

PUBLIC HEARING AND CITY COUNCIL MEETING  
Tuesday, June 1, 2010 7:00 p.m.  
Public Safety Building  
3925 W Cedar Hills Drive, Cedar Hills, Utah

Present: Mayor Eric Richardson, Presiding  
Council Members: Ken Kirk, Stephanie Martinez, Scott Jackman, Marisa Wright (7:31 p.m.)  
Absent: Jim Perry  
Konrad Hildebrandt, City Manager  
Kim Holindrake, City Recorder  
Cathy Larsen, Deputy Recorder  
David Bunker, City Engineer  
Rebecca Tehero, Finance Director  
Others: Shawn Richins, Cliff Chandler, Troup 1156, Jill Wistisen, Kevin Wistisen, Chris Hocker, Matt Rees

COUNCIL MEETING

1. This meeting of the City Council of the City of Cedar Hills, having been properly noticed, was called to order at 7:19 p.m. by Mayor Richardson.

Invocation given by C. Jackman.

Pledge of Allegiance led by Brayden Haywood from Troup 1156.

2. Public Comment (7:21 p.m.)

Kevin Wistisen: Mr. Wistisen stated that Cedar Hills has been a good place to live. Heritage Park is maintained well. There have been a couple of problems after dark when the park is supposed to be closed with individuals mulling about on the trails, sometimes as late as 2:00 a.m. Now that the weather is nice, he would like to have a police officer go into the park and clear it out. Another issue is the blind corner by the Harvey Well Pump House. There have been problems with drivers cutting that corner, and it is worse since the Walmart opened. One driver ended up in a neighbor's yard. He has evidence such as 911 contacts and a neighbor's video tape.

- Mayor Richardson stated that he recently spoke to one of the neighbors about the situation in the park. The police clear out the park, but individuals come right back into the park. He asked Officer Richins if the police could check the parks more often now that its summer. Typically most individuals in the park are neighborhood kids. He suggested that the police and neighborhood work together to keep the park clear. He directed Konrad Hildebrandt to schedule the Traffic Safety and Livability Oversight (TSLO) Committee to address the issue and invite Mr. and Mrs. Wistisen to attend.
- Jill Wistisen stated that the street is a problem to begin with, but it is much worse when individuals line the street with parked cars. The parked cars alter a driver's view.
- C. Kirk asked that Officer Richins attend the TSLO meeting.

Matt Rees: Mr. Rees is interested in the City's plans for the empty lot by the booster pump house on Bayhill Drive. He understands that at one time it was slated for a park. The residents on that street try to make a concerted effort to keep the street looking nice. He has had the empty lot next to him grated the last couple of years to keep it looking nice. Even if there are no upcoming plans for a park, the area needs to be grated in the interim. It has become a dumping ground because it looks dumpy.

- C. Martinez remembers this park being next on the Parks and Trails Master Plan.
- David Bunker said that one of the issues is the City would need to acquire a permit to do any work that falls within the right-of-way of the Metropolitan Water District of Salt Lake and Sandy. Acquiring a permit is quite a lengthy process. One thing the City is doing right now is putting in a planter strip so that an irrigation system can go in. Staff will look at doing other things to discourage dumping in the area.

PUBLIC HEARINGS

3. Fiscal Year 2011 Budget (July 1, 2010 to June 30, 2011) (7:32 p.m.)

No comments.

CONSENT AGENDA (7:32 p.m.)

4. Minutes from the May 4, 2010, Regular City Council Meeting  
 5. Minutes from the May 18, 2010, Public Hearing and Regular City Council Meeting

**MOTION: C. Kirk - To accept the consent agenda.** Seconded by C. Martinez.

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

SCHEDULED ITEMS

6. Review/Action on a Resolution Adopting a Proclamation Declaring June 12, 2010, as Desmon and McCoy Rowley Day (7:33 p.m.)

See handouts.

Council Discussion:

- Mayor Richardson stated that Desmon and McCoy have suffered from Crohn’s Disease. Desmon has additionally suffered from Leukemia. There will be a fund raiser held on June 12, 2010.

**MOTION: C. Jackman - To adopt Resolution No. 6-1-2010A, a resolution of the City Council of the City of Cedar Hills, Utah, adopting a proclamation designating June 12, 2010, as Desmon and McCoy Rowley Day.** Seconded by C. Martinez. Vote taken by roll call.

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

7. Review/Action to Award the Bid for the Mahogany Drive Overlay Project (7:35 p.m.)

Mayor Richardson stated that Mahogany Drive is a street overlay project. Because of the small size of the project, it does not require an “advertised” bid.

8. Review/Action to Award the Bid for The Cedars, Plats J-2 and J-3, Subdivision Improvements (7:36 p.m.)

See handouts.

Staff Presentation:

David Bunker stated that there were two responsive bidders for The Cedars, Plats J-2 and J-3, Concrete Improvement Project with High Country Concrete as the low bidder at \$26,843.75. The City received a good price that is right in line with other projects. The other bid may have been higher because the company was not familiar with Cedar Hills. He has seen work done by High Country Concrete, and they do good work. Staff's recommendation is to award the bid to High Country Concrete. The cost of this project is in addition to the money received by Mr. Black for the Plat J-2 Subdivision Project. The City wanted the two projects separated out. City projects do not receive a durability bond such as those done by a developer. Staff oversees the project to ensure it is done correctly. The project will be done by the end of June.

**MOTION: C. Kirk - To approve the award of the Plat J-2/J-3 concrete improvements to High Country Concrete, Inc. in the amount of \$26,843.75.** Seconded by C. Jackman.

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

9. Review/Action on a Resolution Adopting the Fiscal Year 2011 Budget (July 1, 2010 to June 30, 2011) (7:42 p.m.)

See handouts.

Staff Presentation:

Rebecca Tehero stated that there are several street projects that have not been completed due to inclement weather and because of the June Family Festival. Therefore the \$150,000 for those street projects has been moved to the new fiscal year budget, and the projects will be bid out July 1. Solid Waste expenditures include both the costs from Waste Management and the North Pointe Solid Waste Special Service District. Administrative costs such as printing utility bills, managing profits, etc. for Solid Waste are included in the General Fund. The total cost for Fire/Paramedic Services is \$362,000, which is an increase of \$160,000. The new paramedic fee will only collect \$55,000 to cover the increase. The Council may want to discuss what percentage should be fee-based and tax-based. Another question that arises with the paramedic fee is what to do if there is a vacant lot.

Konrad Hildebrandt stated that among the three participating cities in the Lone Peak Public Safety District (LPPSD), Cedar Hills has the highest percentage increase in fire/EMS services. However, Highland and Alpine have a higher dollar amount due to a larger population. The cost for fire service is based on the total assessed property evaluation, and the cost for EMS service is based on population. Even though the cost went up 79.8%, the City still gets a great deal. Three things have caused this increase in services. First since the year 2000, the LPPSD has been the only certified medic unit to do transports from American Fork Hospital. State law requires that if the city where the hospital is located has sufficient certification, that city gets to do the transports. American Fork has recently become paramedic certified and eligible to do the transports. This has taken \$300,000 - \$400,000 out of the LPPDS budget. LPPDS is paying more to have paramedic level service, but that paramedic certification is such a blessing for the residents. Second Highland City has recently built a new facility. Highland and Alpine now have full-time Fire/EMS people. The goal of the LPPSD is to have full-time Fire/EMS people in all three cities, which is not currently in Cedar Hills. It is a good idea for all cities to have that level of service. The City pays Highland to rent its facility, which costs over \$100,000 a year. Third the City has been working on a grant for nine full-time police officers. The first two years, the grant was covered by federal funds. The City is now paying 90% of that grant; next year the City

will have to pay 100%.

Council Discussion:

- Mayor Richardson stated this is a strong budget and keeps the City in line with being conservative. He recommended that the budget be adopted. He feels paramedic fees should not be collected on vacant homes.
- C. Jackman agrees with Mayor Richardson on not collecting paramedic fees on vacant homes.
- C. Kirk asked if a more in-depth analysis could be done.

**MOTION: C. Wright - To adopt Resolution No. 6-1-2010B, a resolution adopting the 2010-2011 Fiscal Year Budget for the City of Cedar Hills, Utah.** Seconded by C. Jackman.

Further Discussion:

- C. Wright stated that the things that are happening around the world are not happening in Cedar Hills. The City is trying to keep within a budget. She is proud of the City's high standard and commends City staff.

Vote taken by roll call.

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

Motion passes.

10. Review/Action on Resolution Adopting Fees (Pressurized Irrigation Usage, Storm Drain/Flood Control, Sewer Base Rate and Usage, Paramedic Fee) (8:01 p.m.)

See handouts.

Staff Presentation:

Rebecca Tehero stated the staff has prepared a 10-year schedule that shows all the previous utility rate increases. There has not been an increase in pressurized irrigation usage since this fee was added in 2003. The increase for pressurized irrigation, which is based on lot size, is very low for approximately 75% of the residents of Cedar Hills. It is an increase of 23 cents for a 1/4 acre lot or less and 33 cents for a 1/4 acre to 1/3 acre lot. The sewer usage fee is the largest increase. Timpanogos Special Service District increased its rates by 27% this year, and increased its rates last year 26%. Every City in the District is affected. These are all of the rate increases that are foreseen in the next twelve months. The City's Waste Management contract is up sometime during the beginning of 2011, and an increase is unknown. She will get a break-down of the fees for EMS, which could be subsidized through property tax.

Council Discussion:

- Mayor Richardson stated that due to fee increases from the Timpanogos Special Service District and Lone Peak Public Safety District, the City Fee Schedule needs to be modified. There is also a pressurized irrigation usage fee increase. The City's bonding company for pressurized irrigation allows a certain debt amount. An excess amount is supposed to be maintained, and the City has fallen below that.
- C. Kirk stated the increase in fees is to cover the actual cost of maintaining the services. An increase in fees is not an increase in taxes.
- C. Wright would like something in the next newsletter to show the increased fees.
- C. Jackman would ideally like to have the fire services covered by property taxes and the EMS covered by fees.

**MOTION: C. Jackman - To adopt Resolution No. 6-1-2010C, a resolution adding, amending, or deleting certain fees to the official fees, bonds, and fines schedule of the City of Cedar Hills, Utah.**  
Seconded by C. Wright. Vote taken by roll call.

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

11. Review/Action on an Ordinance Regarding the Telecommunications Service Providers Tax (8:10 p.m.)

See handouts.

Staff Presentation:

Rebecca Tehero stated this increase is to partly offset the increase incurred by the Lone Peak Public Safety District. The current rate is 3.33%; the majority of the cities in the County are at 3.5%, which is the maximum rate set by the state. This needs to be approved by July 1 in order to have the tax effective by October 1.

Council Discussion:

- C. Kirk said the original ordinance states in Section 3-2C-4 under Rate Limitation and Exemption, "The rate of this levy shall not exceed 3.33% of the telecommunication provider's gross receipts from telecommunication service attributed to the municipality unless a higher rate is approved by a majority vote of the voters in this municipality. . ." He questioned if this needs to go to a vote. If you have a state law, you can add to the requirements; but you cannot subtract from the law. The Council put a restriction on this ordinance that was more restrictive than State law, and if this is changed the Council may be in violation of the ordinance. He would like the City Attorney, Eric Johnson, to look at this before approving it.
- Mayor Richardson said he didn't think it needed to go to a vote as long as the City did not go beyond the State cap of 3.5%.
- C. Jackman feels the Council should get interpretation of the ordinance.

**MOTION: C. Kirk - To continue Item 11 until the next City Council meeting on June 15, 2010.**  
Seconded by C. Martinez.

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

12. City Manager Report and Discussion (8:18 p.m.)

- Notification was received from the Arbor Day Foundation that the City of Cedar Hills was voted Tree City USA for 2009. Tree maintenance counts towards the qualification of this award.
- The improvements at Mesquite Park are scheduled to be done June 19.
- McDonald's will be done in August.
- The construction on 4800 West from the Canal to SR-92 will start in June. Most of it is scheduled to be done by the time school starts.
- Cedar Hills Family Festival - C. Wright recruited Governor Herbert as the parade Grand Marshall. Swim night is at the new Lindon Aquatics Center, and skate night is at Classic

Skating in Orem. The 5-K run will be a faster route; it is downhill to start and downhill to finish.

- The Lone Peak Public Safety District (LPPSD) includes police as well as fire/EMS services. The LPPSD meeting this evening does not involve Cedar Hills because it has to do with police services; whether to keep officers or get rid of officers. Highland City and Alpine City have two representatives each, and the vote has been a tie. If there is another tie vote, the bylaws require that the item be taken back to the respective city councils. The City's LPPSD representative is Jim Perry, who can only vote for Fire/EMS services.
- David Bunker stated the 4800 West road plans are about 75% complete. The drop-off in front of Lone Peak High School will be modified. There has been discussion of an overhead pedestrian ramp crossing 4800 West, but nothing is definite.

#### MAYOR AND COUNCIL REPORTS

##### 13. Board and Committee Reports (8:27 p.m.)

- C. Kirk would like to see the monument sign on the corner of 4800 West and Cedar Hills Drive completed. Mayor Richardson asked this to be put on the next meeting agenda.
- C. Martinez reported that a youth parks program is being developed that will start July 1 and last six weeks and will include activities such as a Frisbee Golf Tournament. Tot Soccer has ended. There were a lot of compliments stating it was fun for the kids, totally worth the price, and hoped to see it again in the fall. She is hoping to get the Recreation, Parks, and Trails Committee finalized by the end of the month. Highland Gardens has agreed to be the sponsor for the City's Yard of the Month.
- C. Jackman stated the Blue Ribbon Recreation Committee met, which was discussed during the Work Session. The Planning Commission met and received training.
- C. Wright stated the Beautification Committee met. There will be a family night cleanup at the jungle across from Heritage Park. The Blue Ribbon Recreation Committee is a great group of concerned citizens.

#### EXECUTIVE SESSION

##### 14. Motion to go into Executive Session, Pursuant to Utah State Code 52-4-205 (8:35 p.m.)

**MOTION: C. Jackman - To go into Executive Session, Pursuant to Utah State Code 52-4-205 to discuss purchase or sale of property.** Seconded by C. Martinez.

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

\* \* \* EXECUTIVE SESSION \* \* \*

##### 15. Motion to Adjourn Executive Session and Reconvene City Council Meeting (9:15 p.m.)

**MOTION: C. Kirk - To Adjourn Executive Session, where there was also discussion regarding possible pending litigation, and Reconvene City Council Meeting.**

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

ADJOURNMENT

16. Adjourn

This meeting was adjourned at 9:16 p.m. on a motion by C. Kirk, seconded by C. Wright and unanimously approved.

Approved by Council:  
June 15, 2010

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