

PUBLIC HEARING AND CITY COUNCIL MEETING
Tuesday, November 18, 2008 7:00 p.m.
Public Safety Building
3925 W Cedar Hills Drive, Cedar Hills, Utah

Present: Mayor Mike McGee, Presiding
Council Members: Eric Richardson, Ken Kirk, Jim Perry, Marisa Wright, Charelle Bowman
Konrad Hildebrandt, City Manager
Kim Holindrake, City Recorder
Rachel Brown, Finance Director
David Bunker, City Engineer
Greg Robinson, Assistant to the City Manager-Planning
Eric Johnson, City Counsel
Courtney Hammond, City Meeting Transcriber
Others: Cliff Chandler, Angie Morris, Shawn Richins, John Hart, Rodney Price, Jeff Ivins, Laura Hart, Chad Hart, Jean Peaslee, Kent Seamons, Priscilla Leek, Roy Leek, Kathy Ivins, Russ Fotheringham, Linda Fotheringham, Brownie Brohard, Earl Brohard, Tawnie Johnston, Scout Troop 838, Doug Pulley, Joe Weston, Scott Taylor, Susan Mitchell, Zach Mitchell, Tyler Gibbs, Melinda Wallis, Marinann Castillo, Ralph Castillo, Suzanne Goode, Karen Holbrook, Johanne Perry, Jason Oler, Bobby Seegmiller

COUNCIL MEETING

1. This meeting of the City Council of the City of Cedar Hills, having been properly noticed, was called to order 7:04 p.m. by Mayor McGee.

Invocation given by C. Richardson

Pledge led by Josh Holbrook of Scout Troop 838

MOTION: C. Kirk - To move item 10 to follow item 6. Seconded by C. Wright.

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

PUBLIC HEARINGS

3. Amendments to the City Code Section 6-2-4, Financial Guarantee (7:10)

No comments.

4. Amendments to the City Code, Title 10-5-18, Fences (7:10)

No comments.

CONSENT AGENDA

5. Minutes from the October 21, 2008, Regular City Council Meeting (7:10 p.m.)

MOTION: C. Bowman - To approve the consent agenda. Seconded by C. Kirk.

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

SCHEDULED ITEMS

6. Review/Action on 2008 Fiscal Year Audit (7:11 p.m.)

See handouts.

Presentation:

Angie Morris of Hawkins, Cloward & Simester (verbatim, per C. Perry's request): We did give a clean opinion on the financial statements. What that means is: their financial statements are presented in a manner with generally accepted accounting principles. So if I wanted to compare Cedar Hills City to another city, they've presented their financials in a way that I can do that. So we did give a clean opinion. The best thing, and this is very exciting. I've been doing this for about 14 years now—I know I look young. One time I was told she was dragging the high school girls out. I was a little older than that. I've been doing this for 14 years, and I don't actually see this very often. I audit governments—that's one of the things I do a lot of. And a government of their size, where they have to comply with state laws like the budget, which is really, really hard. Cities can't overspend their budget by departments. It is not just their total—their general fund—which is the operating budget of the city—they need to make sure that each department maintains budget compliance. That is so hard to do because the pesky auditors, we come in and say, "well you know, you should have recorded this this way, or let's move this," and so sometimes we move things around that they hadn't planned for and they are out of compliance with their budget. This is a really hard one. I don't get to say this very often. We had no state compliance findings, which is very, very good. In an entity of this size, you just don't see that. And I would say, attributable to that is Rachel and Konrad have done a great job and Kim and all those guys, they do a really good job. They watch it. The Council also has a tone at the top that kind of filters down all the way through that people want to do what's right. They want to make sure it's right, and they have a sense of responsibility to do it right. That's a very good thing. I like to report it. In my work papers, I've got "good job," explanation points, all that. So, it's exciting for us to report that you guys have no compliance findings. It's not often you see that, and the state may call and say, "you can't, are you sure?, are you sure?" Yes, no compliance findings, which is very exciting. They did a good job. Rachel did the accounting. We appreciate working with them. They made it very smooth, gathered the information for us, responded quickly. Darren did a great job. I take the credit, but Darren actually did the work. This just doesn't happen often. It's like, look at this. This is exciting. These guys do a great job, they have a good attitude. They are responsible. They want to make sure it's done right. We see that. And that's something we like to see as auditors. The City should be commended. Make sure you say no state compliance findings in the paper, whoever it is.

In response to C. Perry's question about whether Cedar Hills is better, worse, or the same over the years, Angie Morris said, "I have seen significant improvements in what you guys have done, the record keeping, the accounting. I've seen improvements when we come in and say, 'you have this process in place, but maybe if you added this step, that would give you some better internal controls.' I've seen your staff continually address that and choose to make the change. It is not always fun and it's not always easy 'cause it may create a little more work for them. But yet they know it's improving things. And so I've seen that continue to improve over time. I would say this year has been the best year as far as accounting records being clean, things like that. So, I've seen significant improvements this year and good attitudes from the staff that they want to do it right.

In response to C. Perry's question if Cedar Hills is below, average, or above other cities, Angie Morris said, "I would say, I do another city and I also do some counties, and I would say you guys are a little bit above average. You are doing better than others I've seen. You guys have tighter controls, more things in place, you watch it closer."

Council Discussion:

- C. Wright stated that the City is fortunate to have Rachel Brown on staff and she thinks Konrad Hildebrandt is running an exceptional team.
- C. Bowman expressed her appreciation to city staff.
- C. Kirk applauded staff and stated that staff is responsive to needs and keeps the Council well informed.
- C. Perry stated that it is great to have staff and a Council with sense of fiscal responsibility. Since he has been on staff there has been a policy of fiscal responsibility and conservatism. A city budget is established

a year in advance; there are many unknowns. Staying within budgets in all departments is extraordinary, and staff does a great job in keeping the City within budget and amending the budget in a timely manner. Growth has slowed considerably in Cedar Hills. Years ago the Council opted to not rely on growth related revenue. It is paying off now. He feels the first priority of the City Council is to oversee the budget. It sets the priorities of the City and ensures tax payer money is used responsibly.

- C. Richardson stated that the budget is an important management document of the City. Much time and effort goes into it. He is happy to hear of rigor in the audit.
- Mayor McGee stated that proper use of taxpayer dollars starts and ends with the Council. Staff translates that into action. The department heads pass that down to their employees.

MOTION: C. Richardson - To accept the Fiscal Year 2008 Independent Audit Report of Hawkins, Cloward & Simester. Seconded by C. Perry.

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

Motion passes.

- Konrad Hildebrandt stated that the staff attempts to follow the direction of the City Council and to abide by local, state, and federal regulations. The annual audit is intense. The auditors are professional and help the City to get better in its controls.

10. Review/Action on Safety Recommendations from the Traffic Safety and Livability Oversight Committee (7:26 p.m.)

See handouts.

Staff Presentation:

David Bunker stated that the Traffic Safety and Livability Oversight Committee (TSLO) was organized about the time Wal-Mart came to the City. At the time of commercial development, the City realized traffic would increase, particularly in the area around the commercial district. As part of the approval process for Wal-Mart, studies were conducted to determine traffic impact as commercial developed and the City grew. Redwood Road, Cedar Hills Drive, 4800 West, and 4600 West were examined. The City Council proposed the formation of the TSLO to define what traffic improvement would be necessary to improve traffic safety and flow. The Committee consists of developers of the commercial zone, at-large developers from the home building community, the City Planner, the City Engineer, a member of the City Council and several residents appointed by the mayor. As part of a recent agenda, the TSLO discussed traffic improvement projects. Many of the proposed projects are geared toward traffic calming. One of the devices the City uses for traffic calming is speed tables. Some are engineered in ways that are ineffective because they are too mild or too aggressive. The intent of a traffic calming device is not to stop traffic, but rather to keep people moving at the speed limit. It should not slow traffic slower than the speed limit. The TSLO also looked at general traffic flow, including stop signs and intersection flow. The goal of traffic engineering is to move traffic from local roads to collector roads and to arterial roads. There are six proposed speed table modification or new speed table locations. There is a proposed speed table with landscaped median at Redwood Road, north of the roundabout where the area moves from a commercial zone to residential. That speed table is being funded by Wal-Mart and will be striped as a crosswalk. The other proposed speed tables are located at Harvey Boulevard east of Dorchester Drive, Morgan Boulevard east of Doral Drive, Ironwood Drive and Eucalyptus, Cottonwood Drive west of Mesquite Way, and Cedar Hills Drive east of Willow Court. All these speed tables are on collector roads. The City Council invested in a speed trailer that gives speeds and numbers of vehicles. For the most part residents keep speed under control. Average speeds are lower than the speed limit. The 85th percentile is at the speed limit, which is what the streets are designed for.

Another proposed change from the TSLO is removal of stop signs. Stop signs give residents a sense of security, but they are a false sense of security. Studies show that stop signs don't work where they are not needed. People don't use them correctly, roll through them, don't look for pedestrians, etc. There was no engineering study done on Redwood Road. It is a myth that a four-way stop is better than a 2-way or no

stop sign. Currently, the four-way stops are not justified. It may change when Wal-Mart is in. Traffic controlling devices, such as stop signs, can change traffic flow. For instance, many people use Forest Creek Drive because they don't want to hit the stop sign on Redwood Drive. As a result traffic flow changes in a direction different than as designed. Collector roads that work well in the City include 4600 West, south of the roundabout, Box Elder Drive, and Cedar Hills Drive. Other options for traffic calming devices include lowering speed limits and zero tolerance on speed.

Council Discussion:

- C. Kirk is the City Council representative to the TSLO. The TSLO meetings are open to the public. Items are openly discussed. No one comes to the meeting that is aggressively pursuing their own agenda. The TSLO has discussed the false sense of security that stop signs give. It is similar to the green men "Children at Play" signs that parents put in the street that give children a false sense of security. Children often play in the street when those signs are posted. He is personally in favor of removing stop signs. He has seen studies that have convinced him there will be no safety issues. However, he was elected to represent the community and as a result will not vote to keep the stop signs on the removal list. There is no urgency in this decision. He would like to revisit this in the spring after Wal-Mart is in and traffic has increased. He feels the solution to the traffic problem is multi dimensional; it is not just traffic calming, or just enforcement. Traffic calming devices, public awareness, and enforcement all need to be a part of the solution.
- C. Wright stated that she likes the proposed speed table at Redwood Drive, north of the roundabout. She respects the science behind these plans. She is afraid that taking out stop signs will divert traffic down Cedar Hills Drive that would otherwise use Canyon Road. She worries that turning Cedar Hills Drive into a major thoroughfare would hurt the small town feel of the City. She feels that stop signs on Cedar Hills Drive give drivers a reality check. Cars get going quickly, and residents who live on the street look to the stop signs to slow the traffic. If she lived on Cedar Hills Drive, she would be angry that stop signs were being removed.
- C. Bowman stated that 4600 West has three speed tables, an intersection at Harvey Boulevard , and the roundabout; but no stop signs. She doesn't understand why there is a stop sign on Redwood Drive and no stop signs on 4600 West. She stated that safety of the children is a top priority. At first she was in favor of speed tables. Several speed tables have gone in. The speed table on Cottonwood Drive was requested with a cost of \$12,000. Two neighbors directly benefited; many more complained. The speed table on Ironwood Drive was long requested and now gathers complaints as a skateboarding attraction. There have been complaints about the Forest Creek Drive speed table as well. In each case there have been more complaints after installation of the speed table than requests for the table. Using public funds for speed tables is giving a sense of security, but they are not providing the security. She believes the only way to really slow people down is through enforcement.
- C. Perry stated that he favors science, data, rigor, and analysis. He has read the information from the FHA (Federal Highway Association) that addresses the myth and data to back it up. He would like to see the Cedar Hills Drive and any accompanying study. He would also like to review the Fehr and Peers study for Wal-Mart to see what assumptions were used. He said that this was the first time the Council has seen the recommendations from the TSLO. The Council has not had a lot of time to digest the information. He said that the TSLO is commissioned to investigate available information, and the City Engineer is professionally trained. It is ridiculous for someone that is not professionally trained to contradict their opinions and recommendations.
- C. Richardson stated that the fact that there are so many people present signals that this is an important issue. He would like to know what collector roads are working well to use as a model road. As residents, everyone needs to take more personal responsibility on the roads. There are a lot of decisions to be made, and they need to be made in the correct order. No decisions need to be made tonight. There may be some urgency with some parts of the plan, but it needs to be done right and that may take time.
- Mayor McGee stated that he was hit by a car as a 9-year-old boy. He was hit in a crosswalk at a stop light with a walk signal. There are many things that we think will make us safe, but don't make us safe. He does not want that to happen to the children in the community. He is not advocating nor opposing the removal of the stop signs. There are speed tables that are inadequately constructed. Those that are inadequate should be repaired. The TSLO was formed to discover what needs to happen for proper and safe traffic flow. All members of the Committee are committed to keeping the community safe.

2. Public Comment (8:32 p.m.)

C. Richardson requested that this item be held after the Council discussion of item 10.

- Rodney Price: Mr. Price stated that he has listened carefully to the council discussion. He felt like the Council was lecturing residents before they even had a chance to speak. He is an engineer. He appreciates that streets are for cars, but sidewalks and crosswalks are for pedestrians. Cedar Hills Drive is also a collector for elementary school students. The City needs to optimize the road for pedestrian use as well. Students tend to cross the road at Cedar Hills Drive and Oak Road West. You cannot see that intersection from the church parking lot. There needs to be a traffic calming device at the top of the hill.
- Jean Peaslee: See letter. Ms. Peaslee stated that she is a former town council member. In the early 1990s the City extended Cedar Hills Drive. As a result neighbors to the south began using Cedar Hills Drive to get to the freeway. Many residents who fronted Cedar Hills Drive requested stop signs. UDOT determined that Cedar Hills did not need stop signs to slow traffic, but did need them for safety reasons, primarily blind corners. In the winter the slopes are icy and cars slide through the intersections. Wal-Mart will make traffic worse and put children at risk. She asked that the stop signs remain. C. Perry requested that David Bunker contact UDOT to request those traffic studies. Kim Holindrake will look through the city records.
- Priscilla Leek: Ms. Leek stated that she has been here since 1977 and has seen numerous accidents at stop signs. Children cross Cedar Hills Drive to access the retention basin for sledding in the winter and the baseball field in the summer. Children come down Oak Road East on skate boards and bikes and head right onto Cedar Hills Drive. She would like the speed limit maintained. One way to do that is to have devices that signal drivers to slow down. Kids think they are invincible and will cross wherever they want. Do not remove stop signs.
- Jeff Ivins: Mr. Ivins stated that the snow/ice issue on Cedar Hills Drive and Oak Road, as well as the blind corners are safety concerns. The speed study with a trailer slows traffic and results are inaccurate. He would like to see stop signs remain and a flashing light below the hill alerting drivers of the stop sign ahead.
- Kathy Ivins: Ms. Ivins stated that she likes the stop signs. She feels they slow people down and give people an opportunity to be more courteous to pedestrians. As you come up Cedar Hills Drive from west to east, there is a blind hill. You can't see a car coming from Oak Road West until it hits the top of the hill. She is concerned about other stop signs, but is particularly concerned about the removal of the sign at Oak Road West. She does not take offense easily but was twice offended in this meeting and felt her integrity was questioned.
- John Hart: Mr. Hart has an issue with the proposed removal of the stop sign at Redwood Drive. There are a lot of teenagers that race down the hill. He fears that if the stop sign is removed, they will fly through the intersection. If the problem is that people are breaking the law and not stopping, that needs to be addressed. The answer isn't to remove the stop sign. His goal is not to move traffic, it is to keep children safe. If both can't be done at the same time, he favors keeping children safe.
- Kent Seamons: Mr. Seamons stated that his primary concern is with the Redwood Drive stop sign. Studies focus on traffic, and not on pedestrian safety. He would like facts that deal with pedestrian safety. The traffic plan needs to roll out slowly with a lot of thought. He would like to see more enforcement. The City needs to be careful about what it deduces from studies. He would like to see a standard defined as a plan is rolled forth, and measure the results to see if the standard is met. He would also like to see a blinking light at Redwood Drive during school hours.
- Earl Brohard: Mr. Brohard stated that Cedar Hills Drive is a collector road, mainly a collector of children. Before removing stop signs the City needs to look at the common sense of the plan. This is a community issue. The City should also consider how many children did not get hit because of the stop signs. He would like the Council to look into the decision making process when the City installed the stop signs. Safety needs to be the first consideration, not traffic flow to the commercial center.
- Tawnie Johnston: Ms. Johnston addressed the stop sign at Carriage Lane and Redwood Drive. There is no sidewalk on the west side, and there is no crosswalk. She is concerned that children will not be able to cross the street because there are no safeguards in place. Before any stop signs are removed, safeguards need to be in place. Mayor McGee stated that there will be a sidewalk on the west side of Redwood Drive.
- Tyler Gibbs: Mr. Gibbs is concerned about the blind spot at Cedar Hills Drive and Oak Road West. He would like to see a sign or something alerting drivers of an upcoming stop sign.
- Melinda Wallis: Ms. Wallis is concerned with the removal of the Redwood Drive stop sign. She looked up some of the studies that have been mentioned. The studies do say that stop signs do not deter speeds but they do assist drivers and pedestrians in determining who has the right of way. She has stood at the crosswalk by the dentist office, and cars zoom by without noticing the pedestrians waiting to cross. A stop sign will stop the car so that pedestrians can cross. Leave the stop signs.

- Marinann Castillo: Ms. Casatillo stated that the newsletter got many residents unnecessarily riled. She lives on the corner of Cedar Hills Drive and Oak Road West. She watches cars blast through the stop sign. She has gotten tickets and, as a result, is learning to reduce her speed. The City needs increased enforcement. Wal-Mart will bring new traffic; many drivers will not realize that there is a stop sign. She would like to see a flashing warning sign both ways approaching the stop sign.
 - Ken Bacon: Mr. Bacon stated that the areas northwest and northeast of Redwood Drive and Carriage Lane are collectors of children and teenagers. There is a bus stop for junior high students. There are over 100 children under the age of 12 that live northwest of that area. There is a lot of interaction between the children in those two areas. High school students tend to drive faster. The speed table does not calm drivers on Redwood Drive.
 - Diane Sorenson: Ms. Sorenson stated that she worked in the division of transportation services in Irvine. Irvine has never removed a stop sign because of the increased collisions that would occur. Children cross where it is most convenient.
 - Darren Simmons: Mr. Simmons stated that when he opposed Council about Wal-Mart, it was about children. His brother was killed in a car accident. The driver feels horrible to this day. If a child dies, the Council will feel horrible. Once Wal-Mart comes, the City needs to look at flow and pedestrian safety and make decisions from there.
 - Bobby Seegmiller: Mr. Seegmiller joined the Planning Commission to have a voice. He paid credit and respect to the Council members. He has worked with Council and staff and knows they have the best interest of the community at heart. Statistics can be used to support any opinion. There were statistics that supported the building of the golf course. He feels like the item should be tabled. He would like to see the TSLO open a meeting to the public to discuss potential ideas. Let the residents get involved and bring solutions to the table. He suggested the City wait to see what happens with the stop signs when Wal-Mart comes in.
10. Review/Action on Safety Recommendations from the Traffic Safety and Livability Oversight Committee - Continued (9:28 p.m.)

Staff Presentation:

David Bunker stated that Bridgestone is concerned that there is no parking allowed along the street to keep the street clear for the bike lane. The TSLO and Bridgestone representatives decided the best solution was to not allow parking between school hours.

Council Discussion:

- C. Bowman stated that with so many people clamoring for speed enforcement, she has no interest in spending enforcement effort on parking along the street.
- C. Perry expressed appreciation to residents for coming. Several people said they don't want any children injured. He agrees; he reads the reports, and there are injuries. No one wants to see that. He reminded the public that everyone is part of the problem and everyone needs to take personal responsibility in making the community safer. He suggested looking at stiffer fines in addition to more enforcement. The Council and staff can take time to look at all the data and options.

MOTION: C. Wright - To approve project list of traffic safety enhancements with the exception of removal of all traffic signs, and table the Harvey bike lane and make it a separate item at a later date. No second. Motion dies.

MOTION: C. Richardson - To continue the item to our first meeting in January, and before that time instruct staff to schedule at least one public open house where additional ideas can be discussed, and have Council send specific ideas to staff so they can update the plan based on feedback given. Seconded by C. Perry.

Further Discussion:

- C. Kirk stated that he doesn't think there needs to be another public hearing when there were so many residents present who oppose removing stop signs. He thinks it could be better addressed with tabling the portion of the plan that deals with stop signs and continuing the rest until a future meeting. He would like to table the stop sign issue until the spring time when it can be revisited.
- C. Bowman stated that she agrees with having an open house, because there are two sides to every story. The Council has a good idea of how these residents feel about removing signs. There may be others who

- are not present because they liked the idea of removing the signs.
- C. Perry stated that there is a lot of interesting information that comes out of public comment. There is always value to public input. Tonight the discussion focused on the stop sign removal because that was the only portion that residents were aware of. The stop signs were only 4 of the 14 safety items. The other 10 items deserve attention as part of an overall plan.
- C. Richardson stated that he feels it is dangerous to look at just the stop sign portion of the plan. He does not want to table one portion because it is part of a larger plan. An open house allows Council, staff, and residents more time to research the options. Not one person stood up and said everything is perfect.
- C. Wright stated that this item has been discussed for three hours, and she doesn't want to table the item to have it rehashed in a month. She wants to leave the stop signs and not string the residents along. The worst part of government is when real issues are pushed back indefinitely.
- Mayor McGee stated that he doesn't believe much will be achieved through an open house. More could be accomplished by having the Council address the issue again. The Council is elected to make decisions. He encouraged the Council to get the information it needs as quickly as possible and make a decision.

AMEND MOTION: C. Richardson - To have that portion apply to the 18 steps related to the commercial zone and school time traffic and to approve the TSLO recommendations in regard to traffic on 4500 West.
 Accepted and seconded by C. Perry.

Further Discussion:

- C. Bowman stated that she is concerned about the bike lane on the north side of Harvey Boulevard as it turns the corner and stops. She doesn't want to approve the parking situation without addressing the bike lanes. She does not want to see parking in a bike lane. David Bunker stated that the parking hours in the bike lane was a compromise from the TSLO. Mayor McGee stated that there should be no parking in the bike lane. It was poor planning by the developer who should have provided adequate parking.

No - C. Bowman
 C. Kirk
 C. Perry
 C. Richardson
 C. Wright Motion fails.

MOTION: C. Richardson - Regarding the improvements 1-18 in the list of traffic safety enhancements, those that are attributed to school time and commercial development that we table until our first meeting in January, and before that time instruct staff to schedule at least one public open house where additional ideas can be discussed, and have Council send specific ideas to staff so they can update the plan based on feedback given, and regarding the TSLO recommendation on 4500 West near Bridgestone, to adopt their parking recommendations. Seconded by C. Perry.

Yes - C. Perry
 C. Richardson
 No - C. Bowman
 C. Kirk
 C. Wright Motion fails.

MOTION: C. Richardson - Regarding the improvements 1-18 in the list of traffic safety enhancements, those that are attributed to commercial development that we table until our first meeting in January, and before that time instruct staff to schedule at least one public open house following a public TSLO meeting where additional ideas can be discussed, and have Council send specific ideas to staff so they can update the plan based on feedback given, and regarding the TSLO recommendation on 4500 West near Bridgestone, to adopt their parking recommendations. Seconded by C. Perry

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

MOTION: C. Richardson - To move item 14 next. Seconded by C. Bowman.

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

14. Review/Action on a Resolution of the City Council sitting as a Board of Municipal Canvassers for the Purpose of Canvassing the Returns of the Special Election held on November 4, 2008, and Related Matters (10:08 p.m.)

See handouts.

Eric Johnson stated that the City must canvass the election within 14 days. The special election was on a .1% sales tax. It passed about 2 to 1. This resolution will canvass the election results making them official.

MOTION: C. Richardson - To approve Resolution No. 11-18-2008A, a resolution of the City Council of the City of Cedar Hills, Utah County, Utah, sitting as a Board of Municipal Canvassers for the purpose of canvassing the returns of the Special Election held in the City on November 4, 2008, and related matters, and thank the 3,343 members of our community that cast a vote. Seconded by C. Perry. Vote taken by roll call.

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

MOTION: C. Bowman - To move item 11 to our next item. Seconded by C. Kirk.

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

11. Review/Action on Interlocal Cooperation Agreement between the City of Cedar Hills and American Fork City Granting an Easement for a Pressurized Irrigation Line (10:15 p.m.)

See handouts.

Staff Presentation:

David Bunker stated that American Fork has approached Cedar Hills to acquire an easement for a pressurized irrigation line. American Fork has worked closely with Cedar Hills over the years, and Cedar Hills would not have survived without the help of American Fork on water issues. The agreement shouldn't be as one sided as the drafted agreement that came to the City from American Fork. Eric Johnson stated that the draft that American Fork presented to Cedar Hills was very one sided. He wrote another draft that is one sided for Cedar Hills as the next step in negotiation. Konrad Hildebrandt stated that it is appropriate to table this item so the Council has chance to read through the new draft.

MOTION: C. Perry - To table item until next meeting. Seconded by C. Bowman.

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

Mayor McGee called for break. (10:18 p.m.)
Reconvened at 10:22 p.m. without C. Richardson.

MOTION: C. Bowman - To move item 9 to the next item. Seconded by C. Perry.

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

9. Review/Action on Release of Durability for Bridgestone, Plat D (10:24 p.m.)

See handouts.

David Bunker stated that after an inspection of the improvements for Bridgestone, Plat D, which extends Bridgestone Drive to the drive for the kindergarten, a punch list was created. All items have now been addressed. Bridgestone Drive remains private. All improvements have been installed per regulations and agreements. The HOA has had a chance to look over the improvements.

MOTION: C. Perry - To approve acceptance of subdivision improvements for the Bridgestone Subdivision, Plat D, release of the durability guarantee, subject to all inspection fees paid, noting that city staff inspected and found that all prior issues that were raised with regards to Bridgestone, Plat D, have been resolved.
Seconded by C. Bowman.

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

8. Review/Action on Cedar Hills Golf Course Items and Clubhouse

MOTION: C. Perry - To table item 8. Seconded by C. Bowman.

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

7. Review/Action on Amendments to the City Code, Section 6-2-4, Financial Guarantee (10:28 p.m.)

See handouts.

Staff Presentation:

Rachel Brown stated that the auditors recommended noticing the plan to forfeit bonds in the newspaper. This removes the conflicting section of the code that indicates that letters would be sent. Conrad Hildebrandt stated that a large portion of the bonds are in builder's names. David Bunker stated that when somebody responds to a notice, there may still be improvements to be made before the bond can be released, which starts a new process.

Council Discussion:

- C. Perry stated that few people will see the notice in the paper. It is in the city government's financial interest to have people not collect their money. But the City Council represents the people, and the money

should go back to the person or entity that posted the bond. Even if no one responds, the effort was made. The normal process should be followed. He thinks people deserve at least some chance on collecting their bond. He feels it is the Council's ethical duty to let people know that the City is holding bond money, and they should be notified before it is forfeited.

- C. Bowman stated that she feels the City should do what other cities do. No more, no less.

C. Richardson returned (10:40 p.m.)

MOTION: C. Perry - To adopt Ordinance No. 11-18-2008A, an ordinance amending Title 6 of the City Code of the City of Cedar Hills, Utah, with the amendment in 6-2-4 C instead of striking the last sentence as is amended here, to strike the sentence but also add that "the City shall give notification to the bondposter at the time the certificate of occupancy is granted of any bond that is outstanding. Seconded by C. Richardson.

AMEND MOTION: C. Perry - To have the last sentence moved to the first sentence. Accepted and seconded by C. Richardson. Vote taken by roll call.

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

12. Review/Action on Preliminary Site Plan for Chase Bank (10:47 p.m.)

See handouts.

Staff Presentation:

Greg Robinson stated that Chase Bank has submitted their preliminary site plan. He feels they have presented a quality design.

Council Discussion:

- Mayor McGee would like to see a cupola on the north side. Rick Espinosa said he would be willing to add two dormers on either side of the faux entrance on the north side.
- C. Wright stated that she thinks that with adding the dormers on the north side, it is a good design.
- C. Richardson stated that there was a door on the north side that is not on the elevations. Rick Espinosa said that the north door was eliminated.

MOTION: C. Richardson - To grant concept and preliminary approval to the Chase Bank site subject to a review of the building elevations as discussed in tonight's meeting (add two dormers on the north side), a review of the landscaping requirements at final, the presentation and approval of a product sample board of the exterior treatments, an updated site plan consistent with the elevations, and ultimate execution of a development agreement with Amsource. Seconded by C. Kirk.

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

MOTION: C. Bowman - To extend the meeting until 11:30 p.m. Seconded by C. Kirk.

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

13. Review/Action on Decorative Element at the Corner of Cedar Hills Drive and 4800 West (11:06 p.m.)

See handouts.

Staff Presentation:

Greg Robinson stated that Amsource is here to discuss a decorative element. They submitted three options. They would also like to discuss the possibility to have signage on the corner rather than the two signs as approved. Casey Bills, Amsource representative, said that there are three color options, and he does not have the dimensions on the compass.

Council Discussion:

- C. Kirk suggested making the compass fit within the circle and orienting the compass correctly and placing the coordinates of longitude and latitude of that exact spot in the City in the center. He would like another drawing with a sample board.
- C. Bowman stated that she would like it to jive with what is on the other side of the intersection. The other side does not have a list of tenants
- C. Perry stated that he is okay with the corner sign. There needs to be signs, and this looks classy.
- C. Wright stated that she does not want to see business names on the corner of the entrance to the City.
- Mayor McGee stated that he would like two benches added to the corner element and a stipulation that the signage be of bronze.

MOTION: C. Kirk - To incorporate suggestions discussed with suggested types of materials, sampling of color and material and submitting to the City to be included in a development agreement for Amsource. No second. Motion dies.

MOTION: C. Kirk - To move that a final design of the decorative element to include size and circumference of element, the compass being reduced to fit inside the diameter with bronze or bronze-like north, south, east and west indicators aligned appropriately with true north with a round bronze or bronze-like indication at the center with longitude and latitude at that site and elevation, and signage be bronze or bronze-like similar to the compass headings, and all in the same font and size to include two benches of like material and quality. Seconded by C. Richardson.

AMEND MOTION: C. Kirk - To include sampling and approval of color, style and materials. Accepted and seconded by C. Richardson.

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

15. Review/Action on Resolution Adopting Fees (11:36 p.m.)

See handouts.

Staff Presentation:

Konrad Hildebrandt stated that there are no fees for the commercial zone for beer licenses. Staff has researched many cities fees and come up with this proposal.

Council Discussion:

- C. Perry stated that he wants to ensure that the fees are appropriate and that oversight isn't overlooked just because the majority doesn't drink beer.
- C. Richardson stated that there are enforcement fees associated with selling beer. He is less concerned with the fee for the license as how stringent the licensing requirements are.

MOTION: C. Perry - To table this particular discussion of this particular section of fees until such time as staff is able to put together an ordinance that covers alcohol licensing that includes grounds for revocation, fines for violations, plans for enforcement, and protection against sales to minors or other violations of established law. Seconded by C. Richardson.

Konrad Hildebrandt stated that there is state law that covers all those things. Mayor McGee directed Konrad Hildebrandt to have a presentation at the next meeting about liquor laws.

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

17. Review/Action on Amendments to the City Code, Title 10-5-18, Fences (11:55 p.m.)

See handouts.

Council Discussion:

C. Richardson requested the following changes:

- F3b be changed to “height greater than four feet”
- G2a add “within 30 days of the City Manager’s decision”

MOTION: C. Richardson - To approve Ordinance No. 11-18-2008B amending Title 10-5-18 of the City Code of the City of Cedar Hills, Utah, Fencing, amending the type, style and exceptions process relating to fencing in the City of Cedar Hills with changes that in reference F3b that three feet be changed to four feet, that “within 30 days of the City Manager’s decision” be added at the end of G2a, and correcting any references or incongruity between section and subsection verbiage. Seconded by C. Kirk. Vote taken by roll call.

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

16. Review/Action on Amendments to the City Code, Title 2, Chapter 1, Parks and Trails Advisory Committee (12:00 p.m.)

MOTION: C. Richardson - To table item 16. Seconded by C. Perry.

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

18. Review/Action on Appointment of a Member Representative to the Utah Valley Dispatch Special Service District (11:47 p.m.)

See handouts.

Mayor McGee stated that initially he will be the representative to this Special Service District. In the future he will appoint a Council Member.

MOTION: Kirk - To adopt Resolution No. 11-18-2008B, a resolution of the City Council appointing the board representative to the UCDDSS as Mayor Mike McGee. Seconded by C. Bowman. Vote taken by roll call.

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

19. City Manager Report and Discussion

MAYOR AND COUNCIL REPORTS

20. Board and Committee Reports (11:52 p.m.)

- C. Perry: There is information in the monthly management report on LPPSD, which is a testament to how good our staff and accounting controls are. The City pays only 4% of the cost to LPPSD because it doesn't participate with police. Highland paid four times as much just for police.

EXECUTIVE SESSION

21. Motion to go into Executive Session, Pursuant to Utah State Code 52-4-5 (12:02 a.m.)

MOTION: C. Perry - To go into Executive Session, Pursuant to Utah State Code 52-4-5 to discuss the mental competence of an individual. Seconded by C. Bowman.

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

22. Motion to Adjourn Executive Session and Reconvene City Council Meeting (12:20 a.m.)

MOTION: C. Kirk - To adjourn Executive Session and reconvene City Council meeting. Seconded by C. Perry.

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

ADJOURNMENT

23. Adjourn

This meeting was adjourned at 12:20 on a motion by C. Bowman, seconded by C. Kirk and unanimously approved.

Approved by Council:
December 9, 2008

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