

**PUBLIC HEARING AND CITY COUNCIL MEETING**  
**Tuesday, May 5, 2009 7:00 p.m.**  
**Public Safety Building**  
**3925 W Cedar Hills Drive, Cedar Hills, Utah**

Present: Mayor Mike McGee, Presiding  
Council Members: Eric Richardson, Marisa Wright, Jim Perry  
Konrad Hildebrandt, City Manager  
David Bunker, City Engineer  
Greg Robinson, Assistant to the City Manager-Planning  
Kim Holindrake, City Recorder  
Rachel Brown, Finance Director  
Jim Madsen, Director of Golf  
Courtney Hammond, City Meeting Transcriber  
Others: Caleb Warnock, Leon VanSickle, Buck VanSickle, Stephanie Martinez, Holly Dahle, Shawn Cook-Subway, Jim Skelton, Ted Watson

**COUNCIL MEETING**

1. This meeting of the City Council of the City of Cedar Hills, having been properly noticed, was called to order at 7:10 p.m. by Mayor McGee.

Invocation given by C. Richardson

Pledge led by C. Wright

2. Public Comment (7:12 p.m.)

Holly Dahle: Ms. Dahle stated that she would like hardline internet access to The Cedars. She can work from home if there is hardline internet, and her husband works from home. The available options are unreliable. She understands that the City collects franchise fees from Comcast. The contract states that it should be installed by the end of 2009, but there hasn't been progress. C. Richardson indicated that the Comcast franchise agreement was up for review right now, and asked that it be placed on the next agenda. C. Perry supported the request. Mayor McGee requested a review of the Comcast agreement on a future agenda.

**PUBLIC HEARINGS**

3. Amendments to the City Code, Title 7, Chapter 5, Cross Connection Control (7:12 p.m.)

No comments.

**CONSENT AGENDA**

4. Minutes from the April 7, 2009, Public Hearing and Regular City Council Meeting (7:15 p.m.)

**MOTION: C. Wright - To accept the minutes from the April 7, 2009, Public Hearing and Regular City Council Meeting.** Seconded by C. Perry.

Yes - C. Perry  
C. Richardson  
C. Wright

Motion passes.

SCHEDULED ITEMS

- 5. Review/Action to Adopt the Preliminary Fiscal Year 2010 Budget (July 1, 2009 to June 30, 2010)  
(7:15 p.m.)

See handouts.

Staff Presentation:

Rachel Brown stated that the Council has previously seen the majority of the budget. The only portion that has not been reviewed is the golf budget. Several of the revenue projections are the same as the current year. The green fees revenue budget is an increase of 7%, which anticipates the construction of a clubhouse. Without the clubhouse, the green fee revenue budget for Fiscal Year 2010 would need to be adjusted to 1-2% over current year actual revenue.

Council Discussion:

- Mayor McGee stated that the payroll increase of 11.3% concerns him. Around the state, government is decreasing payroll. He is concerned that an increase is out of line. Rachel Brown stated that the bulk of the increase is for the Golf Course Mechanic. The previous mechanic opted out of health benefits while the current mechanic did not. Konrad Hildebrandt added that the minimum wage increased as well.
- C. Perry stated that though the economic environment is grim, when value and contribution is demonstrated, it should be rewarded. In the case of the golf course, it should be rewarded. C. Richardson and C. Wright agreed. C. Perry said that he appreciates staffs' effort to create a conservative budget. While other cities are slashing budgets, Cedar Hills has not had to cut employees or major programs.

**MOTION: C. Richardson - Year after year, day after day, our beloved, benevolent beings of the Legislature have maintained meaningless statutes, in this case tonight mandating that the City Council adopt a completely nonbinding preliminary budget in advance of passing an actual budget by June 22, and in this case prior to full figures even being available from the county assessor's office. Nevertheless wishing to be in complete compliance with even poorly written laws, I move that we approve the nonbinding preliminary budget for the Fiscal Year 2010 and again publicly invite our esteemed public servants of the Legislature to actually attend more municipal meetings so they can better understand how they force municipal government to function.** Seconded by C. Perry.

Further Discussion:

- C. Perry added that it is sad and painful that the state government is unwilling to abide by the same standards set for local governments. He agrees with the motion and is outraged by the way that as a municipal government, they are micromanaged by the state government.
- C. Richardson stated that he often hears those in state government bemoan the way the federal government is fiscally run. If the state government was run as tightly as the local government is forced to be run, it would be in a better position.
- Konrad Hildebrandt stated that the Utah state government is one of the most fiscally responsible states in the nation.

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

- 6. Review/Action on Signage for Chase Bank (8:09 p.m.)

See handouts.

Staff Presentation:

Greg Robinson stated that the proposed signage package for Chase Bank has signs on three sides of the building as well as a monument sign. The determination is at the Council's discretion. The sign ordinance allows for businesses to have one sign per street frontage at a size of 15% of total square footage of frontage.

Council Discussion:

- C. Wright stated that she cannot support the monument sign. She only likes the south and west elevation. She does not want to see too much signage.
- Mayor McGee stated that there are more signs than allowed. He would prefer the three signs on the building, no monument, and limited directional signs.
- C. Perry stated that he sees the need for one sign per side of the building. He would be willing to allow a few directionals if the name "Chase" is removed from the directional signs.
- C. Richardson stated that he likes the concept of directional signs, but in this case all the directionals point the same way. He would support three sides of the building without the directionals or monument sign.

Ted Watson, Chase Bank representative, would like to maintain directionals 7, 8 and 18. The signs are only three feet high, and Chase can plant bushes behind them. They would be willing to take "Chase" off the directional signs.

Meeting break (8:52 p.m.)

Meeting reconvened (8:56 p.m.)

**MOTION: C. Perry - To approve the amended signage plan for the revised site plan for the Cedar Hills Retail Subdivision, with the amendment that we approve building signage as indicated on three sides, approving no monument sign, and approving directionals signs 8 and 18 without the corporate logo advertising, provided that the directionals are three feet in height or less.** Seconded by C. Wright.

Further Discussion:

- C. Perry stated that lane designators and regulatory signs are also approved as part of the signage package.
- C. Wright stated that she only wanted two signs on the building.

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

7. Review/Action on Revised Elevations for Walmart to add signage for Subway (8:58 p.m.)

See handouts.

Staff Presentation:

Greg Robinson stated that last month Subway requested that they be allowed to add signage to the Walmart building to advertise the Subway inside. The Planning Commission recommended that as long as the signage meets the sign ordinance of 15% or less of the frontage. Their approval was based on the fact that Subway is a separate business within the same building.

Council Discussion:

- C. Perry questioned the electrical calculations shown in the proposal. He is concerned with the

brightness and size of the sign. He is okay with a sign as long as the elevation shown is accurate and to scale.

- C. Wright stated that she is concerned about why the sign was installed in the first place, and why it was covered during the grand opening. Shawn Cook of Subway said that it was a mishap with the ongoing negotiations with Walmart. Subway was unaware that the Subway sign was not initially approved. Greg Robinson added that the confusion happened on the builder's side.
- Mayor McGee stated that he is satisfied with the sign.

**MOTION: C. Perry - To recommend changes to Walmart's final elevations as proposed, subject to the actual implementation substantially matches the elevation or mock up that is shown in the packet with regards to scale.** Seconded by C. Wright.

Further Discussion:

- C. Richardson stated that during the Walmart approval he had an explicit conversation with Walmart that he was against all other signs. He is personally against the sign, but given the Planning Commission's comments, he will go along with the sign.
- C. Perry asked if there was an issue with Subway amending Walmart's elevation. Greg Robinson stated that at this point, Walmart doesn't care if the sign goes up or not.

**AMEND MOTION: C. Perry - Subject to Walmart's approval.** Accepted and seconded by C. Wright

Further Discussion:

- C. Wright stated that she doesn't like the look of the sign, but wants to see Subway and Walmart succeed.
- C. Richardson asked Greg Robinson to provide Subway with a copy of the temporary sign ordinance.

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

8. Review/Action on Bid Bond for Vancon, Inc. (9:11 p.m.)

See handouts.

Staff Presentation:

David Bunker stated that in a previous meeting the City Council asked him to put together an estimate of costs incurred by the City for having the VanCon bid awarded then withdrawn and subsequently awarded to another company. Costs include \$894 for Bowen & Collins review and \$2,300 in additional inspection fees, staff costs of \$511, and potential delay costs of up to 2 weeks at the rate of \$1,000 per calendar day.

Council Discussion:

- C. Perry stated that a cost not included in this analysis is the cost of the bond. If there is any delay, there is a lag between the time that there is a real use and the time that the City is paying on the bond.
- C. Richardson stated that he estimates \$275 per day in bond costs.
- Konrad Hildebrandt stated that the bond repayment schedule is the same no matter when the project gets started or when the money is pulled.
- C. Wright thanked David for the analysis. Her heart goes out to VanCon that a mathematical error could cost them \$13,000. However, her duty is to the residents of the City, and totaling the costs comes to a loss of over \$17,000. After seeing the numbers, she can't give the bond back.

- C. Perry stated that there are many residents in the City who are also struggling, and he can't vote to take money from them to give to VanCon. He suggested waiting until the end of July, assess the real costs to the City, and refund any money at that time.

**MOTION: C. Richardson - To continue this item until the July 14 meeting, allowing VanCon to replace the security bid bond in the amount of \$13,500 with a cash payment in lieu, if they so desire, and instruct staff to have a tabulation of actual expenses prepared.** Seconded by C. Bowman,

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

9. Review/Action on Water Right Exchange Agreement with American Fork City (9:46 p.m.)

See handouts.

Staff Presentation:

David Bunker stated that the City has several American Fork Irrigation Company stock certificates in its portfolio. Cedar Hills can't use that water. American Fork City has Pleasant Grove Irrigation certificates in their portfolio that they can't use. It is proposed that the City exchange 44.72 acre feet of American Fork Irrigation water for 44.72 acre feet of Pleasant Grove Irrigation water with American Fork City.

**MOTION: C. Perry - To approve the Water Right Exchange Agreement with the City of American Fork and authorize the mayor to sign the agreement.** Seconded by C. Wright.

Further Discussion:

- C. Richardson stated that he would prefer to exchange all we have for all they have.

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

10. Review/Action on Amendments to the City Code, Title 7, Chapter 5, Cross Connection Control (9:50 p.m.)

See handouts.

Staff Presentation:

David Bunker stated that slight amendments were necessary in the Cross Connection Control Ordinance. The amendments clarify the use of approved backflow assemblies and devices.

Council Discussion:

- C. Perry proposed new language as stated in the motion.

**MOTION: C. Perry - As written, to amend existing ordinance 7-5-3A.3 to read "The city shall schedule and notify in writing all consumers with an approved backflow prevention assembly of the need for the periodic system survey to ensure compliance with existing applicable minimum health and safety survey," and 7-5-4-A.9, to be added "Backflow prevention assemblies shall not constitute separation of an auxiliary water supply including secondary irrigation water to the public culinary water system or consumer culinary water service lateral and shall thus not be permitted or installed**

**for such purpose.** Seconded by C. Richardson.

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

11. City Manager Report and Discussion (10:07 p.m.)

- NUCCA contacted Konrad Hildebrandt about the aquifer study and requested \$20,000 from the City to get the study completed. They would like to come to a meeting to present the proposal.
- David Bunker said that the upper zone is using 560,000 gallons per night of pressurized irrigation water.
- Waste Management requested a two-year extension of their contract with an increase in cost of containers. Staff suggested staying with Waste Management, and going out to bid in two years. Konrad Hildebrandt will look into other waste management companies.
- C. Perry and C. Wright met with Newport Sports. C. Perry said that he believes the community wants a recreation facility. Newport Sports is a high-end sports and fitness club. Their proposal was a discounted rate for residents for a certain number of years in return for a sum of money. He thinks it isn't a good fit for the needs of the residents, and it isn't a long-term solution. C. Richardson talked to an architect that is going to put together a master recreation plan. They will come to present on May 19. The Council consensus is to spend around \$5 million for a recreation center.

MAYOR AND COUNCIL REPORTS

12. Board and Committee Reports (10:45 p.m.)

No reports

EXECUTIVE SESSION

13. Motion to go into Executive Session, Pursuant to Utah State Code 52-4-205

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

No Executive Session.

ADJOURNMENT

15. Adjourn

This meeting was adjourned at 10:45 p.m. on a motion by C. Wright, seconded by C. Richardson and unanimously approved.

Approved by Council:  
May 19, 2009

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