

CITY COUNCIL MEETING
Tuesday, December 9, 2008 7:00 p.m.
Public Safety Building
3925 W Cedar Hills Drive, Cedar Hills, Utah

Present: Charelle Bowman, Mayor Pro Tempore
Council Members: Eric Richardson, Ken Kirk, Marisa Wright, Jim Perry (via telephone)
Konrad Hildebrandt, City Manager
Kim Holindrake, City Recorder
Brad Kearl, Building and Zoning Official
Greg Robinson, Assistant to the City Manager - Planning
Courtney Hammond, City Meeting Transcriber
Eric Johnson, City Counsel
Others: Cliff Chandler, Shawn Richins, Paul Warner, Rick Espinosa, Paul Warner, Scout Troop 1170., Karissa Neeley (7:39 p.m.)

COUNCIL MEETING

1. This meeting of the City Council of the City of Cedar Hills, having been properly noticed, was called to order at 7:06 p.m. by C. Bowman.

Invocation given by C. Kirk

Pledge of Allegiance

2. Public Comment (7:08 p.m.)

Cliff Chandler: There was a stabbing in Canyon Heights a week and a half ago. His daughter and son in law were nearby. Mr. Chandler reported that there was a good, quick, efficient response from the American Fork police department.

Paul Warner: Mr. Warner has petitioned to be annexed back into Pleasant Grove City. He owns a large parcel part of which he sold to Gordon Olsen. Cedar Hills City has promised that eventually he can subdivide into a flag lot. To do that he would need to get to a sewer. The easiest would be to go to the Pleasant Grove sewer.

CONSENT AGENDA

3. Minutes from the November 18, 2008, Public Hearing and Regular City Council Meeting (7:12 p.m.)

C. Perry stated that the spelling of Fehr and Peers needs to be corrected in the minutes.

MOTION: C. Wright - To accept the minutes from the November 18, 2008, Public Hearing and Regular City Council meeting. Seconded by C. Bowman.

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

Motion passes.

MOTION: C. Wright - To move #12 before #4. Seconded by C. Kirk.

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

SCHEDULED ITEMS

12. Review/Action on Boundary Adjustment with Pleasant Grove City at Approximately 9700 North Canyon Road (7:15 p.m.)

See handouts.

Staff Presentation:

Kim Holindrake stated that the City received a boundary request from some residents who are on Canyon Road. The request was forwarded to Cedar Hills from Pleasant Grove. The residents have not made a reciprocal request to Cedar Hills yet. When checking the tax ID's and ownership, it was found that the properties listed by the Olsens on the request are actually owned by Diane Warner and the properties listed by the Warners are owned by the Olsens. David Bunker stated that it is possible to use ejector pumps for the Warner home. The ejector pump would sit in the basement of the home. There is no sewer line in Canyon Road near the Olsen property, but it is planned for the future. Pleasant Grove has a sewer line that comes up 4000 West. The Thayne property is a bigger problem because it is landlocked between properties. Konrad Hildebrandt stated that based on recommendations from both city engineers, the canal should be the boundary. The majority of Pleasant Grove residents above the canal will run into the problem of septic tank failures and will need to adjust into Cedar Hills for sewer service.

Council Discussion:

- C. Richardson stated that the City should start looking at plans to extend the sewer because septic tank failure is a real possibility. He would like to look at capital projects and see what it takes to put the project in the budget.
- C. Kirk agreed that the sewer extension needs to be moved up on the City's priority list.
- C. Bowman stated that the City needs to be able to service all its residents and clean up the boundary. She would like to see numbers on what it would cost to install that line.

C. Perry excused (7:29 p.m.)

- C. Wright stated that she feels the City needs to do everything possible to make it easy for Cedar Hills residents to remain Cedar Hills residents.

4. Review/Action on Cedar Hills Golf Course Items and Clubhouse (7:34 p.m.)

See handouts.

Staff Presentation:

Konrad Hildebrandt stated that he has been in contact with the original architect that designed the clubhouse. The City requested some cosmetic changes based on the Council's recommendation. The architect has submitted a cost analysis. Konrad met with them and expressed that the Council thought the costs were exorbitant. They have dropped the price for plan revisions by \$17,000 to total \$29,200. The City can move forward or put the project out to open bid.

Council Discussion:

- C. Kirk stated that the costs seem exorbitant. They may be the lowest bid, but the City needs to

- prove it by putting it to bid.
- C. Wright, C. Bowman and C. Richardson agreed that the project should be put to bid.

Staff Presentation:

Konrad Hildebrandt stated that the netting was recently replaced on the driving range for \$22,000. The new netting was guaranteed for five years. In a recent wind storm, C. Bowman noticed that two of the power poles that hold up the netting had severed and were pulling down all the netting. The public works department temporarily remedied the situation until the posts could be replaced.

Council Discussion:

- C. Bowman suggested that tumbleweeds be removed from the netting.
5. Review/Action on Interlocal Cooperation Agreement between the City of Cedar Hills and American Fork City Granting an Easement for a Pressurized Irrigation Line (7:41 p.m.)

See handouts.

Staff Presentation:

David Bunker stated that initially American Fork submitted a draft interlocal agreement that was one sided. Staff and legal counsel suggested some changes. In the original agreement American Fork suggested that Cedar Hills had to get permission from them to access the easement. The new agreement reverses that. The easement would be non-exclusive. American Fork would need to get permission from Cedar Hills and would need to maintain the easement. The pipe would be buried up to eight feet at certain points. Under the river it will be a welded joint pipe; after the debris basin the pipe will be PVC with fittings. American Fork has been good to Cedar Hills through the years with shared water rights and facilities. David suggested that the good relations continue. The Council can determine the cost of the easement. His suggestion is \$10 and other good and valuable considerations. Konrad Hildebrandt stated that he is most concerned that the integrity of the sides of the golf course be maintained and/or increased throughout construction. Eric Johnson suggested that the agreement term be for the life of the facility. Section 5 includes some improvements that American Fork can make in the area and that can be seen as considerations.

MOTION: C. Richardson - To instruct staff to consult with the staff of American Fork and finish negotiating the agreement including the inclusion of a reversion clause of anticipated life of the project plus 5 years, and including in section 2 that consideration be \$10 and also a clause calling for improving and maintaining the integrity of the channel so as to protect the river bank and Cedar Hills assets along the river bank. Seconded by C. Bowman

AMEND MOTION: C. Richardson - And let the record reflect that Council looked upon the agreement with favor and awe. Accepted and seconded by C. Bowman.

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

6. Review/Action on Final Site Plan for Chase Bank (8:00 p.m.)

See handouts.

Staff Presentation:

Greg Robinson stated that dormers were added on the north side since preliminary approval. There

are several options for the roof access. It can be stucco colored to match the front of the building or to match the brick color. Another option would be to do brick. The Planning Commission favored brick or something to give a chimney look to the roof access.

Council Discussion:

- The Council preferred the roof access in brick.
- C. Richardson stated that signs are only allowed on the front. The west and north elevation is definitely a front. The south side is not necessarily a front.
- Rick Espinosa stated that the signage package is separate and will be presented separately. Chase Bank has done brass signage on other buildings.

MOTION: C. Richardson - To approve the Chase Bank elevation including a brick building access as presented to look chimney-esque, the removal of the vent on the north and west elevation, and the signage package to have its own approval at a separate date. Seconded by C. Kirk

AMEND MOTION: C. Richardson - To include approval of the site plan and elevations. Accepted and seconded by C. Kirk

Further Discussion:

- Greg Robinson stated that the landscape plan has been changed to go along with the Design Guidelines and what is going on elsewhere in the development per Amsource.

C. Wright excused (8:12 p.m.)

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

7. Review/Action on Resolution Adopting Fees (8:16 p.m.)

See handouts.

C. Wright returned (8:18 p.m.)

Staff Presentation:

Brad Kearl stated that in the last meeting C. Perry inquired about grounds for revocation, fines for violation, plans for enforcement, and protection against sales to minors. All those items are covered in state law. Fees were set based on researching other cities and the additional public safety, zoning, inspection, etc. Provo's fees are double those proposed here, but Brad feels it is justifiable for the size of Cedar Hills. The liquor consumption license is in addition to the beer license.

Council Discussion:

- C. Richardson stated that he has no desire to offer C and D licenses. He supports adopting the fee schedule but would like to consider what types of beer licenses are allowed in the City.

MOTION: C. Kirk - To adopt Resolution No. 12-9-2008A, a resolution adding, amending, or deleting certain fees of the official fee schedule of the City of Cedar Hills, Utah, as recommended by staff. Seconded by C. Wright.

Further Discussion:

- C. Richardson stated that he would like to raise the liquor consumption license fee, though he doesn't think it will make a difference.

Staff Presentation:

Eric Johnson stated that to take effect on April 1, 2009, action needs to be taken before the end of year. The canvass is open to challenge until the end of the year. If someone challenges, this item will need to be revisited.

MOTION: C. Wright - To approve Ordinance No. 12-9-2008B, an ordinance imposing a 0.1% local sales and use tax for the purpose of financing cultural, arts and recreational facilities within the City; and related matters. Seconded by C. Richardson. Vote taken by roll call.

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

Further Discussion:

- C. Kirk stated that the success of this rests with the efforts of the Council and Cliff Chandler who spent a lot of time walking door to door and handing out flyers.
- Konrad Hildebrandt stated that former council member Joel Wright initiated this tax.
- C. Bowman stated that the real credit goes to those that voted for it.

11. Review/Action on Award of 2009 Secondary Irrigation Water Improvements Project (8:40 p.m.)

See handouts.

Staff Presentation:

David Bunker stated that there were nine bids on the project. One bidder made a mistake on the bid and asked that to be allowed to withdraw the bid. Staff recommends they be allowed to withdraw the bid. The low bidder is R.A. McKell at \$336,969 coming in just under the engineers estimate. Staff recommends awarding the bid to R.A. McKell. The biggest per unit item that may be underestimated is item #14-replacing the concrete. This project has to be done in March. This cost covers the contractor services. There will be an additional cost for engineering, project management, pumps and motors, telemetry, and electrical.

MOTION: C. Kirk – To award the contract to R.A. McKell for the construction of the Pressurized Irrigation System Upgrade Project 2009 in the approximate amount of \$336,969.00 and also to accept the request to withdraw the bid from TNT General Contractors. Seconded by C. Wright.

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

13. Review/Action on Board/Committee Appointments - Planning Commission, Parks and Trails Committee, and Board of Adjustment (8:55 p.m.)

See handouts.

Staff Presentation:

Kim Holindrake stated that Mayor McGee called all those whose terms end December 31, 2008. Everyone wanted to remain on their board or commission, which includes Stephanie Martinez to the Parks and Trails Committee, Jeff Lindstrom to the Board of Adjustment, Donald Steele and Gary

Maxwell to the Planning Commission, and Bobby Seegmiller and Glenn Dodge as alternates to the Planning Commission.

MOTION: C. Richardson - To reappoint Stephanie Martinez to the Parks and Trails Committee beginning January 1, 2009, with a term ending December 31, 2011; to reappoint Jeff Lindstrom to the Board of Adjustment beginning January 1, 2009, with a term ending December 31, 2013; to reappoint Donald Steele and Gary Maxwell to the Planning Commission beginning January 1, 2009, with terms ending December 31, 2011; and to reappoint Bobby Seegmiller and Glenn Dodge as first and second alternates, respectively, to the Planning Commission. Seconded by C. Wright.

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

14. Review/Action on Ordinance Setting the Time and Place of City Council Meetings for 2009 (9:00 p.m.)

See handouts.

Staff Presentation:

Kim Holindrake stated that the meetings are scheduled on the first and third Tuesday of every month with some holiday and festival exception. There is only one meeting in April because of conferences for the Council and staff.

MOTION: C. Bowman - To adopt Ordinance No. 12-9-2008C, an ordinance setting the time and place of the regular meetings of the City Council of the City of Cedar Hills, Utah. Seconded by C. Kirk. Vote taken by roll call.

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

15. City Manager Report and Discussion (9:05 p.m.)

- There is a local officials' day at the legislature on January 28, 2009. It is sponsored by Zions Bank, and there will be a noted historian speaking.
- David Bunker has been assigned to be on the TSSD board. They are on a calendar year budget. A neighboring city has an issue with the smell that is produced by the TSSD. They want the District to pay \$1.3 million per year to truck the sludge elsewhere. That would raise everyone's fees about \$2-3 per month. The TSSD budget is already in the red by \$150,000. There is also a \$107 million project that needs to be completed in the next five years, including an expansion of the plant. In the most recent meeting 10 of the 12 board members present voted to keep composting on site. A compost building would cost \$3.5 million. There will be a public hearing on December 18 at 7:00 p.m. at the TSSD chambers. Commissioner Ellertson would like all board members to be elected officials. C. Wright asked Konrad Hildebrandt to write a letter to Commissioner Ellertson expressing the Council's opinion and explaining that David Bunker has been appointed by the Council.
- Konrad Hildebrandt, Mayor McGee, and David Bunker met with Roy Williams of Phillips Edison. Mr. Williams is preparing a letter stating what has been done so far at the commercial site and what their plans are. They would like to start construction in March. C. Richardson requested that staff look at the development agreement and see if there is a stipulated completion date. Roy Williams is

willing to talk about a land swap for land for a city building.

MAYOR AND COUNCIL REPORTS

16. Board and Committee Reports (9:37 p.m.)

- C. Wright: Attended a training meeting from the Utah League of Cities and Towns.
- C. Kirk: Went to the North Point meeting. The board approved the 2008 budget amendments and a budget for 2009. Allied is now named Republic. Republic tried to put a fuel surcharge in the 2009 budget. The board voted to not add a surcharge to the budget.
- C. Richardson: The Planning Commission met and discussed the Chase Bank site plan, fencing ordinance, and payday lenders. He attended the affordable housing summit by the Board of Realtors.
- C. Bowman: The Parks and Trails Committee met and discussed their meeting schedule and Arbor Day.

EXECUTIVE SESSION

17. Motion to go into Executive Session, Pursuant to Utah State Code 52-4-5

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

No Executive Session.

ADJOURNMENT

19. Adjourn

This meeting was adjourned at 9:48 p.m. on a motion by C. Richardson, seconded by C. Kirk, and unanimously approved.

Approved by Council:
January 20, 2009

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