

CITY COUNCIL MEETING
Tuesday, October 6, 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, Ken Kirk, Marisa Wright, Charelle Bowman, Jim Perry
Konrad Hildebrandt, City Manager
Kim Holindrake, City Recorder
David Bunker, City Engineer
Others: Scott Jackman, Shawn Richins, Diane Kirk, Cliff Chandler, Stephanie Martinez, Paul Sorensen, Lisa Montrose, David Montrose, Rex Dailey, David Jackman, Bryce Black, Keith Irwin, Paula Brooks, Tyler Brooks, Dan Wilson, Hunter Wilson, Stacy Richards, Alan Richards, John Settle, Carla Settle, Jerry Dearing, Karissa Neely

COUNCIL MEETING

1. This meeting of the City Council of the City of Cedar Hills, having been properly noticed, was called to order at 7:05 p.m. by Mayor McGee.

Invocation given by C. Wright.

Pledge led by David Montrose, Troop 1191

2. **Public Comment**

David Jackman: Mr. Jackman is here representing the Deerfield Elementary Community Council. Their duties are to plan safe routes for those children who don't take the bus. He read a letter regarding bike lanes. See attached. C. Perry doesn't want to wait for an action item on an agenda. Konrad Hildebrandt stated that there never was a bike lane but a shoulder stripe. The Council discussed this issue previously and came to a decision not to restripe. C. Kirk stated that he and David Bunker surveyed the area during school hours. Vehicles park along the street to drop off kids and that has caused bicycles to ride around the vehicles. Mayor McGee saw an area where the bike lanes are outside of where cars park. He didn't like the situation because the bikes are right next to the traffic. Konrad Hildebrandt stated that SR-92 has a bike lane like this. C. Perry stated that some are confused whether arguing that a bike lane is perfectly safe. The question is, is it safer with it or without it. The parent organization says it is safer, and the City Council should listen to them. C. Kirk recommended putting the issue on the next Council agenda. C. Perry agreed. David Bunker stated that the Traffic Safety and Livability Oversight Committee already made a recommendation. C. Wright stated that the bike lanes give the children a false sense of safety. David Bunker stated that the Bridgestone Subdivision needs parking along their frontage. There are also liability issues. Mayor McGee stated that it will be on the next agenda.

Hunter Wilson: Mr. Wilson presented two proposals for a "Welcome to Cedar Hills" sign as an eagle project. The location is about 100 yards from the mouth of the canyon south on Canyon Road. This location will not be affected by construction and is not on UDOT property. It is in a nice spot where people look, and it is easy to see. David Bunker stated that the location is not owned by the HOA. C. Wright loves the drawings. She is concerned about the location and would like to see it on SR-92 at the true entrance of the City. People will see it driving up the canyon. She doesn't know how hard it is to get permission from UDOT. The expansion project has been cancelled. The consensus of the Council is for the project with the rock sign. Mayor McGee stated that it will be on the next agenda. Mr. Wilson stated that he will be doing a fund raiser for the project.

CONSENT AGENDA

3. Minutes from the September 22, 2009, Public Hearing and Regular City Council Meeting

MOTION: C. Wright – To accept the consent agenda for the minutes from the September 22, 2009, Public Hearing and Regular City Council Meeting. Seconded by C. Bowman.

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

SCHEDULED ITEMS

MOTION: C. Perry – To move Item 5 before Item 4. Seconded by C. Bowman.

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

5. Review/Action on Appointment of Poll Workers for the 2009 Municipal General Election

MOTION: C. Richardson – To appoint those names presented as Poll Workers for the Municipal General Election to be held November 3, 2009. Seconded by C. Bowman.

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

MOTION: C. Kirk – To take a 10 minute recess. Seconded by C. Richardson.

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

Reconvened at 7:29 p.m.

4. Review/Action on whether to declare forfeited certain performance guarantees posted to guarantee the construction and completion of subdivision improvements for Avanyu Acres, Plats A, B, C, and D

Staff Presentation:

Konrad Hildebrandt stated that the developer has failed or neglected to satisfactorily install all required subdivision improvements for Avanyu Acres, Plats A, B, C and D within the required time frame or make required corrections and has failed in carrying out the activity for which the performance guarantees were required. Upon passage of this ordinance, the City will be

authorized to install, repair or cause to be installed or repaired, the required but uncompleted or unsatisfactory improvements and to secure reimbursement of the costs incurred by the City in performing inspections, administrative activities, enforcement or legal proceedings relating to the project improvements. Staff recommends the Council approve the ordinance. This is a legal step in the continued effort to get the improvements done. The City has tried multiple times to get these improvements taken care of.

Council Discussion:

- C. Kirk stated that the Council has discussed this issue five or six times. Everyone on the Council has been called about this. He has a nice bound binder of the previous documentation.
- C. Richardson agrees with C. Kirk. He has been contacted a lot by residents, and staff has worked on it a lot. The developer is here, and he would like to hear from him.
- Rex Dailey stated that there is about \$50,000 worth of builders bonds that could take care of this. The City could immediately start work with that money.
- David Bunker stated that if it were as simple as a few chips, curb, gutter, etc., it would be done. The Council rejected the developer's proposal to fix the retention pond with a new design. The developer then agreed to build as per plan but that never happened. We are not talking about small minor deficiencies but structural deficiencies. There is a power pole in Canyon Road that didn't get moved.
- Mayor McGee stated that it would be wrong to go after the builders if it is the developer's responsibility.
- Rex Dailey stated that the builder has responsibilities that should be taken care of.

MOTION: C. Richardson – To approve Ordinance No. 10-6-2009A, an ordinance declaring default and forfeiture of the performance guarantees for Avanyu Acres, Plats, A, B, C, and D; and direct staff to look into the builder bonds. Seconded by C. Kirk. Vote taken by roll call.

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

6. City Manager Report and Discussion

- The monthly management report will be ready in a few days.
- The redundant culinary well is finished. Staff is planning a ribbon cutting to allow people to come and look at the facility. The well looks good and functions great. Residents expect to have good clean water from their faucets. The trail is complete and the drinking fountain is operational. The area needs benches. C. Perry stated that the new well also augments the pressurized irrigation system. David Bunker stated that the City has a stand-alone generator and is now more prepared for a disaster. There is a hydrant on the outside of the well to deliver water.
- On October 30, staff would like to have an administrative check point at the mouth of the Canyon. This has been done in the past with mixed reviews. The police would stop every vehicle and check for license and registration. It is also to catch those driving under the influence. The City Council is invited to come out with the police. Cars will be stopped 3-4 minutes. It could potentially upset some residents. This is funded with the liquor revenue the City receives. This is being done through the City's police department. People will be notified with signage.

MAYOR AND COUNCIL REPORTS

7. Board and Committee Reports

- C. Richardson: The Planning Commission met and recommendation the City Code amendments regarding decks, porches, etc.
- C. Kirk: North Utah County Solid Waste Special Service District met last Monday, September 28. They discussed the new Vineyard Highway. Meet the Candidates night is scheduled for October 22 at the Golf Course, sunset room. The public is welcome.
- C. Bowman: The open air market is this Saturday from 10 to 4.
- C. Perry: The Lone Peak Public Safety District did not meet. The Youth City Council (YCC) has met a few times. They are planning a festival of pumpkins, which was noticed in the newsletter. Let him know of anyone who would like to participate. The funds will go to a charitable organization. The event will be held at the Lone Peak High School parking lot in connection with Highland YCC.
- Mayor McGee: Mountainland Association of Governments discussed EPA regulations and the requirements for counties and other areas. It costs millions of dollars to meet the requirements. All the mayors were in agreement to discuss the issue with the Legislature. The counties and other areas cause less than 1% of the air pollution, which is negligible.

EXECUTIVE SESSION

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

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

No Executive Session.

ADJOURNMENT

10. Adjourn

This meeting was adjourned at 7:48 p.m. on a motion by C. Bowman, seconded by C. Richardson, and unanimously approved.

Approved by Council:
October 20, 2009

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