

PUBLIC HEARING AND CITY COUNCIL MEETING
Tuesday, April 7, 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, Marisa Wright, Jim Perry, Charelle Bowman
Konrad Hildebrandt, City Manager
Kim Holindrake, City Recorder
Greg Robinson, Assistant to the City Manager-Planning
Ashley Vogelsburg, Community Services Director
Karlans Evans, Community Services Intern
Rachel Brown, Finance Director
Courtney Hammond, City Meeting Transcriber
Others: Diane Kirk, Shaun Richins, Karissa Neeley, Brent Uibel, Shawn Cook, Glenna Hunter, Jim Skelton, Pam Skelton, Troop 1193, Leon Vansickle, Buck Vansickle, Denise Miller, Jim Beaujeu, Stephanie Martinez, Kathy Allen, Lance Allen, Troop 1194

COUNCIL MEETING

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

Invocation given by C. Perry

Pledge led by Tyson Muller, troop 1193

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

Reid Hunter: Mr. Hunter is a franchisee and owner of the Subway located in Walmart. Subway was ordered to remove their sign from the Walmart building. He would like to appeal that decision because signage is crucial to the business. He did not get permits because of an oversight. The sign is a backlit Subway sign.

Sean Cook: Mr. Cook stated that he is with Subway. The sign was a 6-7 foot sign that was to the left of center. It wasn't a strong sign, but is important to the business. C. Richardson and C. Kirk asked that the sign be an action item on a future agenda. C. Perry requested a presentation from staff on the situation, including what action has been taken and a recommendation.

Brent Uibel: Mr. Uibel thanked the Council for their work on Walmart.

Buck Vansickle: Mr. Vansickle represents VanCon, which pulled its bid for the pumphouse due to a mathematical error. During the day of the bid, he received a quote from an electrician, which was entered into the system. Later, that number was changed, which resulted in a mistake in the system. They did not catch the error before submitting the bid. He would like to appeal the City's decision to keep the bid bond. He has bid a lot of jobs and has never seen a city pull a bid bond due to a mathematical error. It took a while to find the problem because it was a lump sum bid. He understands the City is concerned with the timeframe. He called Hills Construction and knows they have the same June 1 deadline, which means the City would not have lost time on the project.

Leon Vansickle: Mr. Vansickle stated that VanCon does 10-15 pumphouses each year. The mathematical mistake was too large to eat. He apologized for the mistake. He said he hopes that the City will reconsider pulling the bid bond.

PUBLIC HEARINGS

- 3. Vacation of a Portion of the Street and Plat Vacation of a Portion of the Street in the Forest Creek Subdivision, Phase 5, Located at Approximately 4670 West Fieldcrest Drive and Carriage Lane (7:26 p.m.)

Jim Skelton: Mr. Skelton stated that a sign noticing this vacation was put up on the west side of this area a few weeks ago. He put in a fence a year and a half ago. He asked the City several times if there were plans for the property or if the land was available to buy. When he installed the fence, he was required to put it back 15 feet from lip of the curb. Now he has learned that a park will be installed. The design of the park has a basketball hoop right up to his backyard. He is concerned about his fence becoming a backdrop. There is a culvert along the fence line that allows for kids to jump the fence into his backyard. He is worried about the liability with his dogs in the backyard. He doesn't like the idea of a basketball court. He suggested maybe putting up a net. He asked whether he could move his fence to the edge of his property, if his fence could be private, and if the City would be willing to participate in the cost of moving the fence. The park proposal has no grass, making it low maintenance. He is concerned that no maintenance means that no one is there to clean up the trash and maintain the area.

- 4. Amendments to the Zone Map to change a portion of street in the Forest Creek Subdivision, Phase 5, from the R-1-11,000 Residential Zone to the PF Public Facilities Zone. This street portion is located at approximately 4670 West Fieldcrest Drive and Carriage Lane (7:36 p.m.)

No comments.

- 5. Preliminary/Final for Forest Creek Subdivision, Phase 7, Located at Approximately 4670 West Fieldcrest Drive and Carriage Lane. (7:37 p.m.)

No comments.

CONSENT AGENDA

- 6. Minutes from the March 17, 2009, Public Hearing and Regular City Council Meeting (7:37 p.m.)

MOTION: C. Kirk - To accept the minutes on the consent agenda for the March 17, 2009, City Council Meeting. Seconded by C. Wright.

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

SCHEDULED ITEMS

MOTION: C. Richardson - To move items 9, 10, 11, and 12 next on the agenda. Seconded by C. Bowman.

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

9. Review/Action on Vacation of a Portion of the Street and Plat Vacation of a Portion of the Street in the Forest Creek Subdivision, Phase 5, Located at Approximately 4670 West Fieldcrest Drive and Carriage Lane (7:39 p.m.)

See handouts.

Staff Presentation:

Greg Robinson stated that this item has been to the Planning Commission, and it had some of the same concerns that Mr. Skelton addressed. The Planning Commission wanted to ensure that the park would not disturb the neighbors. Fieldcrest Drive was originally planned to connect through to 4800 West. Highland has since decided not to connect and allowed a subdivision. A park in that location has been discussed previously but not formally. This item vacates that portion of land in order to subdivide the lot. Highland has a grassy park adjacent to this land.

Council Discussion:

- C. Kirk stated that he has talked to neighbors that are not happy with the design of the park. They anticipated grass with some playground equipment. They feel a basketball court will create problems no matter which way it is oriented. C. Kirk feels like citizens have not been given enough time to weigh in on the matter. He would rather keep it a road, than have a park with no grass.
- C. Bowman stated that before this went to the Planning Commission, it was with the Parks and Trails Committee, where it was discussed for some time. This park jumped ahead of other parks on the master plan because the City has the budget for a small pocket park, but not for some of the larger parks. The Parks and Trails Committee originally planned for grass, trees and a swingset. However, removing the asphalt would take the entire budget. That is why the basketball standard has been proposed. If it is decided to remove the asphalt and create a grassy park, it will exceed the budget and this park will have to move back in line in the capital projects plan.
- C. Wright stated that she feels that the neighbors' concerns are valid. She suggested building a chain link fence around the basketball court.
- C. Perry said that while this discussion is important, it is not relevant to this item. This item is to decide whether the City wants to maintain a deadend road in perpetuity, or to create a lot for a park. It makes no sense to maintain the road.
- C. Richardson clarified that this item doesn't decide between a road and a park. It just decides whether it should be a road.

MOTION: C. Perry - To approve Ordinance No. 4-7-2009A, an ordinance ordering the vacation of a portion of the street in the Forest Creek Subdivision, Phase 5, located at approximately 4670 West Fieldcrest Drive and Carriage Lane, of the City of Cedar Hills, Utah. Seconded by C. Bowman.

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

10. Review/Action Amendments to the Zone Map to change a portion of street in the Forest Creek Subdivision, Phase 5, from the R-1-11,000 Residential Zone to the PF Public Facilities Zone. This street portion is located at approximately 4670 West Fieldcrest Drive and Carriage Lane (7:56 p.m.)

See handouts.

Staff Presentation:

Greg Robinson stated that this item rezones the vacated portion as PF Public Facilities Zone.

Permitted uses in the PF Zone include cemeteries, electrical substations, city buildings, parks, etc. Most cities put all the city holdings into a specific zone.

Council Discussion:

- C. Bowman stated that she would like to create a park zone. She further stated that typically, the only people that use a pocket park are those that live nearby. There are already several basketball standards in the street that poses a problem to snow plows, etc. That is part of the reason a basketball court was proposed.
- C. Perry stated that it is easy to rezone. Creating a park zone may seem like a safe way to guard potential park land, however a future council could easily rezone from park to anything else.
- C. Richardson stated that he feels that this is a valid proposal, but it is also valid to consider selling the land to interested parties. It may be possible to sell the land to the adjacent neighbors and pursue a more desirable park location elsewhere. He is uncomfortable moving forward without considering that option since a rezone would not be needed or wanted if the land was sold to the adjoining residents.
- C. Kirk stated that some neighbors in that area are concerned they may lose access to the Highland park area. They want to retain that access.

MOTION: C. Richardson - To continue this item until the May 5 meeting, providing time for staff and any interested residents to dialogue on this issue. Seconded by C. Kirk.

Further Discussion:

- C. Perry stated that this is the first time this has come to the Council. He would like to discuss the sale of the property in a closed door meeting.

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

11. Review/Action on Preliminary/Final for Forest Creek Subdivision, Phase 7, Located at Approximately 4670 West Fieldcrest Drive and Carriage Lane (8:15 p.m.)

See handouts.

MOTION: C. Perry - To continue item 11 to the same meeting as the prior item. Seconded by C. Kirk.

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

12. Review/Action on Design for Fieldcrest Park (8:16 p.m.)

See handouts.

MOTION: C. Perry - To continue item 12 until the May 5 meeting. Seconded by C. Kirk.

Discussion:

C. Perry stated that he lives next to a park. He sympathizes with the idea of balls flying into the yard. He would like a design to address that issue.

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

7. Presentation on Family Festival 2009 (8:18 p.m.)

See handouts.

Staff Presentation:

Ashley Vogelsburg gave a report on Family Festival. The Council is invited to serve brownies at the dinner. Council members are welcome to judge the Battle of the Bands. The fireworks will be set off from the driving range area, and the City encourages people to view the fireworks from Mesquite Park. The movie is being finalized. She is looking into adding a swim night to the Family Festival. Karlan Evans explained that she is planning a baking contest.

C. Perry excused (8:40 p.m.)

8. Report/Discussion on Fiscal Year 2010 Budget (July 1, 2009 to June 30, 2010) (8:40 p.m.)

See handouts.

C. Perry returned (8:44 p.m.)

Staff Presentation:

Rachel Brown continued reviewing the capital projects fund expenditures. Staff is proposing to finish Mesquite Park with a pavilion, water fountains, and picnic tables. Four vehicles are scheduled to be replaced in this budget.

Council Discussion:

- The Council asked that there be a transitional employee to train if Rachel Brown leaves in August.

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

13. Review/Action on Release of Durability for Elliott Fields Subdivision (9:14 p.m.)

See handouts.

Staff Presentation:

Greg Robinson stated that David Bunker has reviewed and inspected the Elliott Fields Subdivision and recommends releasing the durability bond.

MOTION: C. Kirk – To approve final acceptance of the subdivision improvements for the Elliott Fields Subdivision and the release of the durability bond, subject to payment of any outstanding balance with the City. Seconded by C. Wright.

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

14. Review/Action on a Utah County Commission 2009 Municipal Recreation Grant (9:17 p.m.)

See handouts.

Staff Presentation:

Konrad Hildebrandt stated that Utah County bonded for recreation facilities when they built some facilities at UVSC. They had additional money and are making it available to cities based on population. The City received a little over \$7,000 last year. About \$5,800 is available this year.

MOTION: C. Perry - To approve the submittal of the 2009 Utah County Municipal Recreation Grant and have the Mayor sign the application. Seconded by C. Wright.

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

15. City Manager Report and Discussion (9:19 p.m.)

- Newport Sports Club reported to Konrad Hildebrandt that they are moving forward on the sports club in Highland. There will be sports-specific training, but it is generally an athletic club. He would like to start a dialogue with Cedar Hills to see if the City is interested in participating. Konrad suggested a few Council members meet with them.
- The Harvey case is going to the State Supreme Court.
- There are some issues with Timpanogos Cove Park security as well as at the facilities at other city parks.
- The tree deliveries are not what were expected. There were fewer on the truck than anticipated and different trees were sent than those ordered.
- Silver Star Day is before the next City Council meeting. The consensus of the Council is to have the Mayor proclaim it.

MAYOR AND COUNCIL REPORTS

16. Board and Committee Reports (9:46 p.m.)

- C. Perry: The Youth City Council Easter egg hunt is on Saturday. The Lone Peak Public Safety District met and is keeping the budget the same. There was information distributed stating that people who called 911 claimed that it took an inordinate long time for a response. Recordings were reviewed. The average delay between the time the call is received at dispatch and the time the emergency personnel are notified is 11 minutes.
- C. Richardson: The Planning Commission discussed the pocket park and recommended major changes to the outdoor structures ordinance.
- Mayor McGee: Mayor Frandson, Highland City, presented Mayor McGee with some information on a proposal for replenishing the aquifers. C. Richardson asked what the timetable is for the 4800 West widening. Mayor McGee said it is to be completed by 2011.

Miscellaneous Discussion:

VanCon issue

- C. Perry stated that while he understands that times are hard for VanCon, the Council can't require the City's residents to pay for their mistake. Times are tough for residents too. He would be willing to settle for some computation of the actual cost.
- C. Kirk stated that the City isn't pulling the bond because of a math error, but because they failed to comply with the bid requirements.
- C. Wright stated that she feels bad for them and would like to give them back the bond.
- Mayor McGee suggested asking them to pay the City the cost of the bid bond, which wouldn't affect their bonding status.
- C. Richardson stated that if he were doing business with them personally, he would let them off the hook. But this isn't his personal project. He doesn't feel he has the prerogative to make the decision that residents pay for VanCon's mistake.
- Konrad Hildebrandt will look into the cost of the bond interest, staff time, and money paid to Bowen & Collins.

EXECUTIVE SESSION

17. Motion to go into Executive Session, Pursuant to Utah State Code 52-4-205 (10:10 p.m.)

MOTION: C. Perry - To go into Executive Session, Pursuant to Utah State Code 52-4-205 to discuss purchase or sale of real property and pending litigation. Seconded by C. Richardson.

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

* * * EXECUTIVE SESSION * * *

18. Motion to Adjourn Executive Session and Reconvene City Council Meeting (10:36 p.m.)

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

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

Miscellaneous Discussion:

Subway Sign

- Mayor McGee stated that the Subway sign was behind the temporary grand opening sign. Subway did not have approval for that permanent sign, and Walmart was told that there could be no additional signage, including for Subway. Konrad Hildebrandt stated that it was not anticipated that there would be a Subway in the Walmart. Discussion regarding amending the Walmart elevations, the Walmart development agreement, or other options.

ADJOURNMENT

19. This meeting was adjourned at 10:51 p.m. on a motion by C. Wright, seconded by C. Kirk and unanimously approved.

Approved by Council:
May 5, 2009

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