

CITY COUNCIL MEETING
Tuesday, February 16, 2010 7:00 p.m.
Public Safety Building
3925 West Cedar Hills Drive, Cedar Hills, Utah

Present: Ken Kirk (Mayor Pro-Tem), Presiding
Council Members: Scott Jackman, Stephanie Martinez, Jim Perry, Marisa Wright
Absent: Eric Richardson, Mayor
Konrad Hildebrandt, City Manager
Greg Robinson, Assistant City Manager
Kim Holindrake, City Recorder
Cathy Larsen, Deputy Recorder
Ashley Vogelsberg, Community Services Director
Eric Johnson, City Attorney
Others: Shawn Richins, Cliff Chandler, Diane Kirk, Brent Uibel, Linda Garrard, Kirk Garrard, Troop 1192, Brendon Wright, Rose Marie Smith, Harlow Clark (Timpanogos Times), Daniel Zappala

COUNCIL MEETING

1. This meeting of the City Council of the City of Cedar Hills, having been properly noticed, was called to order at 7:17 p.m. by C. Kirk.

Invocation given by C. Jackman

Pledge of Allegiance led by McKay Wyman with Troop 1192

2. Public Comment (7:19 p.m.)

None

CONSENT AGENDA

3. Minutes from the January 19, 2010, Regular City Council Meeting (7:19 p.m.)
Minutes from the February 2, 2010, Regular City Council Meeting

MOTION: C. Martinez - To approve the minutes from the January 19, 2010, Regular City Council meeting. Seconded by C. Wright.

AMEND MOTION: C. Martinez - To include the minutes from the February 2, 2010, Regular City Council meeting. Seconded by C. Wright.

Yes - C. Jackman
C. Kirk
C. Martinez
C. Perry
C. Wright

Motion passes.

SCHEDULED ITEMS

4. Preview of Family Festival 2010 (7:21 p.m.)

See handouts.

Staff Presentation:

Ashley Vogelsberg stated the budget is \$15,000 less than last year. Events that have been cut are the Battle of the Bands, swim night, Dino Dig, Ivie Acres (pony rides), baking contest, fewer shirts, oriental trading (dinner hats/leis), and the American Fork Steel Drum Band. One idea is to have a theme skate night at Classic Skating, geared towards teens. At last year's swim night, a little over 300 residents attended at a total cost of only \$275 to the City; residents were free. The pool was reserved at 8:00 p.m., which is the only time available. Another idea for this year is a sports tournament, which would be self sustaining. She is working on Monday, June 28, for the Orem Owlz; residents pay for their own tickets. The baking contest can continue this year, as long as the prizes are donated. Ivie Acres is asking for more money this year. There is an entrance fee for the races. The golf tournament has been moved out of the Family Festival budget. The tournament does not make money. The festival dinner will be catered again by Matiki on Friday, June 25. There was low attendance at last year's dinner, probably due to bad weather. She is looking at ordering less food, but Matiki is willing to bring more food in case additional people show up. There are leftover lays that can be passed out, but additional ones won't be purchased. The parade will be June 26. She is counting on the same donations as last year. The City can work on bringing in additional donations, which would assist areas that have been cut due to the cost of prizes.

Konrad Hildebrandt stated that many other cities charge for their events. The City has tried to keep most of the cost included with the wrist band purchase. It would not be unreasonable to charge \$1.00 a person for swimming.

Greg Robinson encouraged the Council to get involved in the Family Festival, and look for opportunities to increase donations. The City can provide a list of the previous donors. Some of these companies will donate more if they are contacted by a Councilmember instead of City staff. He will get contribution forms to the Council.

Council Discussion:

- C. Wright stated she would really like to see a swim night again this year. The baking contest brought out a lot of energy and enthusiasm in people. She suggested keeping the pony rides, but just charging for them individually. She would also like to see the City keep the Dino Dig. She is motivated to get more donations in order to continue these events this year. This is a big deal for a lot of people.
- C. Perry stated that the City has tried to do a basketball tournament in the past, but there was not enough interest. Many people have an issue with paying for items beyond the cost of the wrist band. Individuals do have to pay for participation in the golf tournament. The golf course is on the verge of profit or loss. He would like to get information back from Jim Madsen, Director of Golf. If the tournament loses money, the City should not do the tournament, and have the golf course open for golfing.
- C. Kirk stated that Ivie Acres has to be guaranteed a certain amount of money. He wants to include the Firecracker Golf Tournament in the overall Family Festival budget, which would help round the budget out. The money that is brought in from green fees that day should go into the Family Festival budget. He doesn't want to discourage the golf tournament.
- C. Jackman stated that a day needs to be set aside for the tournament, whether it is part of the festival or not.

5. Review/Action on Provo Reservoir Canal Rights-Of-Ways Greenway Interlocal Agreement (7:40 p.m.)

See handouts.

Staff Presentation:

Greg Robinson received the final copy of the Agreement between the cities and the Provo River Water Users Association. The Agreement states the cities may use motorized vehicles on the trail for construction, maintenance, and repairs. A board will consist of a representative from each participating city, the County, and the Association. The annual maintenance cost for the City is estimated at \$3,047. The cities are not obligated to improve the trail but will be in charge of a portion of the cost of maintenance work done on the trail such as potholes, etc. The City does share a border with Pleasant Grove City and American Fork City and would need to work with those cities.

Konrad Hildebrandt stated that the Association is allowing a trail system to be installed over the Provo River Canal. The property belongs to the Association. Their priority is the canal; they want to retain the ability to check it. The Association is trying to save money due to evaporation loss. The City's portion of the trail is very small. He believes the County has signed their agreement with the Association. The annual maintenance cost primarily covers insurance. Improvements or changes to the trail by the City have to be submitted for approval. The Association has approved the trail design. This Agreement is between the County and the cities, not the Association.

Council Discussion:

- C. Jackman stated that section 10-4 of the Agreement specifies, "The board shall be comprised of one representative from each of the participating Cities and the County." The Association does not care a lot about the design; the concern is that the design changes do not harm the property or the canal system. The wording in the Agreement is generalized to give the Association greater leeway.
- C. Kirk does not like the agreement between the County and the Association. Section 4 of that agreement says, "In satisfaction of its obligations to the Districts, the Association shall submit the design plans and specifications to representatives of the Districts for review and comment. The County shall incorporate all changes to the draft design plans and specifications required to be so incorporated by the Association." Provo River Water can approve or disapprove any design plan the City comes up with. In Section 6(b) it states, "The rules and regulations shall in any event allow reasonable public use of the Recreational Trail." It is all defined by them. It also states, "Such rules and regulations may be supplemented or changed by the Association in its sole discretion." This does not make it pertinent to even have a board of representatives. If the Association decides to make improvements on the trail, the City is bound to do so by this Agreement. The City needs to make sure the funds will be expended in a reasonable way.
- C. Wright stated that the County is constructing a big trail system that will eventually connect four counties. If this were the City's project, the City could establish the rules.
- C. Perry stated he agrees with C. Kirk, and the City needs to protect itself. Someone in the future may have other ideas for the trail. The agreement between the County and the Association allows the Association to do whatever they want. The cities take on the responsibility of the trail.
- C. Martinez stated that the agreement between the County and the Association states (Section 6(c), "The County shall provide or cause to be provided emergency response services along the Recreational Trail." It also states (Section 6(d), "The County agrees to assign or cause the Cities to assign public safety officers to regularly (as reasonably determined by the County and the Cities pursuant to the Interlocal Agreement) patrol the Recreational Trail." She questioned how this would affect the City's law enforcement.

- Shawn Richins, American Fork Police Sergeant, stated that specific sections of the trail will be monitored by specific cities.

Public Comment: (8:05 p.m.)

- Brent Uibel stated if the contract does not allow for negotiability, the Association will specify what will occur. The City has a vested agreement if the Association doesn't pick up the tab.
- Brad Orton stated he doesn't see the necessity in landscaping a trail used for bike commute. Landscaping should definitely not be considered at this point.

Further Discussion:

Greg Robinson feels this is a great trail for the cost. The City does not have control over the agreement between the County and the Association and are not involved. He believes the agreement has been signed between the County and the Association. Konrad Hildebrandt stated that the cities are only tied to the cost of the project. If the cities don't sign the County's Agreement, there won't be a trail. The purpose of this project is to cover the canal, and not for a trail. This Agreement has been reviewed by the Orem City Attorney.

- C. Jackman stated the City needs to decide on whether or not to sign this Agreement with the County; there are no more negotiations. The County has signed with the Association.
- C. Wright stated policy is not being set here.
- C. Kirk has no issue with this Agreement between the County and the City. He is concerned about the impact to the City by the agreement between the County and the Association. The Association is putting themselves in a dictatorship position. He just wants to be cautious.
- C. Perry thinks some of the language leaves too much open leeway.

MOTION: C. Wright - To approve the Provo Reservoir Canal Rights-of-Way Greenway Interlocal Agreement with Utah County for the development and maintenance of a trail over the Murdock Canal. Seconded by C. Martinez. Vote taken by Roll Call.

Yes	-	C. Jackman
Yes	-	C. Martinez
Yes	-	C. Wright
No	-	C. Kirk
No	-	C. Perry

Motion passes.

6. Discussion Regarding City Code, Title 10, Chapter 6, Article B, Planned Residential Developments (PRD) (8:26 p.m.)

See handouts.

Staff Presentation:

Greg Robinson stated that staff was requested by Council to review the Hillside Zone density requirements. Staff has determined that the Hillside Zone density is not causing problems, but the Planned Residential Development (PRD) ordinance allows clustering and higher densities with the donation of open space. The Planning Commission will be reviewing this ordinance and would love to hear Council's direction. Typically a developer will use every property area possible, and then give the City areas that cannot be developed. The areas left have the highest slopes. The development designs that have been presented to the City so far have not been typically high density lots. There are mostly 1/3 acre lots, and some 1/2 acre lots. The General Plan allows a park to go in the east bench area.

Konrad Hildebrandt stated that the east bench is the last area in the City for development. Staff is asking the Council to look at this and give input. The Council's direction will be submitted to the Planning Commission and then come back to the Council.

Kim Holindrake clarified that open space is not meant to be used as a park or necessarily usable. The City takes extractions for parks and trails in other ways.

Council Discussion:

- C. Martinez stated that the Bonneville Shoreline Trail goes through the Hillside Zone and is in the General Plan. It should be left in the General Plan.
- C. Kirk stated that the Council needs to define usable open space. He has no problem with the Planning Commission coming up with a recommendation to the Hillside H-1 Zone.
- C. Perry has no problem with a variety in the concentrations and densities, as long as the overall balance of density remains the same. He wants to see usable open space. He wants the Planning Commission to review open space as opposed to usable open space, look at what the slopes, options, and impacts are, and make a recommendation to the Council.
- C. Jackman feels property credit should be determined by usable open space.

MOTION: C. Perry - To have the Planning Commission review the items (open space as opposed to usable open space and what the slopes, options, and impacts are) and come back with a recommendation. Seconded by C. Kirk.

Yes - C. Jackman
C. Kirk
C. Martinez
C. Perry
C. Wright Motion passes.

7. Review/Action on Board/Committee Appointments - Planning Commission (8:43 p.m.)

MOTION: C. Perry - To affirm Mayor Richardson's appointment of Daniel Zappala as first alternate and Trenton Augustus as second alternate to the Planning Commission. Seconded by C. Jackman.

Yes - C. Jackman
C. Kirk
C. Martinez
C. Perry
C. Wright Motion passes.

8. City Manager Report and Discussion (8:45 p.m.)

Konrad Hildebrandt stated that the County has finished the engineering plan for 4800 West as a five lane road and is ready to start. They want to start construction at the canal on 4800 West to SR-92 with substantial completion by August. They are requesting input from cities, and will accommodate those requests as long as the cities pay for it. Staff recommends putting in the water and sewer lines for the nine acres owned by the City, which is not funded. David Bunker is working up the cost, but it will definitely be cheaper to put it in before the road is completed.

Greg Robinson stated that 4800 West will become a state road. There is not a great solution for students crossing to the high school. Highland City is looking at the problem, and staff will continue to work with them.

- C. Perry wants staff to give the Council a recommendation. The City can sacrifice on beautification, but not on safety. He would like a traffic study done to show the impact of a walkway over 4800 West to the high school as well as other traffic control devices.
- C. Kirk stated that the City should be proactive in meeting with the Alpine School District, and showing interest in the safety of high school students as well as residents.
- C. Wright stated that David Bunker does not want a bridge over 4800 West. The school is not in favor of a tunnel because it may create a place for drugs and kids beating up kids.

MAYOR AND COUNCIL REPORTS

9. Board and Committee Reports (8:59 p.m.)

- C. Martinez met with the remaining members of the Parks and Trails Committee, and they will be working on Arbor Day and National Trails Day. Three positions on the Committee need to be posted. The Committee will be used for trail and park education. The Committee has been a little dysfunctional; there needs to be committed members. The Council needs to be more supportive. They want to implement an Adopt-A-Trail Program. In the future pertinent Eagle Scout requests need to be seen by the Committee.
- C. Perry wants the Parks and Trails Committee to be in charge of itself and would love communication and more ideas coming to the Council. He feels there is enough work for both a Parks and Trails Committee and a Recreation Committee but would like to see it combined. The Lone Peak Public Safety District met; and because of the change by the State Legislature with transport services, there is a big shortfall in funding. The Utah Valley Dispatch Special Service District is just beginning, and met about passing a benefits plan along with other items. The Youth City Council put paper hearts on the door of the Assisted Living Center residents for Valentine's Day. He attended the staff's budget retreat. He felt it was interesting observing the process and appreciates the work of the staff.
- C. Kirk stated that one of the functions of the Parks and Trails Committee is to bring recommendations to the Council. He was asked by Mayor McGee to direct the Boy Scouts of America birthday on May 15. He needs projects that the Boy Scouts can do, which could be cleaning up the trails throughout the City.
- C. Wright stated that she and C. Jackman are awaiting direction from Mayor Richardson pertaining to the Recreation Committee. Under the Beautification Committee, she met with the boy scouts interested in doing an entrance sign to Canyon Heights. Beautifying the hillside could be done in the future by cleaning up, planting flower bulbs as well as some decorative rocks. She has coordinated with Jeff Maag and David Bunker for assistance.
- Konrad Hildebrandt stated that not many individuals have submitted an application for the Parks and Trails Committee. There have been a number of individuals submit a request for participation in the Recreation Committee, which is fresh and new. Appointments need to go through Mayor Richardson. The City worked hard to have a native seed grow in the hillside. It would be beautiful to have flowers there but there would need to be a water source. Becky Tehero is designing a sign for City entrances.

EXECUTIVE SESSION

10. Motion to go into Executive Session, Pursuant to Utah State Code 52-4-205

11. Motion to Adjourn Executive Session and Reconvene City Council Meeting

No Executive Session.

ADJOURNMENT

12. Adjourn

This meeting was adjourned at 9:30 p.m. on a motion by C. Wright, seconded by C. Martinez and unanimously approved.

Approved by Council:
March 2, 2010

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