

CITY COUNCIL MEETING
Tuesday, January 19, 2010 7:00 p.m.
Public Safety Building
3925 W Cedar Hills Drive, Cedar Hills, Utah

This meeting may be held electronically via telephone to permit one or more of the council members to participate.

NOTICE is hereby given that the City Council of the City of Cedar Hills, Utah, will hold their Regular City Council Meeting on Tuesday, January 19, 2010, beginning at 7:00 p.m.

COUNCIL MEETING

1. Call to Order, Invocation and Pledge
2. Public Comment: Time has been set aside for the public to express their ideas, concerns, and comments (Comments limited to 3 minutes per person with a total of 30 minutes for this item).

CONSENT AGENDA

3. Minutes from the January 5, 2010, Regular City Council Meeting

SCHEDULED ITEMS

4. Review/Action on Resolution Adopting Fees (business licensing fees)
5. Review/Action on City Code Amendments Regarding Conditional Uses Regarding Animal Rights
6. Review/Action on Provo Reservoir Canal Rights-Of-Ways Greenway Interlocal Agreement
7. Review/Action on City Council Assignments
8. City Manager Report and Discussion

MAYOR AND COUNCIL REPORTS

9. Board and Committee Reports

EXECUTIVE SESSION

10. Motion to go into Executive Session, Pursuant to Utah State Code 52-4-205
* * * EXECUTIVE SESSION * * *
11. Motion to Adjourn Executive Session and Reconvene City Council Meeting

ADJOURNMENT

12. Adjourn

Posted this 15th day of January, 2010.

Kim E. Holindrake, City Recorder

- Supporting documentation for this agenda is posted on the City's Web Site at www.cedarhills.org.
- In accordance with the Americans with Disabilities Act, the City of Cedar Hills will make reasonable accommodations to participate in the meeting. Requests for assistance can be made by contacting the City Recorder at least 48 hours in advance of the meeting to be held.
- The order of agenda items may change to accommodate the needs of the City Council, the staff, and the public.



CITY OF CEDAR HILLS

TO:	City Council
FROM:	Brad Kearl
DATE:	January 19, 2010

City Council Agenda Item

SUBJECT:	Business License Fee
APPLICANT PRESENTATION:	N/A
STAFF PRESENTATION:	Brad Kearl

BACKGROUND AND FINDINGS:

Staff was directed by council to construct a tiered fee schedule for Home Based businesses reflecting their impact on the surrounding community.

Staff developed and implemented such a system by comprising a questionnaire to each business owner in order to determine the type of business they were running.

It's important for a city to know what its residences are doing in there homes as far as a business is concerned. Some businesses may be against code, violate safety standards, pose a danger to the surrounding neighborhoods, etc. For these reasons and others, the State of Utah requires Home-Businesses to be licensed by both the State and the City in which they reside. The State also entrusts the City to regulate such businesses, in order to keep its citizens safe.

The questionnaires that have returned are overwhelmingly considered by the owners to be of a "non-impact" type of business. This is unfortunately not always the case, but the City has a difficult, if not impossible, task of reclassifying the businesses and getting the appropriate fees collected.

Many businesses that are categorized as "moderate-high impact" are more willing to close their doors than pay what they considered to be an unacceptable licensing fee increase. Even the "low" impact businesses purport to be "non" in order to decrease their fee by 65%.

Some of these businesses now have also claimed to have changed. They are no longer "producing, delivering, employing" etc. anymore within our city limits, again which is difficult if not impossible to verify. Unfortunately we are not equipped or staffed to "investigate" each business to verify if what was stated on their application is truthful.

Staff has concluded that although this type of fee schedule, in an utopian society, may have the



CITY OF CEDAR HILLS

ability to reflect the appropriate fee designed for the Home-Based business it's attributed too, and how its individual impact effects the surrounding neighborhood, the desired result is not being accomplished. The amount the City is subsidizing the administrative costs have increased.

Also, considering that the City of Cedar Hills is the only City implementing such a tiered fee schedule with this amount of increase, this has resulted in a direct and negative impression of the business licensing function of city government with its citizens.

PREVIOUS LEGISLATIVE ACTION:

To construct a tiered system in order to apply appropriate licensing fees for types of Home - Based businesses that reflect their impact on the community.

FISCAL IMPACT: To be determined.

SUPPORTING DOCUMENTS: See attached Fee Schedule and Analysis

RECOMMENDATION:

Originally staff proposed increasing all home-based businesses to be at \$65. Staff wants to reduce this amount to \$60.

Home-Based businesses that impact the community, either through traffic, employees, noise, etc. pay an additional fee based on that impact.

Non-impact: \$0

Low-impact: \$10

Medium-impact: \$15

High-impact: \$20

MOTION: To approve Resolution No. _____, a Resolution adding, amending, or deleting certain fees to the official fees, bonds, and fines schedule of the City of Cedar Hills regarding business license fees.

Business License Fee Analysis - FY09

Home Business requiring inspection (@\$80)	37
Home Office (@\$55)	207
Total Home Based Businesses	244

Business License Revenue \$ **14,345.00**

Business License Expenditures

Administrative	\$ 13,000.00
Training Seminars	\$ 1,263.00
Materials and Supplies	\$ 961.00
Inspections	\$ 1,056.00
Utah Business License	\$ 25.00

Total Business License Expenditures \$ **16,305.00**

Avg. City Cost per Home Based Business \$ **66.82**

Total Cost per Home Based Business	\$ 16,305.00
Previous Total Revenue Home Based Businesses	\$ 14,345.00
Total proposed increase of Home business	\$ 2,130.00
Total	\$ 16,475.00

Home-Based Business Fees - Tiered System

	Licence Fee	# Bus.	Total Fees
Non-Impact Fee (Home Office)	\$ 60.00	177	\$ 10,620.00
Low Impact Fee	\$ 70.00	30	\$ 2,100.00
Medium Impact Fee (including inspection)	\$ 100.00	26	\$ 2,600.00
High Impact Fee (including inspection)	\$ 105.00	11	\$ 1,155.00
Total			\$ 16,475.00

**This total is if 100% of businesses renewed
Estimated only 40% of total businesses have shown interest in renewing license.**

Residential		
Home/Premises/Peddler/Vendor/Solicitor	Base (Exempt: Home/Premises - Non-Impact)	\$55.00
Home/Premises: Non-Impact	Annual	\$20.00 (No Base)
Home/Premises: Low Impact	Annual	Base plus \$10
Home/Premises: Moderate Impact	Annual	Base plus \$70
Home/Premises: High Impact	Annual	Base plus \$260
Vendors	Annual	Base plus \$10.00
Solicitation (door-to-door), Peddlers	Annual	Base + \$15 + \$5 per badge
Inspection Fee	One reinspection allowed, then charged fee each time thereafter	\$25.00

RESOLUTION NO. _____

A RESOLUTION ADDING, AMENDING, OR DELETING CERTAIN FEES TO THE OFFICIAL FEES, BONDS, AND FINES SCHEDULE OF THE CITY OF CEDAR HILLS, UTAH.

WHEREAS, the City has enacted various ordinances and fee resolutions setting certain fees for the City; and

WHEREAS, the City Council desires to provide an updated schedule of all City fees; and

WHEREAS, the purpose of this resolution is to add, amend or delete certain fees on the fee schedule.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR HILLS, UTAH, as follows:

**Section 1
Adoption**

Pursuant to the provisions of Section 10-3-717 UCA, 1953, as amended, the City Council hereby adopts the schedule of fees for certain municipal services provided by the City as set forth under Attachment A, which is attached hereto and by this reference made part of this Resolution.

Specific fees to be added and/or amended are as follows:

Fee Type	Current Fee	Amended/Added Fee
Home, Premises, Peddler, Vendor, Solicitor - Base	\$55	\$55
Home/Premises - Non-Impact (Home Office)	\$20 (No base)	Base only
Home/Premises - Low Impact (1 business related vehicle)	Base plus \$10	Base plus \$10
Home/Premises - Moderate Impact (1-2 employees/clients)	Base plus \$70	Base plus \$15
Home/Premises - High Impact (Multiple vehicles/noise)	Base plus \$260	Base plus \$20

**Section 2
Update/Adjustment of Fees**

1. Any subsequent fee resolutions for any or all of the fees contained within this fee schedule shall have the effect of updating and/or adjusting the fee schedule accordingly.

2. Any adjustment that is needed for those fees not created by a separate fee resolution shall be accomplished only by amending or repealing this resolution and adoption of a new fee resolution.

Section 3
Severability

If any section, sentence, clause, or phrase of this resolution is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not effect the validity or constitutionality of any other section, sentence, clause, or phrase of this resolution.

All resolutions or policies in conflict herewith are hereby repealed.

PASSED AND APPROVED THIS 19TH DAY OF JANUARY, 2010.

Eric Richardson, Mayor

ATTEST:

Kim E. Holindrake, City Recorder



CITY OF CEDAR HILLS

TO:	City Council
FROM:	Brad Kearl
DATE:	January 19, 2010

City Council Agenda Item

SUBJECT:	Amending Ordinances
APPLICANT PRESENTATION:	N/A
STAFF PRESENTATION:	Brad Kearl – Zoning Administrator
BACKGROUND AND FINDINGS: These topics have been presented and passed a Public Hearing at Planning Commission and the Planning Commissioners had approved them to be recommended to the City Council. On November 10, 2009, City Council suggested redefining Animal Units into Large and Small animals and fowl. Also, requests were made concerning the distances to neighboring dwellings when applied to large verses small animal units. Staff made the changes. Staff feels that the Conditional Uses, addressing animals, as found in 10-4D-3 should extend to all Zones within the City limits when Livestock Management Areas meet requirements of this Ordinance.	
PREVIOUS LEGISLATIVE ACTION: None	
FISCAL IMPACT: None	
SUPPORTING DOCUMENTS: See attached Definitions and Ordinances.	
RECOMMENDATION: To amend existing Ordinances as proposed.	
MOTION: To approve Ordinance NO. _____; AN ORDINANCE AMENDING TITLE 10 OF THE CITY CODE OF THE CITY OF CEDAR HILLS, UTAH, AMENDING THE REQUIREMENTS RELATING TO DEFINITIONS, PERMITTED USES, AND CONDITIONAL USES.	

10-2-1: DEFINITIONS:

ANIMAL UNITS: **LARGE-** One **large** animal unit shall be any of the following: two (2) cows, horses, donkeys, **llamas** or similar large animals; or eight (8) adult sheep; or sixteen (16) feeder lambs, or eight (8) goats, or two (2) pigs, or an equivalent combination of the above, together with the suckling offspring thereof.

The maximum number of animal units allowed to be placed on any lot or parcel shall be two (2) large animal units. Each large animal unit requires ten thousand (10,000) square feet of livestock management area. Half of a large animal unit requires five thousand (5,000) square feet of livestock management area.

SMALL- Small animals or fowl shall be one of, any of the following: rabbits, turkeys, ducks, chickens, pigeons, doves, turtles, quail, or similar small animals or fowl. Each small animal unit requires a minimum of four (4) square feet of a livestock management area.

LIVESTOCK MANAGEMENT AREA: All portions of a lot devoted exclusively to animal units for the care and keeping of **livestock animals** and fowl, including, but not limited to, barns, sheds, coops, **pens, hutches, paddocks, stables**, corrals and pastures., ~~but not including any portion of a parcel devoted to a dwelling, yard area, garden, parking area or unutilized open space.~~ A Livestock Management Area shall be first approved by the Zoning Administrator. Each Livestock Management Area shall be constructed to accommodate the animals or fowl in an animal unit. All surface drainage from a Livestock Management Area shall be disposed of on site.

10-4(A/B/G/H/I)-3: CONDITIONAL USES:

The following buildings, structures and uses of land may be permitted upon compliance with the standards and conditions set forth in this title and after approval has been given by the designated review body:

Small Animal Units: All barns, sheds, coops, pens, hutches, paddocks, stables, corrals or similar structures used for the enclosure, housing or confinement of animals or fowl in a small animal unit shall be located not less than fifty feet (50') to an existing dwelling on an adjacent lot.

10-4D-3: CONDITIONAL USES:

The following buildings, structures and uses of land may be permitted upon compliance with the standards and conditions set forth in this title and after approval has been given by the designated review body:

~~Livestock and fowl, the raising, care and keeping of, for family food or recreation, subject to the following conditions and standards:~~

- ~~A. Each lot or parcel upon which livestock or fowl are to be kept shall contain a designated livestock management area, which shall be constructed and maintained for the purpose of accommodating livestock or fowl. All livestock and fowl shall be housed in the designated livestock management area.~~
- ~~B. The number of animal units and fowl kept on any lot shall not exceed one animal unit for each ten thousand (10,000) square feet of the lot within the designated livestock management area. The maximum number of animals allowed to be placed on any lot or parcel shall be two (2) animal units.~~
- ~~C. All territory used as livestock management area shall be located on those portions of the lot that qualify as buildable area.~~
- ~~D. No large animals shall be kept on any lot where the designated livestock management area is less than ten thousand (10,000) square feet.~~
- ~~E. All surface drainage from a livestock management area shall be disposed of on-site.~~
- F. **Large Animal Units;** All corrals, pens and paddocks for the enclosure of livestock and all barns, stables, coops, pens, hutches, sheds or similar buildings used for the housing or confinement of livestock or fowl **All barns, sheds, coops, pens, hutches, paddocks, stables, corrals or similar structures used for the enclosure, housing, or confinement of animals in a large animal unit** shall be located not less than one hundred feet (100') to an existing dwelling on an adjacent lot. ~~or fifty feet (50') to the dwelling located on the same lot.~~
- G. **Small Animal Units;** All barns, sheds, coops, pens, hutches, corrals or similar structures used for the enclosure, housing, or confinement of animals or fowl **in a small animal unit shall be located not less than fifty feet (50') to an existing dwelling on an adjacent lot.**

10-4F-2: PERMITTED USES:

The following buildings, structures and uses of land shall be permitted upon compliance with requirements set forth in this title:

~~Livestock and fowl, the raising, care and keeping of, for family food or recreation, subject to the following conditions and standards:~~

- ~~A. Each lot or parcel upon which livestock or fowl are to be kept shall contain a designated livestock management area, which shall be constructed and maintained for the purpose of accommodating livestock or fowl. All livestock and fowl shall be housed in the designated livestock management area.~~
- ~~B. The number of animal units and fowl kept on any lot shall not exceed one animal unit for each ten thousand (10,000) square feet of the lot within the designated livestock management area. The maximum number of animals allowed to be placed on any lot or parcel shall be two (2) animal units.~~
- ~~C. All territory used as livestock management area shall be located on those portions of the lot that qualify as buildable area.~~
- ~~D. No large animals shall be kept on any lot where the designated livestock management area is less than ten thousand (10,000) square feet.~~
- ~~E. All surface drainage from a livestock management area shall be disposed of on site.~~
- F. **Large Animal Units;** All corrals, pens and paddocks for the enclosure of livestock and all barns, stables, coops, pens, hutches, sheds or similar buildings used for the housing or confinement of livestock or fowl. All barns, sheds, coops, pens, hutches, paddocks, stables, corrals or similar structures used for the enclosure, housing, or confinement of animals in a large animal unit shall be located not less than one hundred feet (100') to an existing dwelling on an adjacent lot. ~~or fifty feet (50') to the dwelling located on the same lot.~~
- G. **Small Animal Units;** All barns, sheds, coops, pens, hutches, paddocks, stables, corrals or similar structures used for the enclosure, housing, or confinement of animals or fowl in a small animal unit shall be located not less than fifty feet (50') to an existing dwelling on an adjacent lot.

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 10 OF THE CITY CODE OF THE CITY OF CEDAR HILLS, UTAH, AMENDING THE REQUIREMENTS RELATING TO DEFINITIONS, PERMITTED USES, AND CONDITIONAL USES REGARDING ANIMAL RIGHTS.

WHEREAS, pursuant to Utah Code Annotated § 10-9a-501, the City Council of the City of Cedar Hills (“City Council”) may adopt ordinances to govern the use and development of land within the City; and

WHEREAS, pursuant to Utah Code Annotated § 10-8-84, the City Council may adopt ordinances “necessary and proper to provide for the safety and preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort, and convenience of the City and its inhabitants, and for the protection of property in the City”; and

WHEREAS, the City Council, following receipt of a recommendation from the Planning Commission, has determined that it is in the best interest of the public health, prosperity, comfort, and convenience of the City of Cedar Hills, and the residents thereof, to enact certain amendments to Title 10 of the City Code dealing with zoning definitions, permitted uses, and conditional uses regarding animal rights;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR HILLS, UTAH COUNTY, STATE OF UTAH:

**PART I
AMENDMENTS**

SECTION 1. Title 10, Chapter 2, Section 1, of the City Code entitled Definitions is hereby amended to redefine Animal Unit and Livestock Management Area to read as follows:

ANIMAL UNITS: **LARGE** - One large animal unit shall be any of the following: two (2) cows, horses, donkeys, llamas or similar large animals; or eight (8) adult sheep; or sixteen (16) feeder lambs, or eight (8) goats, or two (2) pigs, or an equivalent combination of the above, together with the suckling offspring thereof. The maximum number of animals units allowed to be placed on any lot or parcel shall be two (2) large animal units. Each large animal unit requires ten thousand (10,000) square feet of livestock management area. Half of a large animal unit requires five thousand (5,000) square feet of livestock management area.

SMALL - Small animals or fowl shall be one (1) of, any of the following: rabbits, turkeys, ducks, chickens, pigeons, doves, turtles, quail, or similar small animals or fowl. Each small animal unit requires a minimum of four (4) square feet of a livestock management area.

LIVESTOCK MANAGEMENT AREA: All portions of a lot devoted exclusively to animal units for the care and keeping of animals and fowl, including, but not limited to, barns, sheds, coops, pens, hutches, paddocks, stables, corrals and pastures. A Livestock Management Area shall be first approved by the Zoning

Administrator. Each Livestock Management Area shall be constructed to accommodate the animals or fowl in an animal unit. All surface drainage from a Livestock Management Area shall be disposed of on site.

SECTION 2. Title 10, Chapter 4A (R-1-11,000 Residential Zone), Chapter 4B (R-1-15,000 Residential Zone), Chapter 4G (PR 2.2 Planned Residential Zone), Chapter 4H (PR 3.4 Planned Residential Zone), Chapter 4I (TR-1 Townsite Residential Zone), Sections 3, of the City Code, entitled Conditional Uses, are hereby amended by adding the following language:

Small Animal Units: All barns, sheds, coops, pens, hutches, paddocks, stables, corrals or similar structures used for the enclosure, housing or confinement of animals or fowl in a small animal unit shall be located not less than fifty feet (50') to an existing dwelling on an adjacent lot.

SECTION 3. Title 10, Chapter 4D, Section 3, of the City Code, entitled Conditional Uses, is hereby amended by deleting the paragraph beginning with "Livestock and fowl," including paragraphs A., B., C., D., E., F., and G. and by adding language to read as follows:

Large Animal Units. All barns, sheds, coops, pens, hutches, paddocks, stables, corrals or similar structures used for the enclosure, housing, or confinement of animals in a large animal unit shall be located not less than one hundred feet (100') to an existing dwelling on an adjacent lot.

Small Animal Units. All barns, sheds, coops, pens, hutches, corrals or similar structures used for the enclosure, housing, or confinement of animals or fowl in a small animal unit shall be located not less than fifty feet (50') to an existing dwelling on an adjacent lot.

SECTION 4. Title 10, Chapter 4F, Section 2, of the City Code, entitled Permitted Uses, is hereby amended by deleting the paragraph beginning with "Livestock and fowl," including paragraphs A., B., C., D., E., F., and G. and by adding language to read as follows:

Large Animal Units. All barns, sheds, coops, pens, hutches, paddocks, stables, corrals or similar structures used for the enclosure, housing, or confinement of animals in a large animal unit shall be located not less than one hundred feet (100') to an existing dwelling on an adjacent lot.

Small Animal Units. All barns, sheds, coops, pens, hutches, corrals or similar structures used for the enclosure, housing, or confinement of animals or fowl in a small animal unit shall be located not less than fifty feet (50') to an existing dwelling on an adjacent lot.

PART II PENALTY AND ADOPTION

A. CONFLICTING PROVISIONS

Whenever the provisions of this Ordinance conflict with the provisions of any other Ordinance, resolution or part thereof, the more stringent shall prevail.

B. PROVISIONS SEVERABLE

This Ordinance and the various sections, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid it is hereby declared that the remainder of the ordinance shall not be affected thereby.

C. AMENDMENT TO BE ADDED TO CITY CODE

The City Council hereby authorizes and directs that insert pages reflecting the provisions enacted hereby shall be made and placed in the City Code, Title 10.

D. PENALTY

Hereafter these amendments shall be construed as part of the Zoning Ordinance of the City Code of the City of Cedar Hills, Utah, to the same effect as if originally a part thereof, and all provisions of said regulations shall be applicable thereto, including, but not limited to, the enforcement, violation and penalty provisions.

E. EFFECTIVE DATE

This Ordinance shall take effect upon its passage and publication as required by law.

**PASSED AND ORDERED POSTED BY THE CITY COUNCIL OF CEDAR HILLS, UTAH,
THIS 19TH DAY OF JANUARY, 2010.**

Eric Richardson, Mayor

ATTEST:

Kim E. Holindrake, City Recorder



CITY OF CEDAR HILLS

TO:	Mayor and City Council
FROM:	Konrad Hildebrandt, City Manager <i>KH</i>
DATE:	1/19/2010

City Council Memorandum

SUBJECT:	Interlocal Agreement – Provo Reservoir Canal Rights of ways Greenway
APPLICANT PRESENTATION:	Commissioner Larry Ellertson (invited)
STAFF PRESENTATION:	Mr. Konrad Hildebrandt, City Manager
BACKGROUND AND FINDINGS:	
<p>2nd Reading: The Provo River Water Users wish to include all cities that border the Provo Reservoir Canal to enter into an interlocal agreement for the purpose of covering the open canal and then creating a trail/greenway. This agreement would include the Utah County, Orem City, Lindon City, Pleasant Grove City, CH, Highland and Lehi.</p> <p>The County, acting as the lead government agency, has requested the right to use the PRC Corridor to develop a non-motorized, multi-use recreational trail and greenway from Orem through Lehi (collectively, the "Recreational Trail"). The County and the northern Utah County cities which will use the Recreational Trail anticipate that all funding necessary for the construction, maintenance and operation of the Recreational Trail shall come from federal funds, grants and/or private and public sources</p>	
PREVIOUS LEGISLATIVE ACTION:	
None	
FISCAL IMPACT:	
Approximately \$77,000 +	
SUPPORTING DOCUMENTS:	
Interlocal Agreement	
RECOMMENDATION:	
Staff recommends that the City Council become acquainted with the project and continue the review after a solidified Utah County/Provo Water Users Agreement is formed.	
MOTION:	
See staff recommendation above.	



CITY OF CEDAR HILLS

TO: Mayor Richardson, City Council, and Staff
FROM: Kim E. Holindrake, City Recorder
DATE: January 14, 2010

City Council Memorandum

SUBJECT: City Council Assignments
APPLICANT PRESENTATION:
STAFF PRESENTATION: Mayor Richardson

BACKGROUND AND FINDINGS:

Mayor Richardson will make his recommendations for Council assignments at the meeting.

- _____ Parks and Trails Committee
- _____ Celebrations/Community Events
- _____ Lone Peak Public Safety District
- _____ North Utah County Solid Waste Special Service District
- _____ Youth City Council
- _____ UTOPIA
- _____ Planning Commission
- _____ Traffic Safety and Livability Oversight Committee
- _____ Library Issues
- _____ Board of Adjustment
- _____ ULCT Policy Council

- _____ North Utah County Animal Shelter
- _____ Timpanogos Special Service District

PREVIOUS LEGISLATIVE ACTION:

FISCAL IMPACT:

SUPPORTING DOCUMENTS:

RECOMMENDATION

MOTION

To confirm Mayor Richardson’s recommendations for City Council assignments.