hold at least six tables. Currently the cost of Mesquite Park is just over \$500,000. A medium-sized pavilion would cost \$35,000 including installation and the pad. A barbeque grill and installation is \$750, culinary water is approximately \$1,500, six tables are approximately \$5,000, and two benches are \$1,000. The benches would be by the playground equipment. The pavilion would be just north of the playground equipment. It does not affect any of the field. Staff further recommended a path going from the west side be connected along the southern border to allow pedestrian travel to and from the church. Many residents would use that cross-over, as well as being used as a walking path. It would be \$4 a square foot for \$40,000. He suggested adding the path in a future budget. The money to pay for the pavilion, etc., would come from the final \$24,000 in Park Development. The rest would have to come from Unrestricted General Fund balance. The State requires that the City save between 5% and 18% in the Unrestricted General Fund balance. The City can't save more than 18% in the General Fund balance.

Council Comment:

- C. Wright would like to see the park have these amenities eventually.
- C. Kirk stated he is opposed to the barbeque. He does not approve of this expenditure, especially this fiscal year. He does approve of the culinary water and drinking fountain. This needs to be addressed by the Parks and Trails Committee.
- C. Richardson stated that the City does not have the luxury to have single use parks. He feels all the parks need to have multiple uses. If this takes away from the soccer fields, he would be absolutely against it. Installing benches and water are higher on his priority. A barbeque grill is not on his list at all. A walking path is a low priority, while it could be a very nice feature. He suggested a smaller pavilion with two tables and made of vinyl. He also suggested not putting in soccer goals for a year because it could possibly ruin the park. He heard that the football league is looking for a field. They have some money and would be willing to pay for lights and other improvements. The lights would be closer to the church parking lot and light up only one side of the park.
- C. Perry stated that the football league is looking for a home field and would pay for lights and improvements. He suggested running the water on the north side of the playground. Then it will be between the pavilion and the playground.
- Mayor McGee stated that the Highland Soccer Park has nothing but grass. He feels this year might not be the year to make this expense.

MOTION: C. Richardson – To instruct staff to install a water line with a water fountain and a hose spicket, and a pair of benches at the playground, and to run those improvement ideas by the Parks and Trails Committee meeting informally at their next meeting before proceeding, and to prepare the appropriate budget amendments, and to return with other improvement ideas at a later date.
Seconded by C. Wright.

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

10. Discussion Regarding Funds for a Statue (9:22 p.m.)

See handouts.

MOTION: C. Perry - To Table item #10 pending further information from Council members.
Seconded by C. Kirk.

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

11. City Manager Report and Discussion (9:24 p.m.)

No report. A copy of the monthly management report is in the Council's boxes.

MAYOR AND COUNCIL REPORTS

12. Board and Committee Reports (9:25 p.m.)

- C. Wright: – Not report. She would be interested in going on a police ride-along.
- C. Kirk: – He and C. Richardson went on an American Fork Police ride-along last Saturday. He expressed appreciation for their hospitality and gained an appreciation for what the American Fork police do. They rode in separate vehicles with separate officers and observed people being kicked out of the City parks. They found an unsecure door at the golf course so golf personnel were called. There were people in violation at Sunset Park and Heritage Park that were asked to leave. The police response time was quite adequate. He was impressed with the police and the coverage the City is receiving. The police were honest, upfront, and not putting on a show for them. He feels the technology in the police vehicles is very up-to-date. Chief Call was very hospitable and offered this experience to other members of the Council.
- C. Perry: - He feels it would be great if they did a Citizen's Academy again. The Youth City Council had a party last Saturday. Ashley Vogelsberg gave up her time to attend the party. He does appreciate the report regarding the police ride-along. He received some feed-back by residents about Travis Austin with Public Works going above and beyond.
- C. Richardson: – He agreed with the things C. Kirk stated on their experience with the ride-along. He felt like it wasn't a scripted even and the police officer was very frank and open, which helped him understand the procedures. He has a lot of confidence with the American Fork police. He feels the coverage with American Fork is the ultimate in Utah County coverage. They are highly trained officers. He feels reassured that Cedar Hills has the best coverage possible. He has ideas on how the City can increase police visibility. Chase Bank had another site-plan meeting with staff. They were on the Planning Commission agenda but did not show up.
- Mayor McGee: – He stated that the experience at the Utah County Fair was a lot of fun. The County Fair did a great job. He had a Council Governor's Meeting last week and a really good presentation from the Japanese Delegate. There were a few discussions on the Dispatch Center. He indicated the City's position on that. Most of the mayors are on the same page as Cedar Hills and feel the same way, but also feel the necessity to participate in it.

EXECUTIVE SESSION

13. Motion to go into Executive Session, Pursuant to Utah Code 52-4-5
14. Motion to Adjourn Executive Session and Reconvene City Council Meeting

No Executive Session.

ADJOURNMENT

15. Adjourn (9:45 p.m.)

This meeting was adjourned at 9:45 p.m. on a motion by C. Wright, seconded by C. Perry and

unanimously approved.

Approved by Council:
September 2, 2008

/s/ Kim E. Holindrake
Kim E. Holindrake, City Recorder