

CITY COUNCIL MEETING
Tuesday, December 6, 2011 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, Jim Perry
Konrad Hildebrandt, City Manager
Greg Robinson, Assistant City Manager
Chandler Goodwin, Community Services Director
Courtney Hammond, City Meeting Transcriber
Lt. Sam Liddiard, Police Department
Others: Cliff Chandler, Trent Augustus, Gary Gygi, Julie Buswell, Jenney Rees, Karissa Neely (Daily Herald), Jared Osmond, Jerry Dearing

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 given by C. Perry

Pledge of Allegiance led by Jake of Scout Troop 1138

2. Public Comment (7:10 p.m.)
Angela Johnson: Ms. Johnson encouraged the Council to not create a municipal court, but instead to continue as is. She doesn't think it will cost that much more for the prosecutor to travel to Provo, and it will likely cost less than setting up a municipal court. She believes the civic center/city building will cost too much money. Money has been set aside, but that money can be used for something else. She feels like there are enough buildings between the public safety building, public works building, and recreation center. The Alpine Fire Department is in the same building, but it has no basement. The basement should provide ample space for city offices. Commercial land can be used to build tax revenue.

CONSENT AGENDA

3. Minutes from the November 15, 2011, Regular City Council Meeting (7:13 p.m.)
4. Minutes from the November 22, 2011, Special City Council Meeting (7:13 p.m.)

MOTION: C. Jackman - To continue this item and direct staff to review the public comment and copy it verbatim. Seconded by C. Martinez.

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

MOTION: C. Jackman - To move items 8 and 9 to be the next items. Seconded by C. Perry.

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

SCHEDULED ITEMS

8. Discussion Regarding Amendments to the City Code 10-6A, Planned Commercial Development Projects, and the Guidelines for the Design and Review of Planned Commercial Development Projects (7:16 p.m.)

See handouts.

Staff Presentation:

Greg Robinson stated that this ordinance is geared towards temporary use permits. The temporary use permit will be permitted for as short as 30 days, or extended for up to six months. It would only affect the commercial district and requires written permission from the property owner. Temporary use on undeveloped parcels would require parking and safety measures. The applicant would be required to meet any County Health Department standards. Mayor Richardson was concerned if an applicant changed the scope or impact of the development. For such cases, language was added to either require the applicant to resubmit the application, or the City would have the ability to revoke the permit.

Council Discussion:

- C. Kirk stated that he would like to include a waiver of liability on any temporary use on city property. He finds the maximum allowed time to be confusing. Combining 13 and 14 would help solve that problem.
 - Mayor Richardson stated that the best place to put a waiver of liability would be in internal city policies and procedures. There can also be a requirement of insurance in this ordinance.
9. Discussion Regarding Assisted Living Group Homes (7:25 p.m.)

See handouts.

Staff Presentation:

Greg Robinson stated that the Planning Commission has put together an ordinance based on a similar one in Orem. Item 5 limits facilities of this nature to eight residents with allowances of up to 16 residents when certain requirements are met, specifically square foot requirements. Off-street parking is a concern in a residential neighborhood. The ordinance requires three off-street parking stalls with the possibility of more off-street parking required based on the number of residents. There is also a restriction on the number of these types of facilities in the City. No facility can be located within a quarter mile of another similar facility.

Jared Osmond stated that he began looking into assisted living when his father had a stroke. He found that so many options are poor quality. He wants to create a high-quality facility that respects and honors its residents at an affordable price. The state allows up to 16 tenants if the home can accommodate it. He has been disgusted with the size of some facilities, including two residents in a 10 x 10 foot space. He recommended no less than 200 square feet for a shared room. His goal is to set a model for what should be done. Animals and pet ownership by residents are covered by state laws. He does not intend to have any signage, except perhaps a small sign on the door.

Council Discussion:

- Mayor Richardson stated that these homes will have a different impact than a traditional home. It is not a commercial building but should contribute to the overall feel of the neighborhood. He would like to add some language that states the look and feel of facility should contribute rather than detract from the neighborhood. He would like to increase the distance between these types of facilities to a half mile.
- C. Wright stated that she feels like it is prudent to err on the side of the property owner in this issue. For that reason, she doesn't like the restriction of quarter mile between facilities.
- C. Kirk stated that he is concerned about the fiscal impact to the City with water, sewer, etc. He would like staff to consider a fee schedule. He would prefer to not list a specific number of parking stalls, but to state that adequate off-street parking to accommodate residents and staff is required. He is also concerned about resident pets.
- C. Perry stated that he agrees with Mayor Richardson about the proximity between facilities of this type. This is not a residential use; it is a commercial use and will have some commercial-type impact. One facility in a neighborhood will have minimal impact, more than that will have a greater impact.

MOTION: C. Kirk - To continue this until the 3rd of January with staff taking into account the discussion tonight. Seconded by C. Perry.

Further Discussion:

- C. Wright requested that staff look into how the sign ordinance applies to this type of facility.

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

5. Review/Action on the Expenditure of CARE Tax Revenue (7:51 p.m.)

See handouts.

Staff Presentation:

Chandler Goodwin stated that the City is planning to provide basic recreation classes for adults and youth when the recreation center opens in the spring. Some basic equipment will be needed. The types of classes include karate, aerobics, dance, etc. The City has CARE Tax funds that staff

would like to use to purchase equipment for the building, primarily for the aerobics-type classes, such as floor mats, resistance tubes, yoga mats, exercise balls, along with smaller items for preschool-type activities. There will be three types of classes offered: youth recreation, adult recreation, and non-recreation classes. The City is not looking to hire employees to be working in the building.

Council Discussion:

- C. Perry stated that he cares less about the number and types of equipment needed but is more interested in the policy for how the building is used and how costs are allocated and budgeted.
- Mayor Richardson stated that many of the instructors would be bringing their own equipment. The cost of the equipment should be factored into the cost of the class or the lease charged to the instructor.
- C. Wright stated that it is not feasible to have portable mirrors stored in the basement.

MOTION: C. Perry - To authorize the expenditure of up to \$20,000 for equipment for classes that will be self funding, including the costs of equipment over the life of the equipment. Seconded by C. Kirk.

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

Further Discussion:

- C. Jackman stated that he doesn't know what the alternative uses are for CARE Tax money.
- C. Wright stated that she feels that this is an appropriate use of CARE Tax funds and shouldn't be restricted to self-funding classes. She wants to make it as easy as possible for as many people as possible to offer classes for the community.

6. Review/Action on an Interlocal Agreement for the Dissolution of the Manila Water Company
(8:23 p.m.)

See handouts.

Staff Presentation:

Konrad Hildebrandt stated that a small portion of residents have been serviced through Manila Water Company. Manila Water Company has decided to dissolve. This interlocal agreement is the final step in the dissolution process. Engineers from both cities and a contract engineer have looked at the agreement and have provided the map. The benefit is that all Cedar Hills residents will be on the Cedar Hills system. The concern is that the infrastructure is old, though they are functioning lines. There are cash assets, and that money is allocated to make necessary changes to the system to allow each city to have an independent water system. If there is money left over, Pleasant Grove will be reimbursed for their subsidization of the system. Any remaining money will be split between Pleasant Grove and Cedar Hills based on the number of hookups from each city. Pleasant Grove will retain two wells and pay Cedar Hills 7.3% of the value of those wells.

Each city will capture the surface water rights associated with each property within its boundaries. Water rates will stay the same until January 2012.

Council Discussion:

- C. Wright stated that she is concerned that the older pipes will cost the City more in the long term than expanding the current system with new pipes to cover those residents serviced by Manila.
- C. Perry stated that six years ago the share that Cedar Hills had was 17%. Pleasant Grove has subsidized the Pleasant Grove residents on the Manila Water over the years. Now they want to be reimbursed, in essence making Cedar Hills subsidize their Manila Water residents. He thinks the agreement is fundamentally unfair. He feels that Pleasant Grove has essentially taken over the Manila Water system and milked it dry through upgrading their side of the system, bringing cash assets down from well over a million dollars to what it is today. However, if Cedar Hills holds up the dissolution, Pleasant Grove will continue to spend the money, and any interlocal agreement will continue to be worse for the City.
- C. Kirk stated that as the Cedar Hills representative to Manila Water, he presented himself to the Manila Water Board and asked to be involved in the process. They have not invited him to participate at all. He opposes the reimbursement to Pleasant Grove of \$134,000. He also doesn't believe the valuation of the wells, or the allocation of the tank to Pleasant Grove. He would like to see the dissolution of Manila Water but does not think this is fair or equitable.

Jerry Dearinger stated that he sits on the Manila Water Board and has never seen the agreement. The agreement is between the two cities and doesn't involve Manila Water. Manila Water only supplied information to the two cities about valuation, cash assets, etc.

- Mayor Richardson stated that this agreement is not fair. But he doesn't believe it will get better but will only cost more time and possibly get Cedar Hills further from what the Council deems fair. This agreement does give the City water lines and the ability to get the meters in to allow the City to have an independent system. Waiting will likely mean getting nothing but the pipes, requiring the City to pay for the necessary metering changes.

MOTION: C. Wright - To approve the interlocal agreement for the dissolution of the Manila Water Company and stating terms and processes with the City of Pleasant Grove for dissolution and redistribution of assets, subject to a reassessment of well values. Seconded by C. Jackman.

Further Discussion:

- C. Kirk stated he wants to remove the \$134,000 and include payment to Cedar Hills for its portion of the tank.
- Konrad Hildebrandt stated that Pleasant Grove will not agree to remove the \$134,000.
- C. Perry stated that though it's a bitter pill to swallow, Cedar Hills has no bargaining power. It makes him want to seriously consider any future agreements with Pleasant Grove.

AMEND MOTION: C. Kirk - To include the tank in the valuation of wells and delete the \$134,000 to Pleasant Grove. No second. Amendment dies.

Further Discussion:

- Mayor Richardson stated that he is more concerned about risk management and that the assets are spent to full use in the metering and changes to the system.
- C. Jackman stated that he wants to ensure that the funding for metering is subject to the same split.

AMEND MOTION: C. Jackman - To include in 2a(1) that division of assets are sufficient to upgrade all meters to Cedar Hills standards and install the proper valves required for implementation of the system as designed in the interlocal agreement. Accepted and seconded by C. Wright.

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

Council break (9:20 p.m.)
Reconvened (9:26 p.m.)

7. Review/Action on an Amended Interlocal Agreement for the Lone Peak Public Safety District (9:26 p.m.)

See handouts.

Staff Presentation:

Konrad Hildebrandt stated that the City has been a participant of the Lone Peak Public Safety District for over a decade along with Alpine and Highland. The District Board has considered a change to the funding mechanism. It has been funded based on a division of population (for EMS) and valuation (for fire). The funding is a Board decision, and the Board chose to fund based on a 10% base fee and based on ERU units. Representation requires an interlocal agreement. Alpine and Highland had two board members each, and Cedar Hills had one board member. This amends the agreement to three board members for Highland (with the third vote for fire only), and with Alpine and Cedar Hills getting two board members each. This representation has been unanimously approved by the Board.

Council Discussion:

- C. Kirk stated that public safety is important. He doesn't approve of the three board members for Highland, though he understands why they want greater representation given their larger population. In this agreement Cedar Hills' city manager cannot sit as executive director or assistant executive director. The District doesn't have one base facility fee for the District; it has three facilities and of differing costs. But because there is not one base facility, he doesn't feel there should be one base fee. Though in the grand scheme, he doesn't know if it is worth bickering over.
- Konrad Hildebrandt stated that regarding the city manager language, it is not new. It was in the past agreement; though in practice, it has rotated. He has served as the acting director over

fire/EMS. Even without being the acting director, city managers have the ability to participate directly.

- C. Perry stated that in the board meeting he didn't think the 10% base fee was fair; though in the interest of keeping the district together, he went along with the base fee. The greatest value in the District is that by banding with other cities Cedar Hills has access to specialized equipment. He feels like even with the increased cost to Cedar Hills, it is still a win-win for Cedar Hills and a good value. The option of having each city pay for its own building was shot down, but the Board decided that going forward the Board would decide how much of each building to lease.

MOTION: C. Perry - To approve the Lone Peak Public Safety District interlocal agreement as presented. Seconded by C. Kirk.

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

Further Discussion:

- C. Wright publically thanked the firemen. She feels firemen being staffed in the Cedar Hills building is one of the greatest things that happened during her time on Council.
- C. Kirk thanked the Cedar Hills police representative for the public safety service provided to the City.
- A representative from the District thanked C. Perry and Konrad Hildebrandt for fighting for the safety and protection of Cedar Hills.
- C. Perry stated that two of his most memorable experiences were participating in a fire-training exercise and riding along with the police.

10. Review/Action on n Ordinance Setting the Time and place of City Council Meetings for 2012 (9:50 p.m.)

See handouts.

Mayor Richardson requested one change in the November meeting from the 6th to the 13th.

MOTION: C. Kirk - To adopt Ordinance No. 12-6-2011A, an ordinance setting the time and place of the regular meetings of the City Council of the City of Cedar Hills, Utah with the change of November 6, 2012 to November 13, 2012. Seconded by C. Wright. Vote taken by roll call.

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

11. Review/Action on Board/Committee Appointments - Planning Commission and Board of Adjustment (9:52 p.m.)

See handouts.

Mayor Richardson stated that there will be a few more changes. He asked that the item be continued.

MOTION: C. Jackman - To continue to the next meeting. Seconded by C. Kirk.

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

12. Discussion Regarding the Construction of a Civic Center and Splash Pad (9:52 p.m.)

See handouts.

Staff Presentation:

Konrad Hildebrandt stated that in the Fiscal Year 2012 budget, the Council approved funding for a Civic Center and Splash Pad. There has been a variety of discussions, both pro and con on these issues. The splash pad is intended to be funded by the recreation impact fees. The Council has approved \$350,000 for the building of the Splash Pad. Staff has reviewed other cities that have installed splash pads. The Public Safety Building was planned and paid for with public safety impact fees. The bond will be paid off this year. The original term was 15 years, and it will be paid off at 11 years. Fire/EMS has been limited both legally and otherwise in that they can't provide male/female facilities with the city staff in the building. The room the City uses for meetings is the fire/EMS training room. They have been gracious; yet it is their home, and they would like their entire building. There are a variety of implications of a court facility. It is not just the time of the attorney driving to Provo; it is also Cedar Hills' residents. The police department recommended that Cedar Hills gets its own facility because it dramatically affects the police coverage if they are spending time traveling back and forth to Provo. He feels that the biggest benefit of a Civic Center is that it is a place where residents can meet and participate in the government process. City staff can function in the limited space. If the City were to additionally shuffle to give the entire first floor to fire/EMS, the city front desk would shift to the public works building because there is no ADA access to the basement. The City could function, though it would be a non-traditional arrangement. Currently if a resident has an issue with their utility bill, they need to go down to the basement; and if the conversation is private, they go into an unfinished break space, which isn't always private.

Council Discussion:

- C. Jackman stated that these are two controversial items. There have been petitions about not building anything over \$400,000 without a vote. He wants to be open about the fact that these are

in the budget. The Lone Peak Public Safety District wants the whole first floor and is entitled to the whole floor.

- Mayor Richardson stated that the financials on the municipal court have not been done yet. Costs will go up because of the change in state law. Status quo is not an option. It is healthy to have a debate over needs and wants. He wants to plan for contingencies.
- C. Perry stated that he would like the fact that the City is paying off the debt on the public safety building early in the newsletter. While these items are in the budget, the Council doesn't have to do anything. In fact the City isn't doing anything until plans are approved. There is a balance between accommodating residents and building something over the top. The Council hasn't been inhibited by the current facilities, but residents have. There have been multiple times when residents can't hear what is going on in the meetings.
- C. Martinez stated that Cedar Hills' employees will do whatever is asked of them. Some residents can't go down into the basement. The Council needs to look at how city offices affect the residents. The employees will make do, but we need to make it easy for residents to interact with city staff. She thinks it's great to have a discussion because it is important to plan for the future. The plan is to build a splash pad and have it open for May 2012.
- C. Wright stated that this discussion is not about borrowing money. The City has the money. There have been two election cycles where one group of candidates campaigned on cutting all unnecessary spending and slashing government. Those candidates have lost. Public Safety needs and wants the entire facility. The City has saved money and has been prudent with its budget in preparation for building a civic center. She asked the next Council to not listen to the screaming minority. She thanked Konrad Hildebrandt and staff for their flexibility. The City has saved the money and can afford it.
- C. Kirk stated that there is a misconception that because it is on the capital facilities plan, it is set in stone. It has been on the plan for a decade and will be for years more. It is a plan.
- Mayor Richardson stated that this item will be continued to the next meeting.

13. City Manager Report and Discussion (10:24 p.m.)

- The monthly management report is being finalized.
- The recreation center is 45% complete and 14 days behind schedule, though still set for March completion.

MAYOR AND COUNCIL REPORTS

14. Board and Committee Reports (10:26 p.m.)

C. Jackman reported that he missed the last Planning Commission meeting. He attended a site plan meeting with Harts.

Mayor Richardson reported that he attended a brief meeting with 7-11.

C. Martinez reported that the Youth City Council Santa's Workshop is next week. This is the last week to collect donated items. The Polar Express reading for toddlers is Thursday, December 14, at the public works facility at 10:30 a.m.

EXECUTIVE SESSION

15. Motion to go into Executive Session, Pursuant to Utah State Code 52-4-204 and 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 10:30 p.m. on a motion by C. Kirk, seconded by C. Jackman, and unanimously approved.

Approved by Council:
January 3, 2012

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