

PUBLIC HEARING AND CITY COUNCIL MEETING
Tuesday, February 17, 2009 7:00 p.m.
Public Safety Building
3925 W Cedar Hills Drive, Cedar Hills, Utah

Present: Mayor Mike McGee, Presiding
Council Members: Ken Kirk, Eric Richardson, Jim Perry, Marisa Wright, Charelle Bowman
Konrad Hildebrandt, City Manager
Kim Holindrake, City Recorder
Greg Robinson, Assistant to the City Manager-Planning
David Bunker, City Engineer
Courtney Hammond, City Meeting Transcriber
Others: Shawn Richins, Cliff Chandler, Chris Grzybowski, Jennifer Fisher, Brady Fisher,
Trevor Fisher, Steph Groham, Matthew Groham, Diane Kirk, Karissa Neely

COUNCIL MEETING

1. Call to Order, Invocation and Pledge

This meeting of the City Council of the City of Cedar Hills, having been properly noticed, was called to order at 7:20 p.m. by Mayor McGee.

Invocation given by C. Wright

Pledge of Allegiance led by Trevor Fisher

2. Public Comment (7:23 p.m.)

Brady Fisher: Requested a skate park or a hockey rink.

PUBLIC HEARINGS

3. Amendments to the City Code, Title 10, Check Cashing Businesses and Zoning Regulations (7:25 p.m.)

No comments.

4. Amendments to the City Code, Title 10-5-27, Landscaping (7:26 p.m.)

No comments.

CONSENT AGENDA

5. Minutes from the February 3, 2009, Regular City Council Meeting (7:26 p.m.)

MOTION: C. Bowman - To approve the minutes from the February 3, 2009, Regular City Council Meeting. Seconded by C. Wright.

Yes - C. Bowman

C. Kirk
C. Perry
C. Richardson
C. Wright Motion passes.

SCHEDULED ITEMS

6. Review/Action on Cedar Hills Golf Course Items, Clubhouse and Clubhouse Contract (7:27 p.m.)

See handouts.

Staff Presentation:

Konrad Hildebrandt stated that the City Council was presented with an itemized bid for the architectural and contract management of the proposed clubhouse. The Council had questions from the previous meeting that were answered in the memo. Staff recommends approving the contract with Ken Harris Architects.

Council Discussion:

- C. Richardson stated that he met with Ken Harris and all his concerns and questions were addressed. His questions surrounded the fee schedule. He feels that in comparison with other bids, Mr. Harris is a value. He has looked at his other work and is comfortable with his quality.
- C. Wright stated that she talked to someone who is currently working on a project with Ken Harris and is very pleased with his work.

MOTION: C. Wright - To approve the contractual signing to Ken Harris Architects to complete the architectural design of the golf clubhouse. Seconded by C. Richardson.

Further Discussion:

- C. Kirk stated that the City Council went with this architect because of the cost and the design. He is satisfied with how the plans were changed and somewhat satisfied with the cost. He feels the Council should move forward. Building a clubhouse is going to be a gamble, but given the investment with the golf course, he feels it is worth it.
- C. Bowman stated that she likes the design of the clubhouse. She questions whether the Council should commit to the clubhouse. She supports a clubhouse as long as it makes sense, but is not convinced it makes sense. She doesn't want any surprises in the costs, such as landscaping.
- Konrad Hildebrandt stated that the City Council has inherited the golf course. If the status quo is maintained, the trailer stays, and that makes it hard for the golf course to grow. The first \$1 million of the clubhouse is covered by the payments that are currently going towards leases. An additional \$1 million in bond financing is about 12%. There is value to getting cart storage, maintenance, and becoming a fully functioning golf course.
- Mayor McGee stated that at a recent meeting, it was reported that construction bids came in lower than expected because of the current economic situation. He suggested controlling landscaping costs by laying sod to begin with and adding more landscaping over time.
- C. Perry stated that maintaining the status quo is not the trailer; it is the contract on the trailer running out. The City could buy a double wide. The City has a duty to do an estimate on return of investment (ROI). There are too many unknowns. He would like to see a complete analysis that includes complete costs for landscaping, kitchen equipment, furnishings, etc.
- C. Richardson stated that scaling back is in the peripherals, such as landscaping, furnishings, kitchen equipment, etc. The footprint is the size that is needed for the carts. An ROI is going to be very difficult to determine because there are so many variables and so little information other courses will make public. To meet the price target that was set on this project would require 9 - 10 additional rounds per day. C. Richardson said that his visits with local golf club managers helped him feel like there would be sufficient ROI and that our planned clubhouse was scaled appropriately, but

recognizes that other council members may still benefit from a similar experience before being ready to make a decision.

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

Further Discussion:

- Mayor McGee asked staff to come back to the next meeting with rough estimates on landscaping, kitchen equipment, furnishings, and finishing the upper level.
- C. Richardson asked that the rest of the Council meet with Jim Madsen to get an idea of the scope and finish.
- C. Perry would like an estimate on the fiscal impact the clubhouse would have on golf course operations.

7. Review/Action on Board/Committee Appointments - Board of Adjustment (8:21 p.m.)

See handouts.

Mayor McGee stated that he talked to Matthew Graham about serving on the Board of Adjustment and recommended him to the position. C. Perry stated that while the Board of Adjustment rarely meets, when they do, it is very important.

MOTION: C. Wright - To affirm Mayor McGee's appointment of Matthew Graham to the Board of Adjustment with a term ending December 31, 2010. Seconded by C. Kirk.

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

MOTION: C. Richardson - To move item 9 next on the agenda. Seconded by C. Bowman.

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

9. Review/Action to Reinstate the Approval of Lot 2 of the Cedar Hills Retail Subdivision - Phillips Edison (8:25 p.m.)

See handouts.

Staff Presentation:

Greg Robinson stated that the final approval was in May 2007 with the development agreement being finalized in June 2007. It has been more than a year. Phillips Edison is requesting an extension of their agreement. Chase Bank has requested a change from the Amsource site to locate on Lot 2 on

the Phillips Edison site. One of the reasons they have decided to change locations is because Phillips Edison is further along in the process with infrastructure being installed, and Chase is anxious to begin construction. If Phillips Edison were to start from scratch with the approval process, more meetings would be required. Because everything, including the Chase Bank site, has been previously approved, this process is a bit quicker. Reinstating the approval would send the amended site plan to the Planning Commission. At a later date, Phillips Edison will come back for an extension on Lot 1, and at that time, the Council can address changes to Lot 1, such as changes in the building elevations. The accompanying development agreement will need to be amended.

Chris Grzybowski of Phillips Edison stated that the amendment to the site plan would replace one of the multi-tenant buildings with the Chase Bank. In the other multi-tenant building there is one tenant locked up, and there are a few more tenants that are in process.

Council Discussion:

- C. Bowman stated that she would like to grant the extension so that it can be sent to the Planning Commission.
- Mayor McGee stated that he is concerned that because the Chase Bank elevation is similar in feel to the Wal-Mart building, the third building may not be uniform, and the elevations should be changed to come into conformity.
- C. Richardson asked Chris Grzybowski of Phillips Edison if he agreed that the approval for Lot 1 had expired, which Chris Grzybowski confirmed.

MOTION: C. Richardson - To extend approval for Lot 2 of the Phillips Edison development until April 15, 2009, contingent upon and subject to the following finding of fact that some site work has been completed since the original approval, that reinstatement does not significantly change the use of the land, that Lot 1 approval has expired, that new and separate development agreements will be required for Lots 1 and 2, and that site plans and elevations for Lots 1 and 2 will return to both the Planning Commission and City Council for approval. Seconded by C. Perry.

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

8. Review/Action on Ordinance Amending the City Code, Title 10, Check Cashing Businesses and Zoning Regulations (8:47 p.m.)

See handouts.

Staff Presentation:

Greg Robinson stated that this item has been requested by City Council to limit the number of check cashing institutions that will be allowed in the City. The Planning Commission has reviewed this thoroughly. In this ordinance cashing institutions would only be allowed in the retail area of the commercial zone, which would be fronting 4800 West at a ratio of 1 per 20,000 residents and a distance limitation of one mile between check cashing institutions. The definition of check cashing needs to be moved to Title 3. Legally, the City cannot zone them out.

Cliff Chandler stated that the Planning Commission looked at other cities' ordinances. This ordinance is consistent with other cities.

Council Discussion:

- C. Richardson stated that the Design Guidelines were adopted by resolution. If that is the case, the amendment to the design guidelines should be adopted by resolution.

MOTION: C. Richardson - To approve and adopt Ordinance No. 2-17-2009A, amending Title 3 and Title 10 and making the statement that our decision is to move the definition section from Title 10 to Title 3. Seconded by C. Perry.

Further Discussion:

- C. Wright stated that her brother-in-law is a manager of Check City. She said she would abstain from voting.

Vote taken by roll call.

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

MOTION: C. Richardson - To continue the rest of item 8 until after item 13. Seconded by C. Kirk.

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

10. Review/Action on Interlocal Cooperation Agreement between the City of Cedar Hills and American Fork City Granting an Easement for a Pressurized Irrigation Line (8:58 p.m.)

See handouts.

Staff Presentation:

David Bunker stated that this has been before the City Council several times. The requested language changes were made. American Fork has put the project to bid and was happily surprised when the bids came in at half the estimate.

Council Discussion:

- Mayor McGee stated that he would like to add that the improvement of the river bank needs to be of quality material, similar or better to what is currently there.

MOTION: C. Richardson - To approve an agreement with the City of American Fork for the temporary construction and permanent easement for a pressurized irrigation line and approve Resolution No. 2-17-2009A, with the following changes: insert the number 99 into the year blanks on the interlocal agreement page 2, section 9, on exhibit B and on the express easement to state that the 50-foot construction easement shall expire 18 months after execution of this Agreement, and to change interlocal agreement section 2 to state that American Fork will pay Cedar Hills \$10 and to provide protection to the existing golf course bridge and to shore, enhance and protect the river bank and channel as approved by the Cedar Hills city engineer or designee. Seconded by C. Bowman.

AMEND MOTION: C. Richardson - To change the term “permanent easement” to “express easement.” Accepted and seconded by C. Bowman. Vote taken by roll call.

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

11. Review/Action on Ordinance Amending the City Code, Title 10-5-27, Landscaping (9:08 p.m.)

See handouts.

Staff Presentation:

Konrad Hildebrandt stated that the City Council suggested changing the landscaping ordinance to clarify and expedite the appeal process. David Bunker stated that the EPA is moving to require erosion control. He suggested requiring the builder to submit a plan for erosion control that would be filed with the state.

Council Discussion:

- C. Perry stated that the person that needs to be noticed needs to be the person that signs up for a utilities account rather than the permit holder. It is not possible to ensure that builders install quality landscaping. He thinks it is better for a building to sit unlandscaped for two years, than for it to be landscaped poorly by builders.
- C. Kirk stated that there are other ordinances that keep weeds off lots, such as the repercussions in weed abatement. He is concerned that the appeal is determined by the entity (city staff) that levied the fine in the first place.

C. Bowman excused. (9:12 p.m.)

- Mayor McGee stated that the bond needs to be changed if notification is given to someone other than the permit holder.
- C. Wright suggested requiring weed removal and wood chips for unlandscaped lots.

Council would like the following changes:

- D2 and G2 on page 2: “Permit holder” to “utility services applicant”
- Remove D1

MOTION: C. Perry - To approve Ordinance No. 2-17-2009B, an ordinance amending Title 10 of the City Code of the City of Cedar Hills, Utah, amending the requirements relating to the installation of landscape features on lot, changing the term “permit holder” to “utilities services applicant” and striking D1. Seconded by C. Wright. Vote taken by roll call.

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

12. Review/Action on Consideration of Resolution Authorizing Approximately \$900,000 Utility Revenue Bonds, Series 2009 for Irrigation Water System Improvements, Approving a Bond Purchase Agreement, Approving a Third Supplemental Indenture and All Other Documents Related to the Bonds and Related Matters (9:47 p.m.)

See handouts.

MOTION: C. Kirk - To remove item 12 from the agenda and move it to the March 3 agenda.

Seconded by C. Richardson.

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

13. City Manager Report and Discussion (9:47 p.m.)

- David Bunker stated that the Cottonwood well pump house bids will be presented on March 3. There are two projects: the pump house and the Cottonwood Estates improvements. While costs will be broken down in the bid, C. Perry wants to ensure that the City can accurately determine what the cost is for pressurized irrigation and culinary water improvements, and for the golf course reconfiguration/development. David Bunker stated that June 30 is the substantial completion date for the pump house project, and final completion is July 31.
- The Parks & Trails Committee met and discussed the Fieldcrest Pocket Park. They decided to forward the plan to the City Council.

8. Review/Action on Ordinance Amending the City Code, Title 10, Check Cashing Businesses and Zoning Regulations - Continued

MOTION: C. Richardson - To approve Resolution No. 2-17-2009B. Seconded by C. Wright. Vote taken by roll call.

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

MAYOR AND COUNCIL REPORTS

14. Board and Committee Reports (10:02 p.m.)

- C. Kirk: The household hazardous waste collection day is on March 28.
- C. Perry: The Youth City Council went to the legislative day and listened to the author of Founding Brothers.
- C. Richardson: UTOPIA had a board meeting. C. Richardson requested that the Planning Commission look at uses in rear setback areas, specific to patios, decks, pergolas, decks.
- Mayor McGee: Attended meetings that discussed funding as it applies to aging and disabilities.

EXECUTIVE SESSION

15. Motion to go into Executive Session, Pursuant to Utah State Code 52-4-5 (10:15 p.m.)

MOTION: C. Perry - To go into Executive Session, Pursuant to Utah State Code 52-4-5 to discuss acquisition of property, pending litigation and competence of an individual. Seconded by C. Richardson.

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

*** EXECUTIVE SESSION ***

16. Motion to Adjourn Executive Session and Reconvene City Council Meeting (10:31 p.m.)

MOTION: C. Kirk - To Adjourn Executive Session and Reconvene City Council Meeting. Seconded by C. Richardson.

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

ADJOURNMENT

17. This meeting was adjourned at 10:34 p.m. on a motion by C. Kirk, seconded by C. Richardson and unanimously approved.

Approved by Council:
March 3, 2009

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