

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

Present: Mayor Mike McGee, Presiding (7:53 p.m.)
Council Members: Marisa Wright, Ken Kirk, Charelle Bowman, Eric Richardson (7:39 p.m.), Jim Perry (7:44 p.m.)
Konrad Hildebrandt, City Manager
Kim Holindrake, City Recorder
David Bunker, City Engineer
Greg Robinson, Assistant to the City Manager-Planning
Courtney Hammond, City Meeting Transcriber
Others: Shawn Richins, Troop 1196, Troop 873, Troop 1189, Preston Trout, Stan Trout, Troop 26, Troop 1206, Greg Payne, Kolin Powell, Brent Powell, Chris Grzybowski-Phillips
Edison, Ted Watson-Chase Bank, Rick Espinosa-Chase Bank

COUNCIL MEETING

1. This meeting of the City Council of the City of Cedar Hills, having been properly noticed, was called to order at 7:38 p.m. by Mayor Pro Tempore C. Wright.

Invocation given by C. Kirk

Pledge of Allegiance led by Xander Robison

2. Public Comment (7:40 p.m.)

No comment.

CONSENT AGENDA

3. Minutes from the March 3, 2009, Regular City Council Meeting (7:40 p.m.)

MOTION: C. Kirk - To accept the minutes from the March 3, 2009, Regular City Council Meeting.
Seconded by C. Bowman.

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

MOTION: C. Kirk - To interchange item 5 and 6. Seconded by C. Richardson.

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

SCHEDULED ITEMS

4. Review/Action on Chase Bank Landscaping (7:42 p.m.)

See handouts.

Staff Presentation:

Greg Robinson stated that Chase Bank changed their landscaping plan to match both the Design Guidelines and the Walmart site. The powerlines along 4800 West will be buried when the road is widened, so tree type along 4800 West shouldn't be an issue. Walmart may be responsible for the trees along 4800 West. Phillips Edison will be in at a future time to discuss the Welcome to Cedar Hills sign on the corner, and Chase Bank will present signage on their building and a monument sign at a future meeting. David Bunker stated that the retention pond is almost completely constructed. There are a few issues with the site. There are a few components that are different than planned that need to be corrected by Phillips Edison.

Rick Espinosa stated that Chase Bank matched the Walmart landscaping on Cedar Hills Drive and replaced some deciduous trees with evergreen trees on the corner of Cedar Hills Drive and 4800 West. Chase Bank also replaced some of the landscaping along 4800 West with evergreen shrubs to provide greenery year round. Landscaping on the lot itself doesn't exactly match the Walmart plan. Instead, the landscape architect chose some plants that are a more appropriate fit to the climate and lot. Chase Bank wants to retain the drive along the west side of the building for fire department access and to allow for parking flow to all sides of the building. Eliminating the west drive may require people to back up when no parking is available.

Council Discussion:

- C. Bowman requested a discussion on a future agenda about changing the tree types along 4800 West to accommodate the power lines.
- C. Richardson requested that stamped concrete continue from the southwest corner to the building.

MOTION: C. Richardson - To approve the amended landscaping plan, right-of-way plan, elevation plan continued to be subject to execution of a development agreement and future approval of a signage plan, concrete to be finished and stamped to match Walmart including stamping between the crosswalk and the sign location at the southwest corner of the parcel, matching of the roofing material to the existing commercial buildings in the commercial zone, final engineering approval, and legal review. Seconded by C. Bowman.

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

6. Review/Action to Release the Bid Bond for Vancon, Inc. (8:12 p.m.)

See handouts.

Staff Presentation:

David Bunker stated that VanCon requested to withdraw their bid for the pumphouse project. The City awarded the project to VanCon on March 3. On March 6 VanCon called the City and explained that there was an error in their bid calculation. They entered the wrong amount on the electrical portion of the bid. Bid specifications require a bid security of 5% of the bidder's bid, in this case \$13,750. Bid specifications also allow the apparent low bidder 24 hours to review and withdraw their bid. The City can choose to let them withdraw the bid with or without requiring the bid security be relinquished to the City. If this project delays past the June 30 timeframe, there will be a significant impact to the pressurized irrigation system. If the City chooses not to release the bond, VanCon may not want to bid on a future project.

Council Discussion:

- C. Perry stated that there are risks and consequent costs to this delay. This upgrade is an important component of the pressurized irrigation system. A delay puts the pressurized irrigation system at risk.
- Mayor McGee stated that the City paid Bowen & Collins to do background and reference checks on VanCon, which will now have to be repeated for another company.
- C. Richardson stated that money is being paid on the bond and the project is not complete. Every day costs money. He estimated that the City loses roughly \$7,000 for a three week delay. There was no way for the City to catch this mistake. The City Council is obligated to represent the taxpayers.
- C. Kirk stated that he feels the Council doesn't have a choice if it is representing its constituents properly. There is an additional cost to this delay.

MOTION: C. Kirk: That the Council find that VanCon Inc. is in violation of article 16 of the bond contract document, and that they failed to request a release of the award and return of the bond within the 24 hour specified time in the article. The Council also finds that because of the award that was previously given to them, the City has incurred additional costs and interest on the bond time and additional services by Bowen and Collins. Because of these findings, the Council releases VanCon Inc. from the bid award, negates the award on the Cottonwood Well Pump House, and retains the bid security bond. Seconded by C. Richardson.

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

5. Review/Action to Award the Bid for the 2009 Cottonwood Well Pump House Project (8:28 p.m.)

See handouts.

Staff Presentation:

David Bunker stated that the second low bidder is Hills Construction with a bid of \$326,000. Bowen and Collins has done some research on Hills Construction and reported that they are experienced with boosters and pump stations. Staff recommends awarding this project to Hills Construction.

MOTION: C. Perry - To award the bid to the low responsive bidder Hills Construction, subject to satisfactory reference checks by city staff and legal review. Seconded by C. Wright.

Further Discussion:

- C. Richardson requested that legal review ensure that VanCon has no legal entitlement to the bid.
- C. Bowman stated that she would like the dollar amount of the bid on the record.
- C. Perry stated that the amount is \$326,000.
- David Bunker stated that he has talked to Hills Construction, and they are ready and willing to do the project.

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

7. Review/Action on a Resolution Adopting a Proclamation for Arbor Day (8:32 p.m.)

EXECUTIVE SESSION

10. Motion to go into Executive Session, Pursuant to Utah State Code 52-4-205 (9:02 p.m.)

MOTION: C. Wright - To go into Executive Session, Pursuant to Utah State Code 52-4-205. 9:08 p.m. pending litigation or the purchase and exchange of real property. Seconded by C. Bowman.

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

* * * EXECUTIVE SESSION * * *

11. Motion to Adjourn Executive Session and Reconvene City Council Meeting (9:56 p.m.)

MOTION: C. Bowman - To Adjourn Executive Session and Reconvene City Council Meeting. Seconded by C. Kirk.

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

ADJOURNMENT

12. Adjourn

This meeting was adjourned at 9:56 p.m. on a motion by C. Kirk, seconded by C. Bowman and unanimously approved.

Approved by Council:
April 7, 2009

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