

CITY COUNCIL MEETING
Tuesday, July 12, 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, Stephanie Martinez, Marisa Wright, Jim Perry
Absent: Ken Kirk
Konrad Hildebrandt, City Manager
Greg Robinson, Assistant City Manager
Kim Holindrake, City Recorder
Rebecca Tehero, Finance Director
Courtney Hammond, City Meeting Transcriber
Julia Kyte, City Counsel
Dax Fossum, Finance Specialist
Others: Cliff Chandler, Caroline Lee, John Lee, Michael Lee, Charlie Emig, Natalie (newspaper reporter), Greg Walkenhorst, Harlow Clarke (Timp 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 7:10 p.m. by Mayor Richardson.

Invocation given by C. Wright

Pledge of Allegiance led by C. Jackman

2. Public Comment (7:13 p.m.)

No comments.

CONSENT AGENDA

3. Minutes from the June 22, 2011, Public Hearing and Regular City Council Meeting (7:13 p.m.)

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

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

MOTION: C. Perry - To move item 4 until after item 6. Seconded by C. Martinez.

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

SCHEDULED ITEMS

5. Review/Action on an Opt-Out Program for Recycling with Waste Management (7:18 p.m.)

See handouts.

Staff Presentation:

Dax Fossum discussed the opt-out program. Adopting an opt-out program would lower recycling rates. There would be a 45-day window to allow residents to opt out after which anyone that has not opted out would be delivered a recycling can.

Greg Walkenhorst of Waste Management stated that opt-out cities get up to an 80% participation rate. At a 75% participation rate the cost of a recycling toter reduces to \$3.65 from \$3.95. The City can also participate in profit sharing on recycling profits.

Council Discussion:

- C. Martinez stated that she would like to organize the youth in the City to lead a recycling education program.
- Mayor Richardson stated that he never receives complaints about the waste management service. The opt-out program and the 20 cents of cost savings is not worth the potential for aggravated residents. He would prefer for the City to run an opt-out program where there can be allowances and terms for later opt-out residents rather than a contractual agreement with Waste Management where the City can't control the terms. Greg Walkenhorst stated that Waste Management would prefer a contract simply because it would be making an investment in terms of cans, new routes, possibly a second truck, etc. though Waste Management can work with the City for a revised contract with different language.
- C. Perry stated that he agrees with the mayor's comments. An opt-out recycling program would be mandatory for anyone that moved in after the 45-day window. Opt out is good, except for those cases when residents don't have the option to opt out.

MOTION: C. Perry - To authorize the mayor and staff to continue to explore the options of the City with regards to recycling, and at this time not move forward with a contractual change with Waste Management, which has always been great and we look forward to continuing. Seconded by C. Jackman.

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

6. Review/Action on a Boundary Line Agreement Located at Approximately 4063 N Ironwood Drive (7:46 p.m.)

See handouts.

Staff Discussion:

Greg Robinson stated that Charlie Emig approached the City about making a boundary line adjustment in conjunction with the sale of a property. The property owners want to take 10 feet off the side/front of 4063 W Ironwood in exchange for 10 feet from the side back at 4077 W Ironwood. The property will go into foreclosure if the change doesn't go through tonight. Both property owners have been contacted along with a potential buyer and everyone is in agreement. This should be contingent on meeting setback requirements.

Charlie Emig stated that this change rectifies what the owners have agreed to among themselves,

but never had recorded. The landscaping has been done according to their verbal agreement. As it currently stands neither property owner can sell their property because their landscaping encroaches on each others' properties.

MOTION: C. Perry - To approve the Juniper Heights, Plat B, Lot 69 and Lot 68 boundary line adjustment, subject to a surveyor's verification that the changes will meet setback requirements, the submission of the original legal description to the city recorder, and the completion and recording of the appropriate forms with the city recorder. Seconded by C. Wright.

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

4. Review/Action on the Concept Plan for Holiday Oil (7:53 p.m.)

See handouts.

Staff Presentation:

Greg Robinson stated that Holiday Oil is interested in developing on the south corner of Cedar Hills Drive and 4800 West. They have met with the Planning Commission, which recommended approval of the conceptual site plan. This is technically a subdivision. Amsource, the current property owner, was not at the Planning Commission meeting. All the improvements would be required as well as master planning the rest of the parcel. The City is working on a street master plan for the area. It can be used as part of the parcel master plan. The car wash exit is close to the drive access, which is a potential hazard. Holiday Oil would like to change the configuration of the canopies and moving the car wash to the east side. Amsource is worried about changing the view corridors with that option. Staff recommended moving the Cedar Hills Drive entrance to the center of the development.

Council Discussion:

- C. Perry stated that the piece seems to have been designed in a vacuum, and the surrounding area needs to be considered. He is really excited to have Holiday Oil and feels the details can be worked out.
- Mayor Richardson stated that there are four different parcel owners. There needs to be a road plan, and a special service district needs to be formed to make sure the road plan is in place. A subdivision approval is also necessary. Access on Cedar Hills Drive needs to be further considered. The City has been careful about garage-style openings like at the car wash, which have been required to be set back. The same should go for this piece.

MOTION: C. Jackman - To approve the concept for Holiday Oil site plan subject to a special improvement district for the roads, subject to subdivision approval, subject to a review of the access on Cedar Hills Drive, subject to the car wash being located on the same plane or behind the store, and subject to the overall site plan to be included. Seconded by C. Wright.

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

7. Review/Action on a Policy for Exempt Employee Severance (8:12 p.m.)

See handouts.

Staff Presentation:

Konrad Hildebrandt stated that this policy would be for exempt employee severance and those with contracts, specifically the city manager and city engineer. Currently the severance policies allow for full benefits for the time period allotted. In an effort to avoid double dipping of severance usage, this proposal allows the mayor to approve up to a 12-month severance with the provision that if during the severance the employee obtains similar employment, the severance payments will cease.

Council Discussion:

- Mayor Richardson stated that he suggested this policy change reviewing the contracts of both the city manager and the city engineer.
- C. Perry stated that he feels it is fair to offer severance for no fault dismissal. The term “similar employment” is not defined. In the past, the Council has reviewed the contracts. The Council has not reviewed the contracts. A discussion of the contracts would be healthy.
- C. Wright stated that C. Kirk told her that he is uncomfortable adopting this policy without reviewing the current exempt contracts.
- C. Jackman stated that this policy concerns dismissal without cause, which would be a decision by the mayor. Yet the mayor is given the authority to determine the length of the severance. A specific length of time should be specified.

MOTION: C. Jackman - To continue this item to the next meeting. Seconded by C. Martinez.

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

8. City Manager Report and Discussion (8:24 p.m.)

- The election 2011 sign up period has started. Currently there are five applicants for the three available positions.
- Staff is working on putting together a calendar for when budget items are planned to be completed throughout the year.
- Parent Link is now live. The City now has the ability to contact the entire City with news and information.
- The fire department did a great job in quickly responding to the fire on the hillside.

MAYOR AND COUNCIL REPORTS

9. Board and Committee Reports (8:33 p.m.)

C. Wright will be meeting with Jay Taggart and Jeff Maag on the design of the recreation building.

Mayor Richardson reported that the 4800 West construction is behind schedule.

C. Jackman reported that the Planning Commission met and discussed about Holiday Oil, chickens, and signs.

C. Martinez reported that tot soccer will begin in August 2011.

EXECUTIVE SESSION

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

MOTION: C. Perry - To go into Executive Session, Pursuant to Utah State Code 52-4-204 and 52-4-205 to discuss character/competence of an individual, sale or purchase of real property, and pending litigation. Seconded by C. Jackman.

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

* * * EXECUTIVE SESSION * * *

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

MOTION: C. Jackman – To adjourn the executive session. Seconded by C. Perry.

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

ADJOURNMENT

12. Adjourn

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

Approved by Council:
August 16, 2011

Cathy D. Larsen, Deputy Recorder