

PUBLIC HEARING AND CITY COUNCIL MEETING

Tuesday, August 16, 2011 7:00 p.m.

Public Safety Building

3925 W Cedar Hills Drive, Cedar Hills, Utah

Present: Mayor Eric Richardson, Presiding
Council Members: Ken Kirk, Stephanie Martinez, Scott Jackman, Marisa Wright
Absent: Jim Perry
Konrad Hildebrandt, City Manager
David Bunker, City Engineer
Greg Robinson, Assistant City Manager
Kim Holindrake, City Recorder
Courtney Hammond, City Meeting Transcriber
Eric Johnson, City Counsel
Lt. Sam Liddiard, Police Department
Others: Cliff Chandler, Trent Augustus, Diane Kirk, Scout Troop 1194, Scout Troop 1193, Steve Cain-Provo River, Robert Gooch, Daniel McOmber, Barbara McOmber, Jackson Lloyd, Jerry Dearing

COUNCIL MEETING

1. This meeting of the City Council of the City of Cedar Hills, having been properly noticed, was called to order at 7:15 p.m. by Mayor Richardson.

Invocation given by C. Wright

Pledge of Allegiance led by Blake Oler

2. Public Comment (7:17 p.m.)

Daniel McOmber: Daniel is preparing for his Eagle Scout project that will be a Protect the Children event at Heritage Park on August 27 from 11-1. The event will include a service to create an ID card, neighborhood watch workshops, child recover workshops, fire safety demonstrations, and a raffle.

Jerry Dearing: Mr. Dearing stated that a recent city newsletter announced that the City reduced the tax rate for the third time. However, for the third year in a row his taxes have gone up. He appreciates that Cedar Hills was the only entity that lowered the tax rate. He suggested that it be explained that lowering the rate doesn't necessarily lower taxes, only the rate the county set.

PUBLIC HEARINGS

3. Amendments to the City Code, Title 10, Regarding Animal Units, Small, in all Zones (7:24 p.m.)

Angela Johnson: I have just talked to a couple of people, and I talked to Brad Kearn (zoning official). As I understand it, the nuisance issue was taken care of. There were a couple of families that were having a hard time with the small animal issue. I'm hoping that this will not be amended. What she is seeing is that when homeowners are in compliance there are few complaints. For her particular family, if this were amended to have so few animals, her family would have to get rid of 14 hens and babies that her children love and neighbors actually come over and really enjoy. Just as a silly little note, they actually adopt the little chickens and hens

and call them their own. Just from what Brad has said, she doesn't think there are really any more issues. She hopes the law will stay as it is stated just because a lot of residents have come particularly into compliance. She hopes the Council will reconsider any changes. She was so happy when she saw small animals first put into place in the City. She just can't imagine that there would be too many more issues. At least in her neck of the woods, everyone is pretty happy. Just continue on with the number of small animals that she has. She's pretty happy about it right now. The proposed ordinance would have her go down to six chickens for her lot size, which is a huge drastic cut. That's the biggest thing she has an issue with. Her lot is not quite 20,000 square feet. She has 20 chickens. She just can't understand why the City would go from 40 down to... even the smallest lots could only have two. She wishes the Council could just rush over to her house to see. They are pretty good little chickens. They lay eggs, and they are so fun. Obviously she doesn't want smell or things like that. The chickens help her family be a productive part of society and produce some of their own food. The neighbor children love them. If Brad Kearn were here, she thinks he would chime in with her. She hopes that the Council will consider keeping it the same.

4. Amendments to the City Code, Title 10, Chapter 5, Supplementary Development Standards, Regarding Signs and Campaign Signs (7:28 p.m.)

No comments.

5. Amendments to the City Code 10-6A Regarding Planned Commercial Development Projects and the Guidelines for the Design and Review of Planned Commercial Development Projects (7:28 p.m.)

No comments

CONSENT AGENDA

6. Minutes from the July 12, 2011, Public Hearing and Regular City Council Meeting (7:28 p.m.)

MOTION: C. Martinez - To approve the consent agenda. Seconded by C. Wright.

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

SCHEDULED ITEMS

7. Presentation/Review/Action to Adopt a Utility Relocation and Reimbursement Agreement with the Provo River Water Users Association (7:29 p.m.)

See handouts.

Staff Presentation:

David Bunker stated that the City was waiting for information from the Provo River Water Users Association. He just received the numbers today. He suggested tabling the item to give everyone time to review the numbers.

Council Discussion

- C. Kirk stated that the original estimates were \$60-80,000. The draft invoice came in at \$217,000. He wants to review the numbers.

MOTION: C. Kirk - To table this item until the next council meeting. Seconded by C. Martinez.

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

8. Review/Action on Amendments to the City Code, Title 10, Chapter 5, Supplementary Development Standards, Regarding Signs and Campaign Signs (7:32 p.m.)

See handouts.

Staff Presentation:

Eric Johnson stated that this sign ordinance addresses distinctions in signs that are in residential areas versus commercial areas, permanent signs versus temporary signs, and signs that use commercial speech versus non-commercial speech. The previous ordinance addressed signs based on content, for example political signs. That type of content-based regulation is unconstitutional. In its review, the Planning Commission pared down the regulation slightly.

Council Discussion:

- C. Kirk stated that he is very impressed with the sign ordinance. His only concern is with Section 2.C. 1. b that restricts property owners from putting a sign on the edge of their lot. He is always in favor of property rights and would like to allow property owners to be able to put signs up anywhere on their property. He would change it to read 3 linear feet from edge of the lot or a neighboring lot.

MOTION: C. Jackman - To approve Ordinance No. 8-16-2011A amending Title 10, Chapter 5, Supplementary Development Standards, Regarding Signs and Campaign Signs, of the City Code of the City of Cedar Hills, Utah with the one change in section 2.C.1.b. to change 15 linear feet to 3 linear feet and the same thing in D.1.b. Seconded by C. Kirk. Vote taken by roll call.

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

9. Review/Action on Amendments to the City Code, Title 10, Regarding Animal Units, Small, in all Zones (7:41 p.m.)

See handouts.

Staff Presentation:

Greg Robinson stated that the Planning Commission made a few changes to the small animal ordinance.

Council Discussion:

- Mayor Richardson stated that if the changes are not adopted, small animals would be allowed 50 feet from a neighboring dwelling. With those restrictions, there are some areas of the City that cannot have small animals, even on a 10,000 square foot lot. He appreciated Ms. Johnson's comments, but not making the change restricts even more people from having small animals. He recommended tabling the issue and looking at the numbers again. The number of animals allowed seems appropriate for small lots, but may be a bit low for the larger lots.
- C. Kirk stated that this amendment prohibits the slaughtering of animals. He does not feel this

should be prohibited. Instead of prohibiting it completely, it should be restricted from public view.

MOTION: C. Jackman - To continue this to the next meeting with the suggestions made. Seconded by C. Wright.

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

10. Review/Action on Amendments to the City Code 10-6A Regarding Planned Commercial Development Projects and the Guidelines for the Design and Review of Planned Commercial Development Projects (7:56 p.m.)

See handouts.

Staff Presentation:

Greg Robinson stated that Julie Buswell received permission from the Smarts to locate her shaved ice stand on the Smart property. He has not yet seen the agreement in writing. The Planning Commission did not address the issue because Ms. Buswell had not pursued the proposal. Today, Ms. Buswell contacted the City having received approval from the Smarts.

MOTION: C. Kirk - That this be moved to the agenda for the next meeting to allow the Planning Commission to review Ms. Buswell's proposal and findings. Seconded by C. Martinez.

AMEND MOTION: C. Kirk - To take no action at this time on this proposal. Accepted by C. Martinez.

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

Mayor Richardson stated that this will go to the Planning Commission as a discussion item.

11. Review/Action on Release of the Performance Bond for McDonalds (8:02 p.m.)

See handouts.

Staff Presentation:

David Bunker stated that the City requires a developer to post a performance bond. McDonalds is on an improved lot. All public improvements were installed by Walmart. There are no on-site public improvements. All improvements are private. Therefore there is no durability bond. He recommended releasing the performance bond.

MOTION: C. Wright - To release McDonald's performance bond. Seconded by C. Jackman.

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

12. Review/Action to Consider an Interlocal Agreement with Pleasant Grove City Regarding Connections to the Cedar Hills Sewer (8:04 p.m.)

See handouts.

Staff Presentation:

Mayor Richardson stated that he recently received a letter from the mayor of Pleasant Grove. He is happy to meet with Mayor Call, but recommended no changes to the policy. Cedar Hills has a great policy in place that saves taxpayers money and protects property rights.

Konrad Hildebrandt stated that staff recommends working closely with Pleasant Grove and allow Pleasant Grove residents the right to connect to Cedar Hills' infrastructure with the caveat that when ownership is changed, the property comes into Cedar Hills. This is the City's current policy.

Council Discussion:

- C. Kirk stated that it appears Pleasant Grove does not understand that Cedar Hills is allowing them to remain Pleasant Grove residents until the property changes owners. He agrees that the Cedar Hills policy is fair.

MOTION: C. Kirk - To take the City of Cedar Hill proposal of allowing residents of Pleasant Grove to hook onto its infrastructure currently inlaid in the streets without a boundary adjustment, however upon change of ownership, they will have to make a boundary change into Cedar Hills. Seconded by C. Martinez.

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

13. Review/Action on Policy for the City-Wide Notification System (8:13 p.m.)

See handouts.

Staff Presentation:

Konrad Hildebrandt stated that the City has implemented a city-wide notification system. The technology allows almost endless applications to contact the entire city, or portions therein, within minutes. Staff has recommended a policy to guide the use of the system.

Council Discussion:

- C. Jackman stated that he does not want the notifications so frequent that people don't listen. He likes the idea of subscriptions, where people can indicate if they want notifications about specific programs or events. The only default notifications would be for emergencies.

The Council would like to see the following changes:

- Everywhere it says designee should be replaced by mayor, mayor pro tempore, or

- designated city manager.
- Change item 1 to “No elected/appointed official shall have direct communication or direct access to the system enabling them to send messages without a minimum of City Council majority consensus (three persons).”
- Incorporate item 6 into item 2 by adding to the end of item 2 “All communications that have been previously approved, may be disapproved at any time by the City Manager.”

Motion: C. Jackman - To approve the policy, as amended, for the city-wide notification system.
 Seconded by C. Kirk.

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

14. Review/Action on Appointment of Poll Workers for the 2011 Municipal Elections (8:40 p.m.)

See handouts.

Staff Presentation:

Kim Holindrake stated that the primary election is September 13. Currently there are 21 poll workers, but 28 are needed. The law allows her to appoint further workers as needed.

MOTION: C. Martinez - To appoint those names presented as Poll Workers for the Municipal Primary Election to be held September 13, 2011. Seconded by C. Wright.

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

15. City Manager Report and Discussion (8:42 p.m.)

- The monthly management report has been distributed.
- A City administrative intern has been hired.
- The City has been in contact with Walmart about water shares. The city engineer has determined that the satisfying water usage for Walmart is a little over 14 shares. They provided 18. The City needs to reimburse them \$26,000. The budget will need to be amended.
- Holiday Oil is still in negotiations with Amsource.
- Greg Gordon has been offered the position of Community Recreation Director.

MAYOR AND COUNCIL REPORTS

16. Board and Committee Reports (8:51 p.m.)

C. Kirk reported that the Dispatch Special Service District will discuss the Media 8 issue. A policy has been put into place that prohibits dispatchers from speaking with news media. The intent of the policy is that the dispatchers’ responsibility is to dispatch for emergencies and not to spend time giving media information that isn’t reliable at that point. The media should contact the first responders.

C. Jackman reported that the Planning Commission discussed signs and small animals.

Mayor Richardson stated that Jim Madsen (Golf Director) had nine new tournament bookings in

anticipation of the CoRC building opening.

C. Wright reported that the CoRC building is moving forward. She is looking into surplus appliances, such as freezers, refrigerators, etc. The Beautification Committee is excited to put together a plan for the building. They need more direction about what areas should be landscaped. She would like to meet with staff about the budgets.

C. Martinez met with the new Youth City Council board. They are doing a car wash on August 27, which will benefit the Sub for Santa program. There will be a princess day for kids, ages 3–10 at Heritage Park on September 24. She met with people regarding the splash pad to come up with a timeline for an opening of May 2012.

EXECUTIVE SESSION

17. Motion to go into Executive Session, Pursuant to Utah State Code 52-4-204 and 52-4-205 (9:00 p.m.)

MOTION: C. Kirk - To take a 10 minute break and then go into Executive Session, Pursuant to Utah State Code 52-4-204 and 52-4-205 to discuss the competency of an individual. Seconded by C. Jackman.

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

*** EXECUTIVE SESSION ***

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

MOTION: C. Jackman – To adjourn the Executive Session. Seconded by C. Martinez.

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

ADJOURNMENT

19. Adjourn

This meeting was adjourned at 11:30 p.m. on a motion by C. Jackman, seconded by C. Kirk, and unanimously approved.

Approved by Council:
September 20, 2011

/s/ Cathy D. Larsen
Cathy D. Larsen, Deputy Recorder