

CITY COUNCIL MEETING
Tuesday, January 4, 2011 7:00 p.m.
Public Safety Building
3925 W Cedar Hills Drive, Cedar Hills, Utah

Present: Mayor Eric Richardson, Presiding
Council Members: Scott Jackman, Ken Kirk, Stephanie Martinez, Jim Perry, Marisa Wright
Konrad Hildebrandt, City Manager
Kim E. Holindrake, City Recorder
Cathy D. Larsen, Deputy Recorder
Greg Robinson, Assistant City Manager
Lt. Sam Liddiard, Police Department
Other: Cliff Chandler, Jay Taggart (Curtis Miner Architects), Reece DeMille (Allied Waste), Diane Kirk, Brent Uibel, Ken Cromar, Jerry Dearing, Brad Freeman (Fire Chief), Ben Bailey, Cody Bowman, Brandt Godwin, John Shepherd, Phil Harmanek (Daily Herald), Harlow Clark (Timpanogos Times)

COUNCIL MEETING

1. This meeting of the City Council of the City of Cedar Hills, having been properly noticed, was called to order at 7:08 p.m. by Mayor Richardson.

Invocation by Mayor Richardson.

Pledge of Allegiance led by C. Martinez.

2. Public Comment (7:10 p.m.)

Jerry Dearing: Mr. Dearing stated that the new Community Events and Recreation Center plan reduces the size of the facility by 1/3 and has taken out anything to do with recreation or library. The facility is now clearly a golf course clubhouse/reception center. If recreation funds are to be used, the City should build a recreation center at that location. One building should be built instead of two with everything being completed at the same time. He appreciates the Council for working on public safety.

Benjamin Bailey: Mr. Bailey (Lone Peak Public Safety District) has been a firefighter/paramedic for 17 years. He is addressing the fire safety issue not as a firefighter in the community but as a resident of Cedar Hills. Cedar Hills has a fantastic City Council, and Lone Peak Public Safety District (LPPSD) couldn't ask for a better fire chief than Brad Freeman. The biggest issue that LPPSD faces is in regards to medical responses. Alpine City is staffed with two paramedics who can get to an incident in Alpine within one or two minutes. He has been to several incidents in Cedar Hills, and it takes about eight minutes to get to Cedar Hills. He supports extra dollars being used towards public safety in order to get the paramedics to an emergency quicker. Ideally, it would be nice to have a fully staffed fire station, but that is not practical. Two staffed individuals would help. Unfortunately, several more firefighters would not have helped the recent fire in Cedar Hills.

Brad Freeman: Chief Freeman stated that the home that burned down in Cedar Hills was a lost cause when the firefighters got there. There were other issues that had to be addressed such as protecting the home to the north. Luckily there was no one in the burning home. If medics were stationed closer, they would be able to get to an incident in time to save lives.

Brent Uibel: Mr. Uibel is here by request. The current proposal for the Community Events and Recreation Center is not a good use of size and structure. When there is an upper level of a building larger than the lower level, the excavation has to equal the limits of the outer level. A

big enough crawl space would allow for the area to be finished off later on. He has provided another plan (Option 5) that is a combination of both the Curtis Miner plan and the Ken Harris plan and would provide look, function, size, and unity. There would be a total square footage of 18,400, with a cost of \$2,000,000. The multipurpose room would be flared out on one side ending in a total of 3,000 square feet rather than the 4,022 square feet. There would be a kitchen area, cafeteria, and bathrooms. The back entryway, as well as the northwest outdoor walkway, would be deleted. There would be a deck with the same cover that Curtis Miner suggested. The main entryway is similar in look to the Curtis Miner plan. The stairwell would wrap around the elevator. The second floor would have 2,600 square feet. On the first floor the storage room, aerobic room, and conference room would remain. The roof is to be flat with a mansard face similar to the roof on the retirement center. The upper floor could be used as a meeting room. There is a wooden bi-fold door that would open up in order to use the lobby as an overflow area. The speaker system would cover the hearing ability in its location. Other rooms could be used for other accommodations. In the basement the cart path would come along the back at the posts/pillars. There would be an opening that comes into the stairwell with a maintenance area for the cart people. To the right there would be room for a children's library. The contractors would agree to build the structure for the \$2,000,000 cost.

Ken Cromar: Mr. Cromar expressed appreciation for everything that occurred at the last Council meeting. There was a lot of painful and difficult thinking that resulted in a conscientious decision. In regards to the \$2,000,000 golf course clubhouse/reception center, there was talk at the previous meeting regarding moving the golf cart storage facility to another location rather than under the proposed building. This would cut down cost and is not in the current proposal. He is concerned that additional subsidies are being used for a golf course clubhouse as well as building a reception center that competes with the private sector. What makes the City think that using additional subsidies would be successful in this present economy? Is there a feasibility study showing this? What makes the City think that the golf course would finally make a profit? Would building a golf course clubhouse/reception center increase the need for City employees? Would it increase the need for taxes? What legitimate function of government needs to be done by the City at this time? How many square feet in the Public Works Building is available and could this be used to build a children's library? The City is taking away dollars that will not serve the bulk of the community. "The Law" by Frederick Bastiat states, "When a portion of wealth is transferred from the person who owns it -- without his consent and without compensation, and whether by force or by fraud -- to anyone who does not own it, then I say that property is violated; that an act of plunder is committed. ...how is this legal plunder to be identified? Quite simply. See if the law takes from some persons what belongs to them, and gives it to other persons to whom it does not belong. See if the law benefits one citizen at the expense of another by doing what the citizen himself cannot do without committing a crime." Dollars are being used to subsidize golf, but residents do not receive reimbursement from golfers. Thomas Jefferson stated "To compel a man to furnish funds for the propagation of ideas he disbelieves and abhors is sinful and tyrannical." It is inappropriate to spend money on something that was not built for the intent of the community. All three million should be spent on a recreation center.

CONSENT AGENDA (7:46 p.m.)

3. Minutes from the December 7, 2010, Regular City Council Meeting
4. Minutes from the December 15, 2010, Special City Council Meeting

MOTION: C. Perry - To approve the consent agenda. Seconded by C Martinez.

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

Motion passes.

MOTION: C. Kirk - To move Item #6 as the first item on the Scheduled Items. Seconded by C. Jackman.

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

SCHEDULED ITEMS

6. Review/Action Regarding the Lone Peak Public Safety District Stationing at the Cedar Hills Public Safety Building (7:48 p.m.)

See handouts.

Presentation:

Konrad Hildebrandt stated that he is pleased with the professional firefighter/medic personnel that have worked with the community. They have a high level of education and are trained to do things on seen that an emergency room doctor can do. Emergency calls are 80% to 90% medical calls, and time limits can be critical. Decreasing the response time would benefit the citizens in the community. Staff is proposing the purchase of a Mobile Command Center RV, which will be housed at the City's Public Safety Building. This Command Center would be beneficial for various reasons. It will assist in any type of medical emergency and sleeping quarters for two 24/7 firefighter/medics in Cedar Hills. It could be leased to other communities in the District. Some of the requested funds for this proposal are to be used for the renovation of the existing Public Safety Building. This will provide living quarters for the firefighter/medics. This proposal is a great first step in bringing fire/EMS into the community. The Public Safety Building is currently occupied by City staff and used for administrative and Council functions.

Chief Freeman stated that his number one goal has been to get firefighter/medic personnel into Cedar Hills. Having emergency personnel closer could greatly increase a person's chance of survival. Cedar Hills has grown as big as Alpine City where there is a full-time station. A full-time facility takes time. The Mobile Command Center would bring two firefighter/medics to Cedar Hills now and could also act as a command post. Paramedic personnel can be brought here for minimum wage. Lehi, Pleasant Grove, and American Fork helped with the recent Cedar Hills fire. The surrounding cities may not always be available to assist with an emergency. The Lone Peak Public Safety District (LPPSD) services three cities (Highland, Alpine, and Cedar Hills) and the canyon. Everyone in the district is cross-trained. There needs to eventually be four full-time firefighter/medic personnel at each of the three stations. Firefighters are required to live at the station and have their own sleeping quarters. The two new firefighter/medics will sleep in the RV, which will be housed in the bay of the Public Safety Building. There will be living quarters downstairs; some of the renovation work could be donated. The personnel will use the kitchen and shower upstairs. It has been approved to have a pumper/ambulance brought to Cedar Hills. He will push firefighter/medics to be brought to the City at the next LPPSD board meeting. The Public Safety Building was built for the LPPSD. Because of budgeting reasons, City staff occupied this building. This decision is in the City's hands.

Council Discussion:

- Mayor Richardson stated that he and Konrad Hildebrandt have been working the past six months on trying to decrease the emergency response time in Cedar Hills, which would benefit the community. This response time is very critical, especially on medical calls. There are full-time firefighter/medics stationed in Highland City and in Alpine City but not in Cedar Hills. He was

at the scene of the fire last week and was very impressed with the way the fire team handled the situation. There needs to be that level of expertise brought closer to Cedar Hills. The City's Public Works staff also works to make sure there is enough water in the City during a fire emergency.

- C. Kirk stated that it was a real tragedy that there was a fire in Cedar Hills last week and fortunate that there was no loss of life. The discussion tonight is not something that has taken place because of the recent incident but has been in the works for quite some time. This proposal is a first step but not the last towards improving public safety in Cedar Hills. He is in favor of the proposal.
- C. Wright stated that it was tragic that the house was lost in the recent fire. It was a victory that the surrounding homes were saved. The firefighters did a great job. Bringing full-time firefighter/medics to Cedar Hills needs to be made a reality.
- C. Perry stated that the City needs a full-time facility, and not just a motor home. A Mobile Command Center has a lot of benefits, but it isn't good enough. If the City is serious about bringing in fire/EMS personnel, the City should provide a facility. Chief Freeman and the community support full-time fire/EMS in Cedar Hills. Cedar Hills is the same size as Alpine and is a partner in the LPPSD. Alpine and Highland have manned facilities, but Cedar Hills does not. Cedar Hills is not treated equally; there needs to be something that is right and fair. If the City can't get equal service from LPPSD, maybe the City needs to go elsewhere.
- C. Jackman stated that this proposal is a short-term solution, but the City needs a long-term solution. If City staff were moved somewhere else, fire/EMS personnel could be moved in. Maybe the City should be focusing on City offices instead of a golf course clubhouse. The City is not being treated unequally by LPPSD; the City has done this to itself.
- C. Martinez questioned if City staff and the firefighters could occupy the same building.

MOTION: C. Wright - To approve the purchase of a Mobile Command Center RV and renovation to parts of the existing Public Safety Facility to house a minimum of two medic/firefighters 24/7, cost not to exceed \$80,000. No second. Motion dies.

Further Council Discussion:

- C. Jackman stated that someone's life may be at stake if Council doesn't vote to approve this proposal now. A deadline needs to be made for a long-term solution.
- Mayor Richardson stated that when the downstairs area of the Public Safety Building is renovated, each finished room will need to have an egress. This plan provides steps in the right direction. There is a real cost every day Council does not do something. The City needs to look into the possibility of receiving a grant to purchase the Mobile Command Center. If the biggest portion of the cost came from a grant, funds could be allocated towards a better solution.
- C. Perry stated concern that none of the firefighter/medic personnel will want to come to Cedar Hills if the living arrangements are inadequate. There needs to be a guarantee that if new City offices are built and staff evacuates the Public Safety Building, firefighter/medic personnel will occupy the building right away. The Mobile Command Center should be a temporary measure. City staff needs to work toward a long-term, permanent solution.
- C. Martinez questioned if the downstairs portion of the Public Safety Facility could house the firefighters/medics. Emergency personnel should not have to sleep in the RV.
- C. Kirk stated apprehension due to C. Perry's opposition to the plan because he is the LPPSD representative. If the City vacates the Public Safety Building tomorrow, can LPPSD immediately occupy the building with firefighter/medic personnel?

Konrad Hildebrandt stated that the City has been saving franchise fees and has around one million dollars. This money combined with the other million left over from recreation money could go towards recreation/City offices. The two full-time firefighter/medics would sleep in the Mobile Command Center, which would be housed in the bay.

Chief Freeman stated that the entire basement would not need to be finished. Some building codes will need to be met to have a living space. Between both the Mobile Command Center RV and the living quarters inside, it could be comfortable. This is a financially good decision. LPPSD doesn't own the buildings it occupies; they are owned by the municipalities. Cedar Hills would receive rent from LPPSD for the firefighter/medics being stationed here. There would not be a citizen that would have a problem with making public safety better.

MOTION: C. Perry - To instruct staff to pursue a permanent long-term solution to have appropriate EMS/fire personnel in Cedar Hills, and at the same time provide for an interim solution to provide personnel here as soon as possible to meet our short-term needs. No second. Motion dies.

MOTION: C. Wright - To approve the purchase of a Mobile Command Center RV and renovation to parts of the existing Public Safety Facility to house a minimum of two medic/firefighters 24/7, cost not to exceed \$80,000, and move to a more permanent situation where the City can potentially house up to four. Seconded by C. Kirk.

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

Further Discussion:

- C. Jackman stated that this topic needs to be discussed every time Council meets until there is a solution. This needs to be a priority instead of making the golf course clubhouse a priority.

MOTION: C. Perry – To approve renovation to parts of the existing Public Safety Facility to house a minimum of two medic/firefighters 24-7, and that staff continue to investigate grants and other funding options and make recommendations to the Council for both a long-term solution to the City's public safety needs and a short-term solution to get coverage to the City's community as soon as possible. Seconded by C. Martinez.

Further Discussion:

- C. Kirk stated that the motion doesn't put anything concrete into place. If Council is voting "No" because of a desire for a permanent solution, then one of two things need to be done: 1.) Instruct staff to come up with a building plan for City offices in order for the building to be occupied by fire/EMS, or 2.) put this plan in as a temporary solution no later than June. Do not let June come around with no decision being made.
- C. Perry stated that at some point the Council needs to not micromanage. There needs to be some parameters set.
- Mayor Richardson hopes it does not take until June for the Council to come up with a permanent solution.

AMEND MOTION: C. Perry – To house four long-term medic/firefighter personnel. Accepted and seconded by C. Martinez.

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

Further Discussion:

- C. Kirk is concerned with the repercussion for the City not sticking to a goal. It is better to give up all of the other buildings that have been discussed to come up with a plan to provide better public safety service.
- C. Perry stated that at some point, there needs to be a permanent facility. If the City sets some parameters, this could happen. The City needs fire and EMS personnel here.

MOTION: C. Martinez - To approve the purchase of a Mobile Command Center RV and renovation to parts of the existing Public Safety Facility to house a minimum of two medic/firefighters 24-7, and to also direct staff to have a plan to have permanent firefighters by March 2011. Seconded by C. Jackman.

Konrad Hildebrandt stated there is over \$200,000 in Public Safety Impact Fees.

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

5. Review/Action on Resolution Adopting Fees (9:14 p.m.)

See handouts.

Staff Presentation:

Greg Robinson stated that “Per ERU” (Equivalent Residential Unit) was added for clarification purposes. The water meter increase is for the actual cost of the meter. There is no longer a landscape installation bond. The commercial street improvement fee was added so that any commercial development would be aware of the fee associated with the commercial sector. Staging in the street was discussed in the work session. “Residential” was added to impact fees for clarification purposes. The landscaping watering fine has been taken off; Council decided not to regulate watering. Water usage is still a problem, but the amount of water the City can provide is not. The accounts receivable finance charge is assessed to outstanding accounts. The general refund fee replaced the park reservation refund fee; any reimbursement will fall under this category. The temporary water on/off is to cover the cost for seasonal residents turning water on/off when they leave/return. This fee could be a little higher but is an average cost. The general inspection fee is based upon the IBC Code and is the cost for any inspection not specified in the schedule.

Council Discussion:

- C. Martinez stated that Lowe’s has requested the City inspect any dishwasher that Lowe’s has installed; Lowe’s does not have bonded and insured installers. This costs the customers of Lowe’s \$47.
- Mayor Richardson stated that the watering restrictions were put in place because the City did not have enough water. The fee could not regulate how much water the individuals used, so it wasn’t effective.
- C. Kirk stated that the watering schedule forced him to water more than he would have done otherwise. The temporary water on/off fee reimburses the City for the time and gas spent by City personnel.

MOTION: C. Jackman - To adopt Resolution No. 1-4-2011A, a resolution setting and adjusting certain fees and adding certain fees to the official fee schedule of the City of Cedar Hills, as stated. Seconded by C. Martinez. Vote taken by roll call.

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

7. Review/Action Regarding the Community Events and Recreation Center (9:26 p.m.)

See handouts.

Staff Presentation:

Konrad Hildebrandt stated the Council took action at the last meeting to cut the size of the Community Events and Recreation Center by one-third. The estimated cost is approximately two million. The Event Center has a divider in order to hold events at the same time. There are still a lot of functions within the facility and areas for programs. There is a grill and a place to house the golf course. Staff has tried to make it as cost effective as possible. The impact fees need to be used in a timely basis.

Council Discussion:

- C. Jackman stated that after building a golf course clubhouse, there will only be one million dollars remaining to build a recreation center and a community facility. At one time it was considered combining three facilities into one building. He would support one building.
- C. Martinez thought that all three facilities could not be combined into one building because of the issue with parking.
- Mayor Richardson questioned the possibility of a parking garage.
- C. Wright supported the Ken Harris clubhouse plan that was presented in March of 2009. The proposal presented at the last Council Meeting was better than that proposal and much better than the current proposal. For a few extra thousand dollars, a facility could be built that would service more residents. The Council is back where it started in March 2009. David Bunker (City Engineer) is not comfortable with building a big facility at the end of a dead-end street. How crucial is a driving range for a golf course?
- C. Martinez stated that she is also heartbroken over the plan change made at the previous Council meeting as well as the loss of a children's library. The issue with the previous proposal was the cost. One facility is going to have more than the other facility. The Community Services Director needs to be serious about the programming that goes on up there. If the City is building two facilities, there should not be a basketball court built because of the cost. The City has a Master Plan; the City should specify phases for this project according to the Master Plan. There has been conversation regarding fire/medic services. The City has one million dollars in Franchise Fees besides the recreation funds. A golf course clubhouse could be built for 1.5 million dollars; one million dollars could be used to house City staff.
- C. Perry stated that the Council came to a conclusion that the City needs to either build one building with more recreational possibilities or build a smaller facility. There needs to be two buildings or one larger building.
- Mayor Richardson stated that Curtis Miner designs beautiful buildings. The City should be considering putting more into the facility in order to utilize the construction cost. Aquatics would be the best thing to provide for the City. That could be the stake, and everything works around it.

The assets should not be injected into the wrong plan; the biggest thing is determining what the plan is.

- C. Kirk stated that he will not support any bonding that will put the City in debt. The impact fees need to be used now, or the City loses them. At the last meeting, there were just as many residents for a new facility as were against it. The City has possibly been listening too much to the squeaky wheel. The project should possibly be phased. The City is currently paying for a triple-wide trailer that is insufficient for an \$8,000,000 asset.

C. Wright excused at 10:25 p.m.

Jay Taggart stated that the City is saving about 17,000 by not putting in a golf simulator. The largest portion of cost for a parking garage would be the concrete. There would be more square footage for the cost if the exterior of the building were cheapened. There is a great view that can attract and increase revenue.

Konrad Hildebrandt stated that the Sunset Room is a little over 2,000 square feet. There are concerns with combining all three buildings in that the road going to the facility is a single lane behind residential homes.

MOTION: C. Martinez - To direct staff to move forward on the CERC development and return with competitive construction bids. Seconded by C. Kirk.

Yes	-	C. Kirk	
	-	C. Martinez	
	-	C. Perry	
No	-	C. Jackman	Motion passes.

6. Review/Action Regarding the Lone Peak Public Safety District Stationing at the Cedar Hills Public Safety Building (Continued)

Konrad stated it would be prudent to have a letter for the Lone Peak Public Safety District board stating the City's long-term plans and the seriousness of bringing in fire and EMS personnel.

MOTION: C. Perry - To move that in light of the fact that the City has had a structure fire within Cedar Hills, that the City is nearly as populous as Alpine, and that the City is a partner in the Lone Peak Public Safety District, and whereas the City has no current staffing within the City, the City strongly urges the Lone Peak Public Safety District to staff fire and EMS personnel within the City, at equivalent levels of Highland and Alpine, or the City will look for alternative solutions for public safety. Seconded by C. Jackman.

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

8. City Manager Report and Discussion (10:41 p.m.)

- Staff is working on mitigating the tailings from the tank site.

MAYOR AND COUNCIL REPORTS

9. Board and Committee Reports

No reports.

EXECUTIVE SESSION

10. Motion to go into Executive Session, Pursuant to Utah State Code 52-4-204 and 52-4-205

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

No Executive Session.

ADJOURNMENT

12. Adjourn

The meeting was adjourned at 11:00 p.m. on a motion by C. Perry, seconded by C. Jackman, and unanimously approved.

Approved by Council:
January 18, 2011

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