

CITY COUNCIL MEETING
Tuesday, July 14, 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, Charelle Bowman, Jim Perry, Marisa Wright
David Bunker, City Engineer
Kim Holindrake, City Recorder
Greg Robinson, Assistant City Manager
Brad Kearn, Chief Building Official
Others: Shawn Richins, Cliff Chandler, Chris Grzybowski, Stephanie Martinez, Diane Kirk,
Clint Seaman, Ken Cromar

COUNCIL MEETING

1. This meeting of the City Council of the City of Cedar Hills, having been properly noticed, was called to order 7:12 p.m. by Mayor McGee.

Invocation given by C. Richardson

Pledge of Allegiance led by C. Kirk

2. **Public Comment**

Ken Cromar: Mr. Cromar stated that last time he stood before the Council, some may have been offended; and he apologizes for that. There is a flyer from November 3, 2003, that he and Mike McGee sent around the City and in it is an article entitled principles. It states, "Being an elected official is dangerous. Why? Too much power. After spending almost 100% of the time reaching out to voters during the campaign, newly elected official spends almost 90% of his time facing people who want to profit from the City in one way or another. This includes developers, home builders, attorneys, ground keepers, and others looking for full-time employment, etc. It is easy to see much hangs in the balance with one Councilman's vote. Because his vote can translate into money for someone else, the potential for compromise and lost principles is very real. If one is not grounded in his principles, there are many opportunities to give in. It can be so very subtle; it can be for a friend; it can be for the smallest of points. Hence when we elect a mayor and councilman, we may very well be putting them in moral danger." The purpose of government is for the protection of life, liberty, and property. Unfortunately, all too often, there is the stealing of property from government. Every dollar used other than for life, liberty, or property, in a government sense is legalized plunder. The golf course fits in that category. He is hoping to try to make the point that principles are really the issue. When one is set in principles, the other issues don't matter. Spending one more dollar on the golf course in shape or form is literally stealing from his family. He presented the Council with a book "Principles of freedom 101."

CONSENT AGENDA

3. **Minutes from the June 2, 2009, Public Hearing and Regular City Council Meeting**

MOTION: C. Kirk – To accept the minutes from the June 2, 2009, Public Hearing and Regular City Council Meeting. No second. Motion dies.

4. **Minutes from the June 16, 2009, Public Hearing and Regular City Council Meeting**

MOTION: C. Perry – To continue the minutes until the next meeting. Seconded by C. Bowman.

Yes - C. Bowman

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

SCHEDULED ITEMS

5. Review/Action on Board/Committee Appointments - Board of Adjustment

See handouts.

Mayor McGee has not spoken to Mr. Hancock and will not make a recommendation at this time.

MOTION: C. Bowman – To table Item 5 until the Mayor has a chance to speak to him. Seconded by C. Kirk.

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

C. Perry stated that the Board of Adjustment position is really important. He appreciates the Mayor being very conscientious about his appointment.

6. Review/Action on the Sign Requirement - Phillips Edison

See handouts.

Staff Presentation:

Greg Robinson stated that Phillips Edison looking for direction on an entrance sign as required by the development agreement. The sign placement will coincide with the construction of the Chase Bank building. The City will be responsible for maintenance, lettering, lighting, and power. He provided an additional option of a sign to review with the two provided in the agenda packet. This new option is on Highland Drive in Salt Lake City and is about ten feet high. The first option in the packet is from the Commercial Design Guidelines. Chris Grzybowski is in favor of the new proposal and needs to know about materials, etc. Greg Robinson stated that this sign will be on the north/east corner of 4800 West and Cedar Hills Drive. There is a small plaza area and a layout of bricks with access to Chase Bank. It will not be right on the street.

Council Discussion:

- C. Wright thinks the new option is classy. She would look it on both sides of the street. There needs to be symmetry coming into the town. Greg Robinson stated that he would like to see it consistently throughout the City entrances.
- C. Kirk stated that he really liked the proposal made with the Amsource development. He is opposed to having the same sign on both corners. It would be tacky.
- C. Bowman likes the idea of putting it throughout the City marking the city limits and likes it on both sides.
- C. Perry is not opposed to the monolith but is opposed to the old, beat up brick work. The buildings have new brick work. He doesn't like it on both sides. The compass could be put on the other side. C. Richardson stated that it occurs to him that there is a way to create a style so that the two corners aren't exactly the same. A half-wall seating could be added on the other side with the structure. This would give the feel of one development.

7. Review/Action on Release of Durability for The Cedars at Cedar Hills, Plat I (7:35 p.m.)

See handouts.

Staff Presentation:

David Bunker stated that a final walkthrough of The Cedars, Plat I, was completed. It generated a number of items to repair. The contractor has repaired those items, and it was re-inspected. The subdivision is ready for a release of durability subject to any outstanding charges owed the City. The most corrected items were cracked or chipped concrete. Street lights were a hold up but are done. The inspections were conducted by Civil Science.

C. Richardson excused. (7:39 p.m.)

MOTION: C. Perry – To approve acceptance of the subdivision improvements for The Cedars, Plat I and release of durability guarantee subject to any outstanding balances with the City including inspection fees and noting the City Engineer expresses no reservations in his recommendation to release the durability.
Seconded by C. Wright.

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

8. Review/Action on Release of Durability for The Cedars at Cedar Hills, Plat C

See handouts.

Staff Presentation:

David Bunker stated that a punch list was generated, repairs made, and re-inspected. The subdivision is ready for the release of durability.

MOTION: C. Wright – To approve acceptance of the subdivision improvements for The Cedars, Plat C and release of durability guarantee subject to any outstanding balances with the City including inspection fees. Seconded by C. Kirk.

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

C. Richardson returned. (7:43 p.m.)

9. Review/Action to Authorize Mayor McGee to Cast Votes for the City Regarding The Cedars (West) HOA (7:43 p.m.)

See handouts.

Council Discussion:

- Mayor McGee met with David Bunker, Konrad Hildebrandt, and the City attorney, and discussed that The Cedars HOA previously held an election and disallowed the votes cast by the City because the City hadn't authorized the Mayor to do so. The conclusion of the discussion is that there is no requirement to authorize the Mayor to do this but has been done in the past. He feels the HOA was not correct or a legal in their action. The HOA has another meeting on July 28 and is now notifying the Council of that fact. The HOA will be discussing the assessment of fees. The change proposed is to charge fees on buildable lots instead of all lot owners. The HOA's long term goal is to include the City.
- C. Perry stated that he would like the City completely out of the HOA. He would like to have the City attorney look into that issue. The City should not be voting on their HOA board or paying fees. There are

laws stating, among other things, that cities can't use taxpayer's money on things that don't benefit the residents, which is why cities don't give to charities. The idea of them charging fees and expecting the City to pay is a violation of that principle. He feels this is a legal gray area. The City shouldn't have been put in the HOA, and there has to be a way out. He feels City involvement creates ill will.

- C. Kirk stated that until the City is withdrawn, the City needs to participate. He would also like to see the attorney review getting out of the HOA. He believes the City should not be in the HOA.
- Greg Robinson stated that to get out of the HOA would require a vote of the HOA with every member voting unanimously.
- C. Richardson stated that it actually requires a super majority of the lot owners voting in favor. It's about 66%. He feels there is some basis to the discussion but it is gray. The first way out is not acting like the City is in it.
- C. Bowman stated that the City should not be voting in any of their meetings.

MOTION: C. Perry – To establish a policy that although the City may have a representative attend an HOA meeting, until the issue is revisited and the policy changed, the City will not participate in votes of The Cedars West HOA. No second. Motion dies.

MOTION: C. Richardson – To declare policy that the City is not members of any HOA and therefore do not vote in HOA matters although the Council may attend HOA meetings at invitation. Seconded by C. Kirk.

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

10. City Manager Report and Discussion (8:20 p.m.)

- Cottonwood Drive is basically complete. The speed table was not poured to City standards and removal started today. The Forest Creek Trail speed table on Redwood Drive also needs to be redone. The standards for a speed table are in the City's standard drawings.
- The well house is 85% complete. The start up of the well occurred yesterday and pumped 4-5 hours. Water was sent to pond 17. A pressure test was completed today on the lines. The final electrical, painting, etc. needs to be done as well and landscaping. There is a backup generator for this well house for emergencies. There will be a drinking fountain on the west side of the well house.
- Pleasant Grove Irrigation still has water running on Harvey Boulevard because the box leaks, and they won't fix it. The City needs to send them a bill for the damage of the street. David Bunker will send notification to Pleasant Grove Irrigation on the water issue.
- Chip sealing in the City and slurry seals in surrounding cities were reviewed and studied by Mayor McGee, David Bunker, and Eric Richardson. David Bunker stated that information has been posted on the City's web site regarding the chip sealing project. He explained that slurry seal is a way to do surface rejuvenation as well as chip sealing. There have been poor results with previous slurry seals as found in the Ryland Subdivision. This project was a type 2. The company doing the City's chip sealing claims they have a different product they are using in a slurry seal. Staff can view some of these projects along with varying degrees of years to see the longevity. Chip sealing is not cheap. It is more expensive than a slurry seal, but cheaper than an overlay. Chip sealing gives a good life per dollar. The roads viewed in American Fork have problems with raveling and have to be swept. There are ridges throughout the process. The only way to get rid of bumps and dips is with an overlay. Chip sealing is a rougher surface for bikes, skate boards, etc. The idea is that during the hot weather of July and August, the materials will set down into the road. He would like to try a couple of different road treatments, type 2 slurry in the cul-de-sacs, and a cape seal on a portion of the project.
- SR-92 from Kountry Korner east to the mouth of the canyon is off the UDOT list for widening.

MAYOR AND COUNCIL REPORTS

11. Board and Committee Reports (8:50 p.m.)

No reports.

EXECUTIVE SESSION

12. Motion to go into Executive Session, Pursuant to Utah State Code 52-4-205 (8:50 p.m.)

MOTION: C. Perry - To go into Executive Session, Pursuant to Utah State Code 52-4-205 to discuss pending or reasonably imminent litigation. Seconded by C. Richardson.

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

* * * EXECUTIVE SESSION * * *

13. Motion to Adjourn Executive Session and Reconvene City Council Meeting (9:05 p.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

14. Adjourn

This meeting was adjourned at 9:05 p.m. on a motion by C. Kirk, seconded by C. Richardson, and unanimously approved.

Approved by Council:
August 4, 2009

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