

CITY COUNCIL MEETING
Tuesday, September 2, 2008 7:00 p.m.
Public Safety Building
3925 W Cedar Hills Drive, Cedar Hills, Utah

Present: Mayor Mike McGee, Presiding
Council Members: Ken Kirk, Jim Perry, Eric Richardson, Marisa Wright, Charelle Bowman
Konrad Hildebrandt, City Manager
David Bunker, City Engineer
Kim Holindrake, City Recorder
Courtney Hammond, City Meeting Transcriber
Others: Shawn Richins, John Kolly, Kim Harmon, Rob Duvalois, Mark Degraffenreid, Shirlene Jensen, Josh Freeman, Mike Meads, Misty Meeds, Tim Kaye, David Bradford, Bryce Johnson, Cathy Larsen, Mike Larsen, Shay Hildebrandt, Dave Andrus, Mark Penberthy, Davis Pearson, Caleb Perkins, Christen Sagers, Jordan Warner, Nicholas Seppi, Dallon Getter, Connor Cook, Spencer Clements, Kayden Clements, Dallin Baldwin

COUNCIL MEETING

1. This meeting of the City Council of the City of Cedar Hills, having been posted throughout the City and the press notified, was called to order at 7:00 p.m. by Mayor McGee.

Invocation given by C. Bowman

Pledge of Allegiance by Tim Kaye, Scout Troop 1204

2. Public Comment (7:02 p.m.)

John Kolly: Mr. Kolly is concerned by the houses for sale, abandoned lots, and weeds in his neighborhood. He has registered complaints with the zoning director, who has notified the neighbor. However, after that initial contact, there has been no follow through. Mayor McGee asked staff to follow up on the notification.

Kim Harmon: Ms. Harmon passed around pictures of a lot on Colonial. Ms. Harmon had registered a complaint about the lot and received a letter from the City stating that the lots have been reviewed and adequately cleared to meet weed abatement regulations. She does not feel the lots have been adequately cleared. The weeds are not at four inches as stated in the code and trash has not been cleared. She contacted the lot owner initially and later contacted the City.

Bob Duvalois: Mr. Duvalois lives off of Avondale. He would like consistent action by the City. He moved here to remove himself from the salt and pepper nature of communities that have old and new mixed together. When he moved here, he did not realize there were so many spec homes. The weeds are overgrown in those areas. He would like to see consistency in the rules. He would like the City's support. He regularly cleans up the lot next door because he is trying to keep the area nice.

Shirlene Jensen: Ms. Jensen lives on Avondale. She is concerned with the way the yards are maintained in the neighborhood. She receives comments from visiting friends about the condition of yards. She helps maintain an adjacent lot that is in foreclosure. The neighborhood is trying to do what they can. There are also issues with the condition of the streets, including the manhole covers and large potholes in the streets. On Tamarack and

Avondale, the streets and manhole covers are dangerous. The snowplows can't do their job. Highland Homes started the new phase behind her home. The project appears to be abandoned, but the orange fences were left there and are now coming down the hill.

Mark Penberthy: Mr. Penberthy lives in the same neighborhood. The area should look nice, but it is looking bad. He would like the city to help get the neighborhood clean.

Council Discussion:

- C. Wright recommended that the neighborhood collect the names and addresses of the offending houses and give them to City staff.
- C. Richardson stated that he would like staff to report back on (1) the roads and bonds, (2) erosion control for Highland Homes, (3) a plan to use the city's limited resources to come up with a good plan to keep the neighborhoods clean.
- Konrad Hildebrandt stated that some of the roads are in very bad condition. The City is actively working on getting the bonds released in litigation in order to repair the roads.
- Mayor McGee stated that the City has a desire to be consistent in all areas of enforcement. The City has limited resources and cannot clean up every lot in the City. He applauded neighbors who help to clean up.

CONSENT AGENDA

3. Minutes from the August 5, 2008, Public Hearing and Regular City Council Meeting (7:27 p.m.)

MOTION: C. Kirk - To approve the minutes from the August 19th Public Hearing and Regular City Council Meeting, which is a change from what is printed on the schedule. Seconded by C. Wright.

Yes - C. Bowman
C. Kirk
C. Perry
C. Richardson
C. Wright Motion passes.

SCHEDULED ITEMS

4. Swearing in of New Deputy City Recorder (7:28 p.m.)

Konrad Hildebrandt stated that the City has a new staff member to serve as Deputy City Recorder. Kim Holindrake swore in Cathy Larsen as Deputy City Recorder.

MOTION: C. Wright - To move item 9 up to 5 and 8 up to 6. Seconded by C. Bowman.

Yes - C. Bowman
C. Kirk
C. Perry
C. Richardson
C. Wright Motion passes.

9. Review/Action on School Zone at Deerfield Elementary (7:31 p.m.)

See handouts.

Staff Presentation:

David Bunker stated that the City has looked into putting in flashing lights at Deerfield

Elementary. Solar powered flashing lights would cost \$5,800 for raw materials. Running electrical lights would require two transformers at \$4,500 each. The recommended distance for enforcement of school zones is 50 feet from the crosswalk. One issue on the north side of Harvey Boulevard is that there are residential homes that do not want signs in front of their house. He is hoping to put the sign on a property line. Konrad Hildbrandt stated that the majority of the speeding is done by parents dropping their children off at schools. On the east side of the school, there is a speed table that slows cars down. It is at the entrance to the school. Flashing lights at that location won't do much more than the speed table can do.

Council Discussion:

- C. Perry said that in the last discussion the Council stated that it wanted to be consistent with what is at Cedar Ridge Elementary. Flashing lights would make it consistent with Cedar Ridge Elementary.
- C. Bowman met with Michele Carnesecca, and there is a concern about a bike lane on the north side of Harvey Boulevard that suddenly ends. A crosswalk could be added at Dorchester Drive, or the bike lane could be continued down to the crosswalk. The 4500 West crosswalk is dangerous because it is on a bend. There is also a hedge at that crosswalk that is overgrown making the crosswalk sign hard to see.
- C. Richardson stated that there is a 10-foot public utility easement along the sidewalk for sign placement. He would like to see the City work with the homeowners about the best locations to put the flashing signs.

MOTION: C. Perry - To approve the installation of flashing lights at the Deerfield Elementary school zone and ask that staff review the striping for the bike lane and crosswalks and take any corrective action that they determine is necessary. Seconded by C. Bowman.

Further Discussion:

- C. Bowman would like to include hedges and weeds in the motion. Mayor McGee said it would be done without putting it in the motion.

Yes - C. Bowman
C. Kirk
C. Perry
C. Richardson
C. Wright Motion passes.

8. Review/Action on Funds for a Statue (7:49 p.m.)

See handouts.

Presentation:

C. Wright has been putting together a proposal for a statue. The proposed statue was made by the artist Mark Degraffenreid. Statues add to the quality of life and add to town pride. She believes this statue is the best deal the City can get. To commission a 4-figure statue would cost more than \$120,000. The statue is \$60,000, of which \$10,000 would be due now and with the rest due in one year. She proposed paying for the \$10,000 out of the general fund, and asking for donations through the monthly newsletter. Anyone that donates \$10,000 or more gets a small version of the statue at a cost to the City of \$2,500. Other donors would receive bronze medallions and/or a name on a paver. The CARE Tax can also help pay for the statue. She encouraged the Council to look to the future. If it is to be placed in the roundabout, she would like a way for pedestrians to get close to the statue. Another way to finance the statue is allowing commercial developers who aren't meeting the landscape

requirement to donate to the statue.

Mark Degraffenreid said that he was commissioned to create this statue of an immigrant family in 2001. The commemorative ceremony was to occur mid September 2001, but because of the 9/11 event it was scaled back and the statue was not used. Vern Swanson has stated that this statue is one of the strongest figurative pieces he has seen. Mr. Degraffenreid stated that the life-size sculpture is at the Utah Cultural Celebration Center on 3100 South on Redwood Road. There are two other interested buyers. Mr. Degraffenreid grew up in the area and would like to see it end up here in Cedar Hills. The City would need to pay for the installation and build the pedestal. He would be willing to design a plaque, but the City would need to pay for the casting. David Bunker asked what can be done to protect the statue from the paint of vandalism. Mr. Degraffenreid said that the bronze can't be damaged and there is an anti-graffiti coating that can be applied.

Council Discussion:

- C. Richardson stated that he is adamantly opposed to placing a statue in the roundabout because it can't be enjoyed by passing cars or pedestrians. The corners of the commercial district seem more appropriate for benches rather than large statues. He said it is a beautiful statue, though he has concerns about whether it fits this community. The biggest issue is funding. He doesn't know if the City can rely on the CARE Tax, because it hasn't been taken to voters yet. In other communities, this type of thing is done through fundraising or a charitable organization with the city contributing matches to donations rather than driving the effort. He would support spending the \$10,000 if the rest of the money came entirely from donations.
- C. Perry stated that funding is an issue. The CARE Tax has not been passed. It is bad policy to spend money before you have it. He isn't sure this is the best use of money. A full cost benefit analysis would need to be done. It is a beautiful statue. He understands why it is in Liverpool, but doesn't see how it fits in Cedar Hills. It is a fabulous deal, but doesn't support a statue that doesn't fit the City just because it is a good deal. He suggested looking into charitable organizations for funding. He would like to see the money collected first rather than hope it can be raised after the fact. Hope is not a plan.
- C. Kirk stated that he agrees with the concept of having a statue in Cedar Hills. He doesn't like the idea of buying something just because it is for sale. He would rather see something commissioned for Cedar Hills that fits the City. The City is not in a hurry. He would like to revisit the funding of a statue after November when it is known whether there is a CARE Tax. He is willing to vote for the City to contribute \$10,000 if \$10,000 of donations can be raised in the next 30 days.
- C. Bowman stated that she feels like this discussion is split along male/female lines. She cannot envision the day when a male council member would put time into trying to find a statue. She does not agree that the statue doesn't relate to Cedar Hills. She feels it goes deeper than the time period of the statue, and looks to our heritage. She could not vote for a statue that costs \$200,000, which is what a commissioned piece would cost. She suggested spending the \$10,000 to hold the piece and then looking into gathering donations, though she feels that City money provides other quality of life services for which residents are not required to donate.
- Mayor McGee stated that he believes that the main issue is how the statue will be paid for. If the money was available through donations, the fit for the community would probably not be an issue. There are other things that are a better use of tax dollars. There are many projects in the City that have been scheduled, and there is not enough money to complete them. If there is some support from the Council, he is willing to spend some time looking into possible donors. Mayor McGee asked that C. Bowman and C. Wright work with him to gather donations.

MOTION: C. Perry - To continue this until the first meeting in October at which time we will review the progress of private fundraising efforts. Seconded by C. Richardson.

Yes - C. Bowman
C. Kirk
C. Perry
C. Richardson
C. Wright Motion passes.

5. Review/Action on Cedar Hills Golf Course Items and Clubhouse (9:07 p.m.)

See handouts.

Staff Presentation:

Konrad Hildebrandt stated that the final items for reconfiguration include a railing between holes 14 and 15 and between holes 1 and 9, a new sign, tee markers, bridge repair, and removal of speed bumps. All are in process with a completion goal of the end of fall. Century 21 has placed all the promised advertisements. Information has been given out to 10–12 developers. One out of state developer said that he was interested but that it is overpriced. In-house staff reviewed the clubhouse and gave a cost estimate between \$1.5 and \$2 million. JRCA gave an estimate of \$4.2 million for the clubhouse, which may include finishing the kitchen. David Bunker reported that commercial building costs are at least \$200 per square foot. Mayor McGee said that Reed Swensen is now building commercial. He will have him look at the clubhouse plans and give an estimate to compare to the others.

6. Review/Action on Tree City USA (9:14 p.m.)

See handouts.

Staff Presentation:

Konrad Hildebrandt stated that to become a Tree City USA member it requires establishment of a board, which can be completed by the Parks and Trails Committee; development of a community tree care ordinance; annual budget of \$2 per capita for a forestry program; annual Arbor Day observance, and a proclamation. He doesn't see the need to become a Tree City USA. The goals can be accomplished without getting the plaque. They give small grants annually up to \$500. David Bunker stated that the parks director in American Fork City said the effort it took to become Tree City USA and conform to their program was exhaustive.

Council Discussion:

- C. Wright made a comparison to Weight Watchers where you pay to lose weight, which you can do on your own. But you do a better job of sticking to a program when you are part of the group.
- C. Perry is in support because there is a benefit for minimal effort.
- C. Richardson stated that he sees no down side to becoming Tree City USA.

MOTION: C. Richardson - To approve the development of a Tree City USA Program and direct staff to complete all Tree City Standard requirements listed here. Seconded by C. Perry.

Further Discussion:

- C. Bowman is for the designation but wants to ensure there is no cost involved.

Yes - C. Bowman

C. Perry
C. Richardson
C. Wright
No - C. Kirk Motion passes.

7. Review/Action on Amendments to the City Code Title 3, Chapter 1, Business Licensing (9:24 p.m.)

See handouts.

Staff Presentation:

Konrad Hildebrandt stated that this addresses sexually oriented businesses.

MOTION: C. Richardson - To approve Ordinance No. 9-2-2008A, an ordinance amending Title 3, Business and License Regulations, of the City Code of the City of Cedar Hills, Utah, by amending certain provisions regarding sexually oriented business and employee licensing.
Seconded by C. Perry. Vote taken by roll call.

Yes - C. Bowman
C. Kirk
C. Perry
C. Richardson
C. Wright Motion passes.

10. City Manager Report and Discussion

Reported during the Work Session.

MAYOR AND COUNCIL REPORTS

11. Board and Committee Reports

Reported during the Work Session.

EXECUTIVE SESSION

12. Motion to go into Executive Session, Pursuant to Utah State Code 52-4-5
13. Motion to Adjourn Executive Session and Reconvene City Council Meeting

No Executive Session.

ADJOURNMENT

14. This motion was adjourned at 9:25 p.m. on a motion by C. Bowman, seconded by C. Perry and unanimously approved.

Approved by Council: September 16, 2008
/s/ Kim E. Holindrake
Kim E. Holindrake, City Recorder