

PUBLIC HEARING AND CITY COUNCIL MEETING
Tuesday, October 20, 2009 7:00 p.m.
Public Safety Building
3925 W Cedar Hills Drive, Cedar Hills, Utah

Present: Mayor Mike McGee, Presiding
Council Members: Jim Perry, Ken Kirk, Marisa Wright, Eric Richardson
Absent: Charelle Bowman
Konrad Hildebrandt, City Manager
Kim Holindrake, City Recorder
Brad Kearl, Building & Zoning Official
Greg Robinson, Assistant City Manager
Courtney Hammond, City Meeting Transcriber
Others: Cliff Chandler, Scott Jackman, Kathy Gilbert, Art Gilbert, Martha Margalei, David Jackman, Deri Snyder, Donna Weaner, Mart Kate Christensen, Keith Irwin, Duane Bernards, Jerry Dearing, Dan Wilson, Hunter Wilson, Portia Phillips, Jared Holindrake, Mark Clark, Miles Hewett, Jason Braegger, Shawn Crosby, Russ Holindrake, Miranda Holindrake, Taylor Worden, Cathy Larsen, Karissa Neeley

COUNCIL MEETING

1. This meeting of the City Council of the City of Cedar Hills, having been properly noticed, was called to order at 7:01 p.m. by Mayor McGee.

Invocation given by C. Perry

Pledge of Allegiance led by C. Wright

2. Public Comment (7:02 p.m.)

Kathy Gilbert: Ms. Gilbert has lived in the city for 10 years. She has multiple sclerosis. She stated that her neighbor is causing her stress and problems with her health. She feels her neighbor is a nuisance. The neighbor was a renter for three years, and recently bought the home. He has kept a car parked at the edge of her driveway for three years straight. She worries that she can't see while backing out of her driveway. At times he has shoveled snow back into her driveway. There have been incidences of domestic violence at the neighbor's home. Every conversation she has had with him turns argumentative. She had her property surveyed when she bought her home. Her neighbor now disputes the property line and comes over to landscape across the property line. She does not want to sell her home, but can't live with the stress.

Martha Margalei: Ms. Margalei proposed revisiting the new rate hike for an in-home small business license. The increase is about 325%. She has been asked by friends to tend children once in a while. The City requires a license for even occasional childcare. The current wage to watch children is \$2 per hour, and it would take 144 hours to pay off the new license fee. Other cities' fees are much lower. She provided a handout comparing city fees. The City's new annual fee is \$340. She asked the Council to explain the increase in fees and proposed the fee schedule be revisited.

David Jackman: Mr. Jackman stated that he represents the Deerfield School Community Council. Lines were painted on Harvey Boulevard over the weekend. So far things look good. He doesn't anticipate any more safety improvements will be needed. He thanked the city for painting the lines.

Dwayne Bernard: Mr. Bernard stated he was there on behalf of the Boy Scouts of America. The Timpanogos District is planning a 100-year anniversary service project. He has been asked to be part of the committee to plan the project, which will take place on May 15, 2010. He is gathering ideas to put together a substantial service project. He would like to see the young men of the community taking pride and ownership in the community through service projects. If the City is interested, he would like to work with someone in the City to bring a service idea back to the committee. Mayor McGee appointed C. Kirk as the liaison to work with Mr. Bernard.

PUBLIC HEARINGS

- 3. City Code Amendments Regarding Development in Required Setback Area (Decks, Porches, Patios, Pergolas, Awnings, Hot Tubs, and Similar Structure), Definitions, Parking and Storage of Vehicles, and Landscaping (7:19 p.m.)

No comments.

- 4. Whether to declare forfeited certain performance guarantees posted to guarantee the construction and completion of subdivision improvements for The Cedars, Plat J-2 (7:19 p.m.)

No comments.

- 5. Whether to declare forfeited certain performance guarantees posted to guarantee the construction and completion of subdivision improvements for The Cedars, Plat J-3 (7:19 p.m.)

No comments.

CONSENT AGENDA

- 6. Minutes from the October 6, 2009, Regular City Council Meeting (7:19 p.m.)

MOTION: C. Wright - To accept the consent agenda for the minutes from the October 6, 2009, Regular City Council Meeting. Seconded by C. Kirk.

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

SCHEDULED ITEMS

- 7. Presentation of Master Municipal Clerk to Kim Holindrake, City Recorder, by the Utah Municipal Clerks Association (7:20 p.m.)

See handouts.

Presentation:

Donna Weaver, Orem City Recorder and President of the Utah Municipal Clerks Association presented Kim Holindrake with a plaque for her Master Municipal Clerk.

Council Discussion:

- C. Perry stated that at one point Cedar Hills meetings were held in Kim’s basement. She has contributed a lot to the community over the years.
- C. Kirk stated that he is grateful for Kim’s service. She is always able to answer questions and help sort through confusion.
- C. Richardson stated that Kim is a valuable employee. The City gets tremendous value through her.

MOTION: C. Kirk - To move item 9 and 10 ahead of 8. Seconded by C. Wright.

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

- 9. Review/Action on Eagle Scout Project for a Welcome to Cedar Hills Sign (7:28 p.m.)

See handouts.

Staff Presentation:

Konrad Hildebrandt stated that Hunter Wilson is an Eagle Scout candidate proposing an entrance sign to

Cedar Hills. Both possible proposed locations on SR-92 will likely be moved at some point by UDOT construction. He proposed a different location on Canyon Road at the entrance to Canyon Heights Drive at the south entrance to the city.

Hunter Wilson stated that there are two possible locations. The first is close to where SR-92 and Canyon Road meet and the second is SR-92 where the existing sign sits. He presented pros and cons for each location. There are three possible sign types: large rock with sign, artistic cedar posts with sign between, and stone masonry with artistic sign. He presented the pros and cons for each sign type.

Council Discussion:

- The consensus of the Council is to place the sign at the southern entrance to the city on Canyon Road and Canyon Heights Drive.
- C. Perry stated that he would prefer a rectangular sign rather than an oval and would like the official City logo on it.
- C. Kirk liked the first sign on a rock.
- C. Wright stated that she preferred the version on a rock if it can be big enough. If not she would opt for sign number three with stone masonry.
- Mayor McGee suggested a combination of version 1 and 3 with a rock wall base with a large rock sign on top.
- C. Richardson stated that he appreciated Hunter's preparation and forethought in his presentation.

MOTION: C. Wright - To direct Hunter Wilson to move forward with a sign for his Eagle Project in the southern location as directed by Konrad Hildebrandt and choosing a combination of proposals 1 and 3, with three boulders at the base or whatever your father and you figure out with a larger boulder at the top with a metal face and landscaping at the base and using the City logo. You can come back and present city slogans if you want. Seconded by C. Perry.

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

10. Review/Action on Harvey Boulevard Street Striping (7:54 p.m.)

See handouts.

Staff Presentation:

Konrad Hildebrandt stated that the City restriped Harvey Boulevard to the exact specification as it was before asphalt was put down.

MOTION: C. Kirk - To accept the efforts on behalf of city staff to paint shoulder strips on Harvey Boulevard; and in light that David Jackman considers it satisfactory, put it to rest. Seconded by C. Wright.

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

8. Review/Action on Ordinances for City Code Amendments Regarding Development in Required Setback Area (Decks, Porches, Patios, Pergolas, Awnings, Hot Tubs, and Similar Structure), Definitions, Parking and Storage of Vehicles, and Landscaping (7:56 p.m.)

See handouts.

Staff Presentation:

Brad Kearl reviewed the changes to the City Code.

Council Discussion:

- The Council would like to see the following change to the proposed ordinance:
Section 10-5-29A3(2)(c) changed to say “no higher than seven (7) feet tall at the point nearest the property line. The roof pitch cannot be greater than 4:12 and must slope away from the main building and toward the property line.
- C. Kirk commended the city staff and Planning Commission for their work on the ordinance.

MOTION: C. Richardson - To approve Ordinance No. 10-20-2009A, an Ordinance amending Title 4 of the City Code of the City of Cedar Hills, Utah, amending the requirements relating to nuisances and the improper parking or storage of vehicles. Seconded by C. Kirk. Vote taken by roll call

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

MOTION: C. Richardson - To approve Ordinance No. 10-20-2009B, an Ordinance amending Title 5 of the City Code of the City of Cedar Hills, Utah amending the requirements relating to parking regulations. Seconded by C. Perry. Vote taken by roll call.

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

MOTION: C. Richardson - To approve Ordinance No. 10-20-2009C as amended, an Ordinance amending Title 10 of the City Code of the City of Cedar Hills, Utah, amending the requirements relating to definitions, supplementary development standards, development in required setback areas, landscaping regulations and parking requirements. Seconded by C. Perry. Vote taken by roll call.

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

11. Review/Action on whether to declare forfeited certain performance guarantees posted to guarantee the construction and completion of subdivision improvements for The Cedars, Plat J-2 (8:33 p.m.)

See handouts.

Staff Presentation:

Konrad Hildebrandt stated that this ordinance declares default and forfeiture on the bond. This follows what the city attorney has recommended to continue pursuing the bonds on these developments.

MOTION: C. Richardson - To approve Ordinance No. 10-20-2009D, an Ordinance declaring default and forfeiture of the Performance Guaranties for The Cedars, Plat J-2. Seconded by C. Kirk

Further Discussion:

- C. Kirk stated that Mr. Black called David Bunker and offered to surrender the bond. The attorney drew up documentation. While the documents were being signed and notarized, Mr. Black’s daughter refused and said nothing would be done until their attorney was consulted.
- Konrad Hildebrandt stated that the Blacks want assurance that this will be the end of things.

Vote taken by roll call.	Yes	-	C. Kirk	
			C. Perry	
			C. Richardson	
			C. Wright	Motion passes.

12. Review/Action on whether to declare forfeited certain performance guarantees posted to guarantee the construction and completion of subdivision improvements for The Cedars, Plat J-3 (8:38 p.m.)

See handouts.

MOTION: C. Richardson - To approve Ordinance No. 10-20-2009E, an Ordinance declaring default and forfeiture of the Performance Guaranties for The Cedars, Plat J-3. Seconded by C. Kirk. Vote taken by roll call.

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

13. City Manager Report and Discussion (8:39 p.m.)

- Staff has been working in The Cedars, Plats J-2 and J-3 areas. All the City manhole covers were cut out and lowered. Asphalt should go in this week or next. Some cracks will remain in the curbs, gutters, and sidewalks, though none present safety hazards. C. Kirk met with the residents that were heading up the effort to get the streets repaired. Letters were sent out to every household in the area informing them of the improvements. Staff also cleaned weeds from two lots in that area.
- Waste Management is hosting a tour for Council Members on October 28 from 10 a.m.–2 p.m.

MAYOR AND COUNCIL REPORTS

14. Board and Committee Reports (8:44 p.m.)

- C. Richardson: The Site Plan Review Committed reviewed a submission for the commercial zone for a fast food restaurant.
- C. Perry: The YCC is meeting to plan the Festival of Pumpkins.

EXECUTIVE SESSION

15. Motion to go into Executive Session, Pursuant to Utah State Code 52-4-205
16. Motion to Adjourn Executive Session and Reconvene City Council Meeting

No Executive Session.

ADJOURNMENT

17. Adjourn

This meeting was adjourned at 8:47 p.m. on a motion by C. Wright, seconded by C. Richardson, and unanimously approved.

Approved by Council:
November 10, 2009

/s/ Cathy D. Larsen
Cathy D. Larsen, Deputy Recorder