

CITY COUNCIL MEETING
Tuesday, October 21, 2008 7:00 p.m.
Public Safety Building
3925 W Cedar Hills Drive, Cedar Hills, Utah

This meeting may be held electronically via telephone to permit one or more of the council members to participate.

NOTICE is hereby given that the City Council of the City of Cedar Hills, Utah, will hold their Regular City Council Meeting on Tuesday, October 21, 2008, beginning at 7:00 p.m.

COUNCIL MEETING

1. Call to Order, Invocation and Pledge
2. Public Comment: Time has been set aside for the public to express their ideas, concerns, and comments (Comments limited to 3 minutes per person with a total of 30 minutes for this item).

CONSENT AGENDA

3. Minutes from the October 7, 2008, Regular City Council Meeting

SCHEDULED ITEMS

4. Review/Action on Cedar Hills Golf Course Items and Clubhouse
5. Discussion Regarding Site Plan for Chase Bank
6. Review/Action on Resolution Supporting a County-Wide Smoking Ban at Public Parks and Gatherings
7. Review/Action Adopting a Utah Community Tree Ordinance
8. City Manager Report and Discussion

MAYOR AND COUNCIL REPORTS

9. Board and Committee Reports

EXECUTIVE SESSION

10. Motion to go into Executive Session, Pursuant to Utah State Code 52-4-5
* * * EXECUTIVE SESSION * * *
11. Motion to Adjourn Executive Session and Reconvene City Council Meeting

ADJOURNMENT

12. Adjourn

Posted this 16th day of October, 2008.

Kim E. Holindrake, City Recorder

- Supporting documentation for this agenda is posted on the City's Web Site at www.cedarhills.org.
- In accordance with the Americans with Disabilities Act, the City of Cedar Hills will make reasonable accommodations to participate in the meeting. Requests for assistance can be made by contacting the City Recorder at least 48 hours in advance of the meeting to be held.
- The order of agenda items may change to accommodate the needs of the City Council, the staff, and the public.



CITY OF CEDAR HILLS

TO:	Mayor and City Council
FROM:	Konrad Hildebrandt, City Manager
DATE:	10/21/2008

City Council Agenda Item

SUBJECT:	Golf Course Items and Clubhouse
APPLICANT PRESENTATION:	N/A
STAFF PRESENTATION:	Konrad Hildebrandt
BACKGROUND AND FINDINGS: The architect is still doing changes to the clubhouse and when he completes these changes, we will show them to the CC before sending out to bid. Final reconfiguration items are being completed – cart path cutouts and tee box walkways on #9 and #18.	
PREVIOUS LEGISLATIVE ACTION: NONE	
FISCAL IMPACT: NONE	
SUPPORTING DOCUMENTS: None	
RECOMMENDATION: None	
MOTION: None	



CITY OF CEDAR HILLS

TO:	Mayor and City Council
FROM:	Greg Robinson, Assistant to the City Manager
DATE:	9/16/2008

City Council Agenda Item

SUBJECT:	Chase Bank Concept/Preliminary Site Plan
APPLICANT PRESENTATION:	Rick Espinosa: CLC Associates
STAFF PRESENTATION:	Greg Robinson, Assistant to the City Manager, Planning
BACKGROUND AND FINDINGS: Chase Bank has submitted a photograph of a possible design for the proposed building. Rick Espinosa wanted a somewhat informal discussion with the Council to assess their possible acceptance of a design of this nature.	
PREVIOUS LEGISLATIVE ACTION: 9/16/2008 – City Council did not approve the Chase Bank design stating that it did not meet with the Design Guidelines and asked Chase to resubmit a building design that was more colonial in design. 8/28/2008 – Planning Commission; Chase has returned with changes that include: varied roof lines, a pitched roof over the drive thru, slate roof, and corner accents, north and south side pop-outs, and removal of blue accents on front. Chase also included a landscaping plan. Planning Commission recommended approval of the Chase Bank Concept/Preliminary Site Plan. 8/12/2008 – Site Plan Review Committee met with CLC and Chase representatives to discuss changes that needed to be made to the building elevations to better meet the City’s Design Guidelines. 7/31/2008 – Planning Commission denied approval of the site plan due to design issues similar to those from their previous meeting, as well as applicants inability to come to Planning Commission Meeting to discuss their plans. 5/22/2008 – Planning Commission did not approve the Chase Bank elevations due to design, i.e. slate roof, copulas, varied building facades, and other feature associated with American Colonial Architecture. Site Plan Review Committee – Committee was clear that the building elevations did not meet with the city’s design guidelines, and recommended that the applicant rework the building elevations.	
FISCAL IMPACT: N/A	
SUPPORTING DOCUMENTS: Chase Bank Photograph	
RECOMMENDATION: Review the elevations based on city design guidelines, staff recommends that we verify who will be submitting water rights for the site.	
MOTION: Make a recommendation that Chase Bank should/should not proceed with submitting building elevations for a building of the design submitted as a photograph.	





Front Entrance



CITY OF CEDAR HILLS

TO:	Mayor and City Council
FROM:	Konrad Hildebrandt, City Manager
DATE:	10/21/2008

City Council Agenda Item

SUBJECT:	Utah County Park Smoking Ban
APPLICANT PRESENTATION:	N/A
STAFF PRESENTATION:	Konrad Hildebrandt
BACKGROUND AND FINDINGS: The Utah County Board of Health will meet to deal with the smoking-ban issue in City parks on November 24, 2008. Utah County wishes to receive direct input from Utah County ciites on their level of support for this type of ordinance. The proposed ordinance is modeled after an existing City of Orem, Utah ordinance which bans smoking in parks and public gatherings, but not in cemeteries or golf courses.	
PREVIOUS LEGISLATIVE ACTION: NONE	
FISCAL IMPACT: NONE	
SUPPORTING DOCUMENTS: SL Tribune article	
RECOMMENDATION: Staff recommends that the City Council, by motion, express their level of support for a County-wide ban of smoking in public parks and in public gatherings	
MOTION: Motion to express support/no support to ban smoking in public parks and in public gatherings	



The Salt Lake Tribune

THURSDAY, October 16, 2008

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 - Ogden IRS employee targeted in rent fraud probe
 - California trio arrested in alleged kidnapping of Ogden financial advisor
 - Bicyclist injured in Kaysville crash
 - Man stabbed in head at St. George motel
 - Groundbreaking to mark St. George airport project
 - Salt Lake City: Our theater will be on Main
 - Ex-Mormons to gather for annual conference in Salt Lake City
 - Bruised and battered 9-year-old girl escapes home prison
 - Pro-nuclear lawmaker lashes out
 - Utah forecast: Sunny, heading toward a warm weekend
 - Matheson spending big on ads
 - Pipeline hearing draws critics
 - Provo tightens budget, looks for long-term fixes
 - Size-graded motorcycle tests in effect
 - Utah parents, teachers want education in next president's cross hairs
 - Fifth suspect in shed beating death surrenders to West Valley cops
 - Retirement means new leadership for state legal defenders
 - Man gets 15 to life in cleaver slaying
 - Ex-principal accuses board of grade swaps
 - Nature writer, photographer to speak about Arctic
 - Sandy council members wary of theater funding
 - Sandy to bolt from county library system?
 - More cases against FLDS dismissed

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Utah County cities get last chance to address smoking-ban ordinance

By Donald W. Meyers
The Salt Lake Tribune

Article Launched: 10/01/2008 12:07:10 AM MDT

Utah County is giving its mayors one last chance before a November hearing on an ordinance that would ban smoking in public parks and gatherings.

Rulon Barlow, Utah County Board of Health chairman, said Tuesday the board wants to make sure the county has the full support of the cities before it moves ahead. He said his preference is to have a countywide regulation - but only if the cities are comfortable.

"Because of the enforcement issues, we want the cities to have buy-in," Barlow said.

While support for the concept appears strong - thousands of county residents have signed petitions supporting such a ban - Commissioner Steve White isn't comfortable with appearing to impose a top-down mandate on cities, especially if they have to pick up the bill for policing it.

"I'm not going to patrol the parks with the county sheriff's deputies," White said.

Jen Tischler, a Health Department education specialist, earlier said that a countywide rule would be superior to having cities enact their own ordinances, which would create a patchwork of rules, with some cities banning smoking and others not, causing confusion.

White said zoning ordinances are already determined on a city-by-city basis, and that hasn't resulted in confusion.

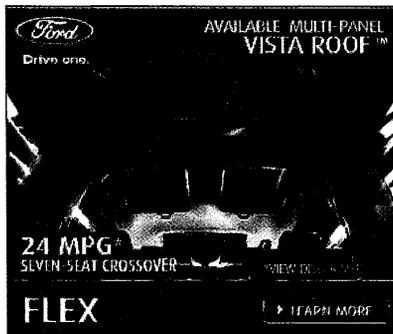
Barlow said enforcement wouldn't necessarily involve having police sniffing out smokers. It can be as simple as posting the park as a no-smoking area and relying on peer pressure to get smokers to put out their cigarettes.

The proposed rule is modeled on Orem's, which bans smoking in parks and public gatherings, but not in cemeteries or golf courses. The idea is to use Orem's as a baseline standard.

dmeyers@sltrib.com

The Utah County Board of Health will meet to deal with the smoking-ban issue at 4 p.m. on Nov. 24. It will be held in the Health and Justice Building, 151 S. University Ave.

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CITY OF CEDAR HILLS

TO:	City Council
FROM:	Brad Kearl-Zoning Administrator
DATE:	October 21, 2008

City Council Agenda Item

SUBJECT:	Cedar Hills Tree Ordinance
APPLICANT PRESENTATION:	
STAFF PRESENTATION:	Brad Kearl
BACKGROUND AND FINDINGS: In order for the City of Cedar Hills to participate in the Tree City USA program, the City Administrator has appointed a City Forester. A new City Tree Ordinance has been drafted and proposed.	
PREVIOUS LEGISLATIVE ACTION: NONE	
FISCAL IMPACT: \$5, 000 annual budget	
SUPPORTING DOCUMENTS: See attached Utah Community Tree Ordinance Title 6, Chapter 6	
RECOMMENDATION: Recommend approval of the Utah Community Tree Ordinance.	
MOTION: To recommend that the Ordinance be approved.	

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 6 OF THE CITY CODE OF THE CITY OF CEDAR HILLS, UTAH, ADDING CHAPTER 6 ADOPTING A CEDAR HILLS COMMUNITY TREE ORDINANCE.

WHEREAS, the City Council of the City of Cedar Hills has determined that it is in the best interest of the City of Cedar Hills and the residents thereof to enact certain amendments to Title 6 of the City Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR HILLS, UTAH COUNTY, STATE OF UTAH:

**PART 1
AMENDMENTS**

SECTION 1: Title 6 of the City Code of the City of Cedar Hills, Utah, is hereby amended by adding Chapter 6 entitled Utah Community Tree Ordinance.

6-6-1: FINDINGS OF FACT:

- A. Trees have a positive economic effect on the City by enhancing property values and making the City a more attractive place to visit and do business.
- B. Trees have a positive environmental effect on the City of Cedar Hills, Utah by reducing air pollution, abating heat, noise and glare, mitigating drainage and erosion problems, providing shade for streets and parking areas, providing wildlife habitat, and moderating the local climate.
- C. Trees generally enhance the quality of life for residents of the City.

6-6-2: PURPOSE:

- A. To provide generally for the protection of trees within the City to ensure proper planting and maintenance of trees in the public right-of-way and in City parks, and to provide for the abatement of nuisance trees on public and private property;
- B. To develop a healthy urban forest and park system of diverse tree species to protect against potential pest and disease problems;
- C. To create a community with tree lined streets by requiring tree planting standards

in new developments while upgrading and maintaining street trees in existing parks, neighborhoods and commercial or industrial areas.

6-6-3 APPLICABILITY:

The Zoning Administrator or designee shall have authority over all trees, plants and shrubs located within street right-of-ways, parks, and public places of the City, and over trees, plants and shrubs located on private property that constitute a nuisance as described herein.

6-6-4 ADMINISTRATION:

The Zoning Administrator or designee is appointed to administer and implement this Ordinance.

6-6-5 TREE BOARD:

The City Council has established a Tree Board, which is officially called the Parks and Trails Committee. The Tree Board shall serve in an advisory capacity to the City Council for matters relating to trees within the City. Members of the Board shall serve without compensation.

6-6-6 TREES ON PUBLIC PROPERTY:

- A. Landscaping for any new public or commercial development within the City associated with a land use application that requires a landscape plan shall be reviewed by the Tree Board, and a recommendation made to the Planning Commission.
- B. Except as provided herein, it shall be unlawful, unless authorized by the Zoning Administrator or designee, for any person to top a tree in or upon the public right-of-way or other public property within the City. For purposes of this Section, topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree. A tree severely damaged by storms or other causes, or trees that pose an imminent threat to property or to public safety such that other pruning practices are impractical may be exempted from this Section at the discretion of the Zoning Administrator or designee. No tree on public property shall be removed without permission from the Zoning Administrator or designee.
- C. Whenever any work is being done contrary to the provisions of this Section, the

Zoning Administrator or designee may order the work stopped by serving written notice on any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the Zoning Administrator or designee to proceed with the work.

- D. During the construction of any structure or improvement, it shall be unlawful for any person to place material, machinery or soil deposits within a minimum of six (6) feet of any tree on City property. All trees on public property shall be protected during construction.
- E. The Building Department shall require all commercial building permit applicants to:
 - 1. Submit a site plan including location of existing and proposed street trees, utilities and any tree to be removed in the public right-of-way.
 - 2. Submit a plan showing location, size, and type of all trees to be planted in the public right-of-way. Size of an existing tree is to be established by measuring the diameter of the tree trunk at four feet (4') six inches (6") above ground and twelve inches (12") above the ground for proposed new trees.
 - 3. Any changes to the landscape plan require an administrative review by the Zoning Administrator or designee.
 - 4. All trees planted in public rights of way shall be trees listed in the recommended street tree list approved by the Tree Board, and may be amended from time to time.
- F. The Building Department shall maintain copies of the tree list

6-6-7 TREES ON PRIVATE PROPERTY:

- A. For purposes of this Section, nuisance trees are defined as trees that pose a threat to public safety or adjacent public property, including but not limited to, public right-of-ways, or trees that harbor any destructive or communicable disease or other pestilence that endangers the well-being of other trees in the City or that are capable of causing an epidemic spread of a communicable disease or insect infestation.
- B. The Zoning Administrator or designee has the authority to enter onto private

property whereon there is located a tree, shrub or plant that is suspected to be a public nuisance.

- C. Upon the discovery of a nuisance tree, the Zoning Administrator or designee shall cause written notice to be served upon the owner of the property upon which the tree is located, requiring the owner to eradicate, remove, or otherwise control the condition within a reasonable time specified in such notice. It shall be unlawful for any person to fail to comply with the requirements of any notice given pursuant to this Section within the time specified in such notice. If the notice to abate is not complied with within the required time, the Zoning Administrator or designee shall follow the City Nuisance Ordinance procedure for compliance.

6-6-8 STANDARDS FOR TREE PLANTING, MAINTENANCE, AND REMOVAL:

- A. The Tree Board shall develop and maintain a list of desirable trees for planting along streets and in parks in three size classes: small, medium, and large. A list of trees not suitable for planting shall also be maintained.
- B. The spacing of trees on City property shall be in accordance with the size classes listed in this Ordinance. No trees shall be planted closer together than the following: small trees, twelve (12) to twenty (20) feet; medium trees, twenty-five (25) to thirty-five (35) feet; large trees, thirty-five (35) to forty-five (45) feet; except in special plantings approved by the Zoning Administrator or designee. In any case, trees shall be spaced so those canopies at maturity shall not overlap.
- C. No trees other than those species listed as small trees shall be planted on City property under or within ten (10) lateral feet of any overhead utility wire.

6-6-9 PENALTIES:

Any person who violates any provision of this Ordinance or who fails to comply with any notice issued pursuant to any provision of this Ordinance, upon being found guilty of the violation shall be subject to the penalties, under nuisance, set forth in the City's Fee Schedule for each offense. If, as the result of the violation of any provision of this Ordinance, the injury, mutilation or death of a tree, shrub, or other plant located on City property is caused, the party in violation shall make restitution to the City for the cost of repair or removal and replacement of such tree, shrub, or other plant, whichever is necessary in the opinion of the Zoning Administrator, or designee, such restriction shall be in addition to any other penalty. The minimum replacement cost for a tree will equal the cost of a two-inch (2") caliper tree.

**PART II
PENALTY AND ADOPTION**

A. CONFLICTING PROVISIONS

Whenever the provisions of this Ordinance conflict with the provisions of any other Ordinance, resolution or part thereof, the more stringent shall prevail.

B. PROVISIONS SEVERABLE

This Ordinance and the various sections, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid it is hereby declared that the remainder of the ordinance shall not be affected thereby.

C. AMENDMENT TO BE ADDED TO CITY CODE

The City Council hereby authorizes and directs that insert pages reflecting the provisions enacted hereby shall be made and placed in the City Code, Title 6.

D. PENALTY

Any public or private entity violating any of the provisions of this Ordinance shall be subject to Section 6-6-9 of this ordinance.

E. EFFECTIVE DATE

This Ordinance shall take effect upon its passage and publication as required by law.

PASSED AND ORDERED POSTED BY THE CITY COUNCIL OF THE CITY OF CEDAR HILLS, UTAH, THIS 21ST DAY OF OCTOBER, 2008.

Michael C. McGee, Mayor

ATTEST:

Kim E. Holindrake, City Recorder