

PUBLIC HEARING AND CITY COUNCIL MEETING
Tuesday, March 16, 2010 7:00 p.m.
Public Safety Building
3925 W Cedar Hills Drive, Cedar Hills, Utah

Present: Mayor Eric Richardson, Presiding
Council Members: Scott Jackman, Marisa Wright, Ken Kirk, Stephanie Martinez, Jim Perry (7:28 p.m.)
Konrad Hildebrandt, City Manager
Kim Holindrake, City Recorder
David Bunker, City Engineer
Greg Robinson, Assistant City Manager
Rebecca Tehero, Finance Director
Courtney Hammond, City Meeting Transcriber
Others: Scout Troop 1193, Scout Troop 1138, Scout Troop 1189, Scout Troop 873, Scout Troop 1186, Jerry Dearing, Corey Jackson, Cliff Chandler, Scout Troop 1190, Brent Uibel, Charelle Bowman, Jon Tehero, Harlow Clark (Timpanogos Times)

COUNCIL MEETING

1. This meeting of the City Council of the City of Cedar Hills, having been properly noticed, was called to order at 7:04 p.m. by Mayor Richardson.

Invocation given by C. Wright

Pledge of Allegiance led by Trevor Anderson, Troop 1193

2. Public Comment (7:06 p.m.)

Jerry Dearing: Mr. Dearing stated that he is opposed to the Interlocal Agreement with Utah County. He doesn't believe the U.S. Government has the right to provide funds, and does not think Cedar Hills should participate with them. He thinks it is time to get back to the principles of the founding fathers and oppose participation because he thinks such items are unconstitutional.

Corey Jackson: Mr. Jackson addressed business licenses and thanked Kim Holindrake for the information he received. He has not renewed his business license. His wife teaches piano; he teaches cello. His previous fee was \$45, it is now \$65. He has to pay \$110 with the base fee plus \$25 for an inspection and \$20 for set up.

- Mayor Richardson said that the philosophy the Council has adopted it that business license fees should be pass through costs. The Council tried to approximate a cost with a tiered schedule where each business carries its own weight. There will never be an exact amount for each business. He instructed Konrad Hildebrandt to provide Cory Jackson an estimate of the amount of staff time spent on individual business licenses.

PUBLIC HEARINGS

3. City Code Amendments, Title 11, Chapter 1, Section 3, Subdivision Plats Required; Exceptions (7:19 p.m.)

Jerry Dearing: The main change in this ordinance is taking out the language "the subdivisions contain less than 10 lots" and whatever he could read it didn't seem to explain very well why the City was taking it out or how the previous language was interpreted. It said, "A buildable lot or parcel could not be created by exclusively using metes and bounds." First of all he doesn't know what the problem would be by creating a lot by metes and bounds as the description indicates, unless the City thinks that creating that is going to avoid the subdivision ordinance as such. It

seems to him that that's the way land was always conveyed in the past. He guesses now you have to name the lot or something; he really doesn't know what that means. And it says that city services cannot be extended to parcels created exclusively by metes and bounds, which is another hard one to interpret the way that it is worded because that could be interpreted to mean that if he had a lot already, then buys some additional land and adds on to that lot, that the City is not going to extend services to that parcel. Maybe what the City really means by it is that the City is not going to set up separate services for that in connection to the other. It doesn't really say that and it could be interpreted either way. Certainly he would like to discuss with somebody exactly what the City really means by this and what problem the previous language was. The whole thing seems to be a little bit difficult to understand.

CONSENT AGENDA (7:21 p.m.)

4. Minutes from the February 16, 2010, Regular City Council Meeting
5. Resolution No. 3-16-2010A, Adopting a Proclamation for Arbor Day
6. Resolution No. 3-16-2010B, Adopting a Proclamation Designating May 1, 2010, as Silver Star Day
 - C. Kirk requested that the double wording "of the City" be corrected in the proclamation and to insert "who have served or are currently serving" after the word "women" in the Resolution.
7. Resolution No. 3-16-2010C for a Grant through Google for Fiber Optic Infrastructure
8. Interlocal Agreement with Utah County Regarding Community Development Block Grant Funding

MOTION: C. Kirk - To approve the consent agenda, as amended. Seconded by C. Martinez.

AMEND MOTION: C. Kirk - To exclude item 8, Interlocal Agreement with Utah County Regarding Community Development Block Grant Funding. Accepted and seconded by C. Martinez.

Yes	-	C. Kirk	
		C. Jackman	
		C. Martinez	
		C. Wright	Motion passes.

SCHEDULED ITEMS

8. Interlocal Agreement with Utah County Regarding Community Development Block Grant Funding (7:24 p.m.)

See handouts.

Staff Presentation:

Greg Robinson stated that the Community Development Block Grant is a way of distributing money from the Federal Government. Currently Cedar Hills participates through Mountainland Association of Governments (MAG). This change allows the City to participate through Utah County, giving the City a better chance of receiving funds. The City would still be a part of MAG but not for the purposes of receiving federal monies. Section 5 of the agreement states that each project requires a separate agreement.

Konrad Hildebrandt stated that the urban county program allows the County to be an entitlement county. States also get a set amount of money to allocate within the state. The County is responsible for all the uses of the money. The City already consents to a similar agreement, though the supervising entity is County Council of Governments (CCOG) rather than Utah County.

Council Discussion:

- C. Kirk stated he doesn't like the fact that this gives the County the authority to decide which projects will go into the City. He is worried that the current process requires the City to submit an application for a grant. In the future this document may allow the County to choose its own projects that will go into the City without the City's approval.
- Mayor Richardson stated that this is a grant program. The City receives money by applying for the grant. The City can opt out after three years. The deadline to approve is March 31.
- C. Wright stated that, in theory, she agrees with Jerry Dearing. The Federal Government overtaxes and then decides the programs to fund, which requires the City to beg for money back. The Council can't change this on the city level. If there is an opportunity to get the money back, she is in favor.
- C. Perry stated that he hates that he is overtaxed and then has to beg for the money back. He takes all his deductions. Similarly, he will not give away the residents' money. He doesn't like the language, but it is the same language that is in the current agreement with CCOG.

MOTION: C. Wright - To approve the Interlocal Cooperation Agreement between Utah County and the City of Cedar Hills. Seconded by C. Jackman.

Yes	-	C. Jackman	
		C. Martinez	
		C. Perry	
		C. Wright	
No	-	C. Kirk	Motion passes.

9. Review/Action on Amendments to the City Code, Title 11, Chapter 1, Section 3, Subdivision Plats Required; Exceptions (7:56 p.m.)

See handouts.

Staff Presentation:

Greg Robinson stated that metes and bounds is a way of selling property without creating a recorded plat. The process is identical to that of a subdivision; but at the end of the process, a recorded plat is not required. Staff prefers the subdivision process because land is difficult to track if it is not recorded on a plat. The intent of this amendment is to give property owners the ability to adjust their property lines without going through the subdivision process. The Planning Commission recommended approval with the exception of one line that was added later by Mayor Richardson, which states, "If City services are already in place, the metes and bounds parcel will be billed at the non-resident rate."

MOTION: C. Perry - To approve Ordinance No. 3-16-2010A amending Title 11, of the City Code of the City of Cedar Hills, Utah, relating to the dedication of the subdivision of property as amended. Seconded by C. Kirk. Vote taken by roll call.

Yes	-	C. Kirk	
Yes	-	C. Jackman	
Yes	-	C. Martinez	
Yes	-	C. Perry	
Yes	-	C. Wright	Motion passes.

10. Review/Action on Final Acceptance of Subdivision Improvements and Beginning of Durability for the Cedar Hills Retail Subdivision, Lot 4 (Walmart) (8:06 p.m.)

See handouts.

Staff Presentation:

David Bunker stated that a walkthrough was completed for Walmart, and all improvements have been installed per city standards. He suggested holding \$10,000 for finalization of landscaping. Everything is installed, but the sod in the retention basin. He recommended accepting the improvements, releasing the performance bond with the exception of the \$10,000, and entering into the durability phase.

Council Discussion:

- C. Kirk stated that the final inspection was done in November 2009. He would prefer to see this brought to the Council shortly after the final inspection. He does not like to see the durability bond backdated to November 13, 2009.
- David Bunker stated that the durability bond is backdated to the date of final inspection because Walmart did not understand they needed to make application after the final inspection.

MOTION: C. Kirk - To approve acceptance of the subdivision improvements for the Walmart Subdivision and release of the performance bond, subject to withholding \$10,000 for landscaping items, payment of any outstanding balance with the City including inspection fees, and the submission of the appropriate durability bond beginning November 13, 2009. Seconded by C. Martinez.

Yes - C. Kirk
C. Jackman
C. Martinez
C. Perry
C. Wright Motion passes.

11. Review/Action on Engagement Letter from Allred Jackson for Auditing Services (8:14 p.m.)

See handouts.

Staff Presentation:

Rebecca Tehero stated that the City sent out a request for auditing services and received four bids. Allred Jackson is the bid that staff accepted for Fiscal Year 2010 at \$19,500. The City paid \$31,000 for the Fiscal Year 2009 audit. Allred Jackson is based in Logan but is opening an office in American Fork. Since it is trying to establish itself in Utah County, Allred Jackson is willing to give a great bid. They have an experienced audit staff that focuses specifically on government entities. A portion of the low bid is because there will be more work required of city staff.

David Bunker also met with Allred Jackson and was impressed with the company's willingness to provide training to city staff.

MOTION: C. Perry - To approve the engagement letter with Allred Jackson contingent upon satisfactory references being checked by staff. Seconded by C. Jackman.

Yes - C. Kirk
C. Jackman
C. Martinez
C. Perry
C. Wright Motion passes.

12. Budget Presentation (8:23 p.m.)

See handouts.

Rebecca Tehero presented the Fiscal Year 2010 revenues.

C. Perry stated that while it is nice to be conservative in revenue projections, at the end of the year any surplus is all rolled into capital improvements. Often the Council would have chosen to spend the money elsewhere. He would like to see the Council able to review the budget midyear to make changes if necessary.

Konrad Hildebrandt stated that the salary plan will be addressed in the discussion on expenditures. All employees are put on a range. New employees are generally hired at 80% with 100% being average. Every year the City surveys comparable cities' salaries, which produces a pay range. This year's proposal has every employee at or above 100%. Some are up to 8% above the average range. This process reflects the fact that the City values its employees and the cost to hire or train new employees is high. Pay scales are based on the years of service and an annual performance review. Of the 24 fulltime employees, three have been with the city for ten years or longer, seven between five and ten years, and twelve between two and five years. The Council will receive maximum numbers in the budget. Pay increases add \$69,000 to the budget with increases between \$0.67 and \$3.00 per hour per employee.

13. Review/Action on Capital Improvements Plan (9:25 p.m.)

See handouts.

Staff Presentation:

Greg Robinson stated that the only thing that has been added since the previous meeting was item 17, Fiber Optic Infrastructure. It would be largely funded by a grant with the rest of the cost paid by subscription fees.

MOTION: C. Jackman - To approve the Capital Improvements Plan as submitted by staff.
Seconded by C. Perry.

Yes - C. Kirk
C. Jackman
C. Martinez
C. Perry
C. Wright Motion passes.

14. Review/Action on Requests for Qualifications for Legal Services (9:29 p.m.)

See handouts.

Mayor Richardson stated that after the last meeting, the Council desired to narrow the possibilities for legal services to three. At this point, the Council needs to choose a legal representative and work towards a contract agreement.

Konrad Hildebrandt stated that all the applicants are excellent attorneys. The staff's choice was based on the City's needs. He recommended Eric Johnson of Blaisdell and Church because of his complete understanding of the City's legal issues including ongoing litigation. He also recommended that the city attorney have an annual performance evaluation and that the motion allow Mayor Richardson to negotiate the price.

MOTION: C. Kirk - To accept the staff recommendation and appoint Mr. Eric Johnson as the ongoing City Attorney with the caveat that he receives an annual performance evaluation as City staff does so the Council can appraise his performance and authorize Mayor Richardson to negotiate the contract cost. Seconded by C. Perry.

Further Discussion:

- C. Perry stated that money has already been invested in some ongoing legal issues that would be expensive to repeat. He encouraged the Council, Mayor, and staff to not wait for the annual review, but keep the dialogue open with City Counsel.
- Mayor Richardson stated that there were at least three individuals that showed promise, and he appreciates the ability to negotiate the price.

Yes - C. Kirk
C. Jackman
C. Martinez
C. Perry
Abstain - C. Wright Motion passes.

15. Review/Action on Resolution creating an Advisory Committee for Beautification (9:41 p.m.)

See handouts.

Council Discussion:

- Mayor Richardson recommended changing the Parks and Trails Committee by dissolving the standing committee and creating an ad-hoc committee as described in the resolution. Sections of the City Code that deal with appointing members of committees, formal recording of meetings, term limits, etc. deal only with standing committees and not with ad-hoc committees.
- C. Kirk stated that he prefers this type of committee, but wants to ensure that Mayoral appointments without Council consent is legal.
- Kim Holindrake stated that the City Code only applies to committees created by ordinance and would not apply to these two ad-hoc committees.
- C. Jackson stated that this change allows committees to move more quickly and focus on a single thing. It will get the City closer to where it wants to be.
- C. Martinez stated that what held the Parks and Trails Committee back were the City Code requirements. Without enough members at the meetings, the Committee couldn't do anything. She fully supports both committees.

MOTION: C. Jackman - To adopt Resolution No. 3-16-2010D, a resolution creating a citizens advisory committee to oversee city beautification of the City of Cedar Hills. Seconded by C. Kirk.
Vote taken by roll call.

Yes - C. Kirk
Yes - C. Jackman
Yes - C. Martinez
Yes - C. Perry
Yes - C. Wright Motion passes.

16. Review/Action on an Ordinance Dissolving the Parks and Trails Committee and a Resolution creating an Advisory Committee for Parks, Trails, and Recreation (9:49 p.m.)

See handouts.

MOTION: C. Jackman - To approve Ordinance No. 3-16-2010B, an ordinance dissolving the Parks and Trails Committee of the City of Cedar Hills. Seconded by C. Martinez. Vote taken by roll call.

Yes	-	C. Kirk	
Yes	-	C. Jackman	
Yes	-	C. Martinez	
Yes	-	C. Perry	
Yes	-	C. Wright	Motion passes.

Motion: C. Jackman - To adopt Resolution No. 3-16-2010E, a resolution creating a citizens advisory committee to oversee city recreation, parks, and trails of the City of Cedar Hills, Utah. Seconded by C. Wright. Vote taken by roll call.

Yes	-	C. Kirk	
Yes	-	C. Jackman	
Yes	-	C. Martinez	
Yes	-	C. Perry	
Yes	-	C. Wright	Motion passes.

Mayor Richardson stated that there have been over 50 responses to the call for the Recreation Center Facility Committee. Those that are not selected will be asked to participate on other committees, if interested. The two members of the former Parks and Trails Committee will be asked to serve on the new committee.

17. Review/Action on City Council Assignments (9:51 p.m.)

See handouts.

Mayor Richardson stated that C. Perry has a conflict with the meeting time for the County Dispatch District. C. Kirk will take that responsibility as well as Manila Water Company. C. Perry will be assigned to the Board of Adjustment.

MOTION: C. Perry - To confirm Mayor Richardson's appointments as explained. Seconded by C. Kirk.

Yes	-	C. Kirk	
		C. Jackman	
		C. Martinez	
		C. Perry	
		C. Wright	Motion passes.

18. City Manager Report and Discussion (9:53 p.m.)

- Konrad asked the Council to email him requests for regular items in the monthly management report. C. Wright requested a report of 911 calls.
- The Utah League of Cities and Towns conference is coming up in April. Council members who plan to attend should contact Mike Carson at the City office.
- C. Wright presented a proposal for lettering on the monument sign on the corner of Cedar Hills Drive and 4800 West. Mayor Richardson said that any change needs to come before the Council.

MAYOR AND COUNCIL REPORTS

19. Board and Committee Reports (10:01 p.m.)

- C. Kirk reported that the North Point Solid Waste Special Service District reviewed and accepted its audit. The District approved the sale of real property to UDOT for between \$1.44 and \$1.5 million. Household hazardous waste collection day is April 10 at Utah Valley University.
- Mayor Richardson met with UTOPIA to coordinate submission for a Google grant. A video was created last week. The members of UTOPIA will make a combined grant submission and individual cities can also make individual submissions. The UTOPIA Summit is coming up. Anyone interested in attending needs to contact Mayor Richardson. Improvements to SR-92 are underway.
- C. Wright reported that the scout project sign will not work at Canyon Heights Drive and Canyon Road. Staff will look at other locations. She is still looking for a Grand Marshall for the parade.
- C. Martinez reported that staff was contacted by an adult soccer association with local teams that is looking for a field for play. A proposal is being developed to allow play on late Saturday afternoons. There will be sign ups for tot soccer, ages 3-4.
- C. Perry reported that the Youth City Council (YCC) has a leadership conference this weekend. The YCC is preparing for the Easter egg hunt. The Lone Peak Public Safety District meeting is coming up.

EXECUTIVE SESSION

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

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

No Executive Session.

ADJOURNMENT

22. Adjourn

This meeting was adjourned at 10:14 p.m. on a motion by C. Perry, seconded by C. Jackman, and unanimously approved.

Approved by Council:
April 20, 2010

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