

**PUBLIC HEARING AND CITY COUNCIL MEETING**  
**Tuesday, August 18, 2009 7:00 p.m.**  
**Public Safety Building**  
**3925 W Cedar Hills Drive, Cedar Hills, Utah**

Present: Mayor Mike McGee, Presiding  
Council: Ken Kirk, Eric Richardson, Jim Perry, Marisa Wright, Charelle Bowman  
Konrad Hildebrandt, City Manager  
Kim Holindrake, City Recorder  
David Bunker, City Engineer  
Brad Kearl, Building & Zoning Official  
Courtney Hammond, City Meeting Transcriber  
Others: Scott Jackman, Cliff Chandler, Shawn Richins, Michael Stuy, Matt Ship, Barry Edwards,  
Tonya Edvalson, Larry Smalley, Gary Knuteson, Chris Knuteson, Paul Sorensen, Mary McQueen,  
Darek Kirk, Bob Lyle, Donna Lyle, Melanie McIntosh, Dan Wilson, Hunter Wilson, Chris  
Grysowski, Orson Herman, Stephanie Martinez, Zonda Perry, Diane Kirk

**COUNCIL MEETING**

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

Invocation given by C. Perry

Pledge led by C. Bowman

2. Public Comment (7:13 p.m.)

Donna Lyle: Ms. Lyle lives on Tamarack Way. Since she bought her home she has noticed homes sinking, walls cracking, and streets breaking. She would like the City to repair the streets. She understands that securing bond funds is what is holding up the road repairs. She would like the City to put in the improvements on Tamarack Way and worry about the legal issues later. She feels that the City dropped the ball on making sure the developer installed proper improvements in the proper timeframe.

Melanie Macintosh: Ms. McIntosh addressed the street issues on Tamarack Way. The residents have received no information since February 2009 when they were told that legal proceedings were under way to use the bond money. C. Perry explained that the City has called in the bond, but the developer is claiming that the improvements were installed. Now the judge decides. Until the litigation is completed, the City does not have the bond money.

Chris Knuteson: Her home was one of the first built on Tamarack Way. There were no street lights installed, and there were several attempted break-ins. She called the City and learned that several homes were required before lights would be installed. She has since been told that Rocky Mountain Power would install the lights. The lights are still not installed. Mayor McGee directed David Bunker to look into lighting. C. Perry explained that the lighting is part of the bond and Rocky Mountain Power is the entity responsible for installation of the lights.

Gary Knuteson: Mr. Knuteson encouraged the City to send the failed inspection notice to the judge.

**PUBLIC HEARINGS**

3. Proposed Special Events Ordinance (7:40 p.m.)

No comments.

CONSENT AGENDA

4. Minutes from the August 4, 2009, Regular City Council Meeting (7:40 p.m.)

**MOTION: C. Perry - To approve the consent agenda. Seconded by C. Bowman.**

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

Motion passes.

SCHEDULED ITEMS

5. Review/Action on a Water Regeneration Project (7:41 p.m.)

See handouts.

Presentation:

Barry Edwards, City Manager from Highland, stated that of the three cities involved, Highland and Cedar Hills would receive the most benefit from the water regeneration project because their wells are closest to the mouth of the canyon. The regeneration project would create a bubble and raise the water table. The savings on 6000 acre feet would be over \$10,000 per year in electricity costs. It would also allow the cities to bank excess water rights. The project will protect water resources into the future. This project also shores up the debris basin dam so that the water coming in and out can be regulated. Each city participating in the feasibility study would contribute \$20,000. The apportioned future costs would likely be calculated based on acre-foot pumped. Saratoga Springs, Lehi, Pleasant Grove, American Fork, Highland, Alpine and Central Utah have committed. Linton, Provo, Orem and Cedar Hills have not yet approved money for the feasibility study.

Council Discussion:

- C. Perry stated that he supports the idea of the project, but objects to the apportionment of costs. Cedar Hills is the smallest city with the smallest budget and is being asked to pay the same amount as larger cities that are pulling more water from the system. Cedar Hills just spent millions on building a redundant well. He is also concerned that Salt Lake may be able to tap into the water supply.
- C. Wright stated that she is not convinced based on some information she has received, about whether Cedar Hills' wells receive more benefit because they are closest to the project. She has heard that some of the greatest benefits are for cities downstream.
- C. Richardson stated that this regeneration project is actually a series of several projects. The proposed budget of \$2.5 million is just the first project. He is concerned about how costs will be apportioned for the \$2.5 million project and then the other later projects.
- Mayor McGee stated that the \$20,000 for the feasibility study doesn't bother him as much as future apportionment of costs, which will be determined by the feasibility study. He supports moving ahead with the feasibility study.

**MOTION: C. Wright - To approve the expenditure of approximately \$10,000 for the participation of a groundwater recharge study based on information as presented by the Highland City Manager.** Seconded by C. Perry.

Further Discussion:

- C. Richardson suggested making the payment contingent on a certain set of circumstances, such as being invited to join.

**AMEND MOTION: C. Richardson - Contingent on being invited to join the interlocal agreement when it is formed.** Accepted by C. Wright and seconded by C. Perry.

Yes - C. Bowman  
C. Kirk  
C. Perry

C. Richardson  
C. Wright                      Motion passes.

6.     Review/Action on the Welcome to Cedar Hills Sign requirement for Phillips Edison Located at the Northeast Corner of Cedar Hills Drive and 4800 West (8:24 p.m.)

See handouts.

Staff Presentation:

Greg Robinson stated that Philips Edison submitted several proposals for the Welcome to Cedar Hills sign on the corner of 4800 West and Cedar Hills Drive. If the Council decides on a column sign, he would like the sign to be taller.

**MOTION: C. Kirk - To accept the monument as depicted on page 3 except the sandstone base would be substituted with the base on page 1 or 2 and the overall height to be 10 feet tall.** Seconded by C. Richardson.

**AMEND MOTION: C. Kirk - Extend the upper portion of monument itself so that the sign stands 10 feet tall and "Cedar Hills" lettering be staggered and extended vertically.** Accepted and seconded by C. Richardson.

Further Discussion:

- Ted Watson of Chase Bank stated that Chase Bank is concerned that a 10-foot tall sign may affect the visibility of Chase Bank and Chase Bank signs.
- C. Perry and C. Richardson voiced that in their opinions the sign wouldn't substantially block views of Chase Bank.

**AMEND MOTION: C. Kirk - Subject to final approval by City Council.** Accepted by C. Richardson.

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

**MOTION: C. Perry - To move item 13 up to next item.** Seconded by C. Richardson.

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

Council break at 8:50 p.m.  
Reconvened at 9:00 p.m.

13.     Review/Action on Median Alteration on Briggs Boulevard and Nielson Boulevard (9:00 p.m.)

See handouts.

Staff Presentation:

David Bunker stated that the Traffic Safety Livability and Oversight Committee (TSLO) met and discussed a cutout on Nielson Boulevard and Briggs Boulevard. The HOA is concerned about safety of the residents. Drivers are entering the wrong side of the median. Other safety concerns revolve around emergency vehicles getting to a location inside the subdivision. Without a cutout all traffic is funneled into the center where children play. The TSLO recommended a cutout at Nielson Boulevard and Segalla. That cutout is the most important to the HOA, and they are willing to contribute \$3000 towards it. They would also like cutouts at Bristol & Briggs Boulevard and Sawmill & Nielsen Boulevard. The cost of a cutout is approximately \$9000.

**MOTION: C. Richardson - To graciously accept the HOA's offer of \$3000 toward a median cutout and approve the construction of a median cutout at Segalla & Nielson Boulevard.** Seconded by C. Perry.

Further Discussion:

- C. Perry stated that he appreciates the HOA working with the City.
- Konrad Hildebrandt stated that this is not in this year's budget. There is money in the street expense fund, and he recommended taking it from that account.

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

7. Review/Action on Bid Bond for Vancon, Inc. (9:06 p.m.)

See handouts.

Staff Presentation:

David Bunker stated that this item was continued from the May 5 City Council meeting. The Council wanted to look at the actual costs the City incurred from the withdrawal of VanCon's bid. The City kept VanCon's security bond of \$13,500. The cost to the City was only \$1405 for review costs.

Council Discussion:

- Mayor McGee stated that because of the bid withdrawal the project was delayed two weeks. At a cost of \$500/day, he believes the City is entitled to an extra \$5000 as liquidated damages.
- C. Perry stated that the City should recover any loss to taxpayers, but no more.
- C. Bowman stated that she is more concerned with what is happening with Hills Construction, who is past their deadline. She wants to deal fairly with VanCon.
- C. Kirk stated that he agrees with C. Perry. Just because the City can collect more, doesn't mean it should.

**MOTION: C. Kirk - To accept the recommendation of staff to accept reimbursement in the amount of \$1405 from VanCon in order to release their bond of \$13,500.** Seconded by C. Wright.

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

**MOTION: C. Bowman - To move item 9 to the next item.** Seconded by C. Richardson.

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

9. Review/Action on Resolution Adopting Fees (business licensing fees) (9:16 p.m.)

See handouts.

Staff Presentation:

Brad Kearn stated that in response to input from the City Council, this proposal institutes a tiered system for home businesses based on the level of impact to the community.

Council Discussion:

- C. Perry was surprised that the impact was based on impact to the community rather than inspections, which is how the City incurs costs.
- C. Kirk stated that the tier system was distributed to cover business license costs, which may change dramatically as the type of home-businesses in the City change.
- C. Bowman stated that if these are the true costs associated with business licensing for different tiers of businesses, this fee schedule should work no matter what the distribution of low to high impact businesses.

**MOTION: C. Perry - To pass Resolution No. 8-18-2009A, a resolution adding, amending or deleting certain fees to the official fee schedule of the City of Cedar Hills, Utah, and instruct staff to conduct any additional research to resolve any details appertaining to the fee schedule.** Seconded by C. Wright.

Further Discussion:

- Konrad Hildebrandt stated that staff recommends staying with the previous fee schedule because there are certain fixed costs. If every business in the City is non-impact at a fee of \$20, that will not cover the fixed staff costs. He also fears that the high impact businesses may just go underground, rather than pay a significantly higher amount.
- C. Richardson stated that administrative time is variable based on level of impact.
- C. Perry stated that he is fine with periodic re-evaluation if that is what it takes to make things fair.

Vote taken by roll call.	Yes	-	C. Bowman C. Perry C. Richardson C. Wright	
	No	-	C. Kirk	Motion passes.

8. Review/Action on a Special Events Ordinance (9:30 p.m.)

See handouts.

Staff Presentation:

Greg Robinson stated that the Planning Commission and staff have worked hard to produce an ordinance that will accommodate special events.

Council Discussion:

- Mayor McGee suggested the starting costs for insurance be \$1 million.

**MOTION: C. Perry - To continue this item until the next council meeting so we have time to actually review it.** Seconded by C. Kirk.

Further Discussion:

- Greg Robinson stated that the Mountain Air Market wants to proceed, which would require a special permit to be issued by the Council.
- Mayor McGee instructed staff to schedule a special meeting for next Tuesday at the regular time to discuss this ordinance.

	Yes	-	C. Bowman C. Kirk C. Perry C. Richardson C. Wright	Motion passes.
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10. Review/Action on Board/Committee Appointments - Board of Adjustment (9:40 p.m.)

See handouts.

**MOTION: C. Perry - To continue this item until next meeting.** Seconded by C. Bowman.

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

Motion passes.

11. Review/Action on Cedar Hills Golf Course Items (9:41 p.m.)

See handouts.

Staff Presentation:

Konrad Hildebrandt stated that at the last meeting, Council directed C. Richardson to meet with the architect to explore different options for the clubhouse.

Council Discussion:

- C. Richardson stated that he met with Ken Harris and Jim Madsen to explore various options. His feeling is that the City needs to operate the golf course to cover sunk costs. His goal is to build a permanent facility to continue to run the golf course without putting resident taxes at risk. He believes there are options that achieve those goals, but is not ready to give a presentation on any one specific option. If the Council would like to see a presentation of the options, Ken Harris can make the drawings ready for presentation. A feasibility study would explore the costs and return on investments on the different options.

**MOTION: C. Kirk - To accept the previous clubhouse option; put it on the ballot in November, subject to Council approval since that is the only option that the Council has been able to put together.** No second. Motion fails.

Further Discussion:

- C. Perry stated that he understands the frustration that this has taken so long. Only bad decisions are made quickly. He has no appetite to increase property taxes to further subsidize the golf course. He is looking forward to seeing a proposal that does not do that. The Council should not spend any further City funds with Mr. Harris until there is some more substantive agreement among Council members about the clubhouse.
- C. Wright stated that she wants to know if any other Council members are willing to use recreation facility fees for building the clubhouse.
- C. Bowman stated that if anything has to go to a vote, she wants it on the general election. She can't support any option that would require a General Obligation bond.
- C. Kirk stated that sometimes long-deliberated decisions are bad decisions as well. Some residents he has talked to support the \$3 million in recreation impact fees to pay down the golf course. The clubhouse can fit the recreational facility requirements. He would support putting the use of those funds to a vote of the citizens. He cautioned against a special election. He is frustrated that a presentation is not ready for this week's meeting and fears the delay is a form of filibustering for political purposes.
- C. Richardson stated that he is only willing to use recreational facility impact fees for recreational facilities. He would not support using those impact fees for a golf operations facility or reception center. He feels the Council needs to look at a more holistic approach by considering capital facility means, options, and financing. He doesn't mind putting things to a vote but does not want residents to make a decision that may not be lawful. There may be repercussions from developers who have paid those fees and can then challenge the use of the fees.
- Konrad Hildebrandt stated that the Lone Peak Public Safety District is applying for federal money to renovate the public safety building to mirror the facilities they have set up in Alpine and Highland, which would improve response time in Cedar Hills. If they set up in this building, there could not be staff in the building. But, Cedar Hills City Council is the one that makes the decision about when that can happen. The building was built with the intention of it being a public safety building.

**MOTION: C. Perry - That finding no appetite on City Council or among residents for a further property tax to subsidize a golf clubhouse, that we explore additional and further options, that we authorize no further expenditures with Ken Harris or other architects until such time as we have exhausted our capabilities and options with staff and City Council or a holistic plan regarding our capital needs as a city not limited to, but including a golf management facility and until such time we table this item.** Seconded by C. Bowman

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

C. Bowman excused (10:36 p.m.)

12. Review/Action on Resolution Proclaiming September 6 - 13, 2009, as Childhood Cancer Awareness Week (10:36 p.m.)

See handouts.

C. Perry showed a drawing made by his nephew before he died of cancer at age 11.

**MOTION: C. Perry - To adopt Resolution No. 8-18-2009B, a resolution of the City Council of the City of Cedar Hills, Utah, adopting a proclamation designating the week of September 6–13, as Childhood Cancer Awareness Week.** Seconded by C. Richardson. Vote taken by roll call.

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

14. Review/Action on Resolution for a Healthy Cedar Hills (10:38 p.m.)

See handouts.

- C. Wright stated that she recently went to New York City where it is required that every menu item provides calorie content. She would like to require something similar in Cedar Hills. Since Subway is already in the City, Cedar Hills can ask Subway to participate.
- C. Kirk suggested removing “because, quite literally, you are what you eat” from Section 1.
- C. Perry suggested changing the last sentence of Section 2 to say “in a similar manner to that which other cities and states require.”
- C. Richardson suggested changing the number of chain outlets to 20.

**MOTION: C. Richardson - To approve Resolution No. 8-18-2009C, a resolution of the City Council of the City of Cedar Hills, Utah, promoting awareness of calorie content in ready-to-eat food, as amended changing 19 to 20, Jim’s change in section 2, and removing the statement “quite literally, you are what you eat.”** Seconded by C. Perry. Vote taken by roll call.

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

15. Review/Action on Resolution to Amend the City’s Retirement Coverage Date (10:49 p.m.)

See handouts.

Staff Presentation:

Konrad Hildebrandt checked with the Utah Retirement Systems about what benefit packages were required in 1991. They said that if a City did not require other benefit packages, such as sick leave, annual leave, health insurance, etc. that the retirement package was not required. Those other benefit packages were not offered in 1991. Therefore it was not required to provide retirement for that time period.

**MOTION: C. Wright - To deny the URS initiation date for the City of Cedar Hills, Utah, from October 1, 1997 to May 23, 1991.** Seconded by C. Perry.

Further Discussion:

- C. Perry stated that this employee has served long and well, but doesn't see how the Council could make any other determination. No other benefits were received at that time.

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

16. City Manager Report and Discussion

No report.

MAYOR AND COUNCIL REPORTS

17. Board and Committee Reports (10:53 p.m.)

- Mayor McGee: The cost to the City for Murdock Canal project is approximately \$300,000.

EXECUTIVE SESSION

- 18. Motion to go into Executive Session, Pursuant to Utah State Code 52-4-205
- 19. Motion to Adjourn Executive Session and Reconvene City Council Meeting

No Executive Session.

ADJOURNMENT

20. Adjourn

This meeting was adjourned at 11:00 p.m. on a motion by C. Perry, seconded by C. Kirk, and unanimously approved.

Approved by Council:  
September 22, 2009

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