

CITY COUNCIL MEETING
Tuesday, March 3, 2009 7:00 p.m.
Public Safety Building
3925 W Cedar Hills Drive, Cedar Hills, Utah

Present: Mayor Mike McGee, Presiding
Council Members: Ken Kirk, Eric Richardson, Charelle Bowman, Jim Perry, Marisa Wright
Konrad Hildebrandt, City Manager
David Bunker, City Engineer
Kim Holindrake, City Recorder
Rachel Brown, Finance Director
Greg Robinson, Assistant to the City Manager-Planning
Courtney Hammond, City Meeting Transcriber
Eric Johnson, City Counsel
Others: Shawn Richins, Cliff Chandler, Chris Grzybowski, Stephanie Martinez, Nathan Bray,
Hayden Newey, Jeanne Walker-Wells Fargo, Abby Randall, Jason Randall, Ray Brisco, Lisa
Vincent, Rick Espinosa, Dale Okerlund-Wells Fargo, Ted Watson-Chase Bank, Bobby Seegmiller
(10:15 p.m.)

COUNCIL MEETING

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

Invocation given by C. Richardson

Pledge of Allegiance led by C. Bowman

2. Public Comment (7:07 p.m.)

Lisa Vincent: Ms. Vincent stated that a light post was just placed 15 feet from her townhome. Because of the height of her home and the slope of the hill, the light is at the same level as her bedroom. Her home is now bombarded with light pollution. She would like the post removed. Some other neighbors agree. She feels it has decreased the value and safety of her home. David Bunker said the developer bonded around \$2,500 per light. The location was on the original plans, but it took Rocky Mountain a long time to install them. It is possible to put a lens or shield on the light. Because of where the transformer is, there isn't another good location for this light. Mayor McGee said that he, David Bunker, and Konrad Hildebrandt will look into the issue.

Abby Randall: Ms. Radall said that she has noticed vandalism, as well as other problems with unattended children and altercations. There has also been prostitution in the neighborhood. These problems are talked about, but she has seen little prevention. She would like to see an increased police presence. C. Richardson said that he has gone on patrols with the police force, and they are patrolling, but people may not be noticing. C. Wright said that Chief Call told her the biggest issue in Cedar Hills is petty theft. When neighbors leave garage doors open, that neighborhood becomes a draw for thieves.

CONSENT AGENDA

3. Minutes from the February 17, 2009, Public Hearing and Regular City Council Meeting (7:28 p.m.)

MOTION: C. Kirk - To approve the minutes from the February 17, 2009, Public Hearing and Regular City Council Meeting. Seconded by C. Wright.

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

SCHEDULED ITEMS

4. Review/Action on a Resolution Authorizing the Issuance and Sale of Approximately \$925,000 Utility Revenue Bonds, Series 2009 for Utility System Improvements, Including Secondary Irrigation Water Improvements, and Related Matters (7:28 p.m.)

See handouts.

Staff Presentation:

Konrad Hildebrandt stated that the City Council has approved a Pressurized Irrigation II project to augment the delivery of water to holding reservoirs and residents. Eric Johnson stated that per state requirements, a public hearing was published and held. Dale Okerlund of Wells Fargo detailed the economic terms of the transaction. It is more difficult to borrow money on a non-rated basis with the current economic situation. These bonds are 20 years with a fixed interest rate of 5.99%. The bonds cannot be prepaid for the first 10 years. Extra money can be applied within those 10 years up to 10% of the remaining amount owed. This further encumbers the utility revenue stream. Konrad Hildebrandt stated that any earlier figures that were used in discussions were estimates that did not include Mahogany Drive, the upgraded telemetry system, and the cost of bonding. The Council gave staff the directive to upgrade the system to these levels, and this is the cost.

Council Discussion:

- C. Perry expressed concern at the amount of the bond. Based on prior discussions, including the parameters resolution, he expected something around \$700,000. He supports pressurized irrigation to all residents as a goal but is frustrated because he doesn't understand why the price went up.
- C. Richardson stated that there was no discussion in Council Meeting about when to add the infrastructure for Mahogany Drive. Philosophically, all areas of the City need to be added. But if it were a different portion of the City, there would have been a discussion, a budget adjustment, etc. There should be a policy to guide the expansion of the system.
- C. Bowman stated that she finds it hard to justify getting pressurized irrigation to Mahogany Drive when there are about a dozen current Cedar Hills residents without pressurized irrigation.
- David Bunker stated that it is easier to provide pressurized irrigation to Mahogany Drive than it is get to the few isolated Cedar Hills lots that do not have pressurized irrigation.

MOTION: C. Richardson - To approve Resolution 3-3-2009A. Seconded by C. Bowman.

Further Discussion:

- C. Bowman requested that there be a future discussion about Mahogany Drive. She would have approved the cost if it originally came in at \$902,000 because it is a needed upgrade.
- C. Richardson requested that past discussions be reviewed so that estimated/expected costs can be better understood.
- C. Perry stated that he is surprised that the City couldn't get a better estimate from the beginning. Going forward, he would like to see more thorough and accurate estimates.
- Konrad Hildebrandt stated that bond costs, contingency, and Mahogany Drive add \$150,000, which comes close to this amount. The Council received the most recent estimate of \$882,876, not including bond costs in the January 2009 meeting, the meeting following the parameters resolution.
- David Bunker stated that the \$750,000 came from him and was the raw cost of the project, not including Mahogany Drive or the financing costs.

match the building as well. The requested change is to provide contrast for their signage. She doesn't want the sign with corporate colors, she wants a brass sign.

- C. Perry stated that he is okay with signage that has corporate coloring. This plan is not pedestrian friendly.
- C. Kirk stated that he does not like monument signs. He finds them distracting and feels they add to congestion. The turning radius for the drive through looks tight. Rick Espinosa said it is adequate.
- C. Bowman stated that there are 42 parking stalls. That seems like a lot of stalls for a bank. The entire thing is taking up a lot of potential retail space. Greg Robinson stated that the City cannot dictate what a property owner chooses to put on a lot. Their building cannot be shifted. The benefit is added landscaping.
- C. Richardson stated that he has studied traffic patterns and doesn't understand the purpose of the asphalt west of bank. It funnels people in front of the drive through. He would prefer to see that area landscaped. Rick Espinosa stated that the asphalt there to prevent a dead end. C. Richardson stated that the traffic flow pattern goes against the Commercial Design Guidelines, and he would like to see a compelling argument for it.

MOTION: C. Richardson - To grant preliminary and final revised site plan and elevation plan for the Cedar Hills Retail Subdivision, Lot 2, subject to: landscaped species count and sizes to match the approved Wal-Mart parcel and to be approved as part of an executed development agreement, no asphalt west of the building unless approved as part of the development agreement, sign size and location not yet approved and will be submitted separately for City Council approval, all materials subject to approval, execution of an updated development agreement for Lot 2, final engineering, and note that the monument sign is to be considered and approved separately as part of the development agreement. Seconded by C. Bowman.

Further Discussion:

- C. Perry stated that he really likes the appearance of the bank. It is a great fit for the community.
- Chris Grzybowski stated that Phillips Edison will work with staff for the Welcome to Cedar Hills sign.

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

Motion passes.

Further Discussion:

- C. Wright stated that she feels that the Council should always try to go for the nicest quality. She wants to fight for the brass sign.
- C. Perry stated that the sign is not going to be a dealbreaker, though he does not care about whether the sign is brass or in corporate colors.

Break (9:27 p.m.)

Reconvened (9:30 p.m.)

7. Review/Action to Award the Bid for the 2009 Cottonwood Well Pump House Project (9:31 p.m.)

See handouts.

Staff Discussion:

David Bunker stated that there were 14 contractors that bid on the Cottonwood Well Pump House Project. VanCon, Inc. came in at \$275,000 on the project. They also bid competitively on

landscaping. The City has used VanCon before and talked to several references who gave positive ratings. Bowen Collins said VanCon is capable and has done a pumphouse project similar to this in Springville.

MOTION: C. Richardson - To award a contract to VanCon, Inc, for the construction of the Cottonwood Well Pumphouse Project 2009 in the approximate amount of \$275,000 subject to verification of qualifications, and instruct the City engineer to submit a landscaping budget to the City Council. Seconded by C. Perry.

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

8. Review/Action on to Award the Bid for the Cottonwood Hills Estates Improvement Project (9:42 p.m.)

See handouts.

Staff Presentation:

David Bunker stated that TNT General Contractors were the low bid at \$397,684.94. The engineer's estimate was \$630,831.25 for the Cottonwood Hills Estate Subdivision. The City has worked with TNT before, and their prices are low. It is per foot pricing, but he is confident with the calculations.

Council Discussion:

- C. Wright stated that neighbors are asking why the City is developing these lots now when there are golf course lots that are not selling. David Bunker stated that these are seven lots along an existing road. It is cost effective to run the laterals to those lots when the City is running the main.

MOTION: C. Richardson - To award a contract to TNT General Contractors, for the construction of the Cottonwood Hills Estates Improvement Project in the approximate amount of \$397,684.94, subject to verification by the City Engineer of contractor qualifications. Seconded by C. Bowman.

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

C. Wright excused. (9:55 p.m.)

9. Report/Discussion on Fiscal Year 2010 Budget (July 1, 2009 to June 30, 2010) (9:55 p.m.)

See handouts.

MOTION: C. Richardson - To continue this item until the next meeting. Seconded by C. Bowman

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

C. Wright returned (9:56 p.m.)

10. Review/Action on Cedar Hills Golf Course Items, Clubhouse and Clubhouse Contract (9:55 p.m.)

See handouts.

Staff Presentation:

Konrad Hildebrandt stated that the memo provides estimates for additional clubhouse items, such as furnishings, kitchen equipment, landscaping, and piercing. Jim Madsen has indicated that the estimates for landscaping are likely low. David Bunker stated that at one point the City was considering a design build project for the clubhouse, and hired Earthtec to do a geotech report. That report stated that this site did not require piercing. The material is compacted gravel. After the foundation hole is dug out, Steve Smith of Earthtec can come and check it out again to verify that the conditions are the same as in the geotech he previously filed.

Council Discussion:

- C. Perry stated that he feels the IT costs were very high. With so many residents who wonder why the City spent \$6 million on the golf course, he is hesitant to add an additional \$2 million.
- C. Wright stated that the City needs to do this to protect the money already invested in the course.

MOTION: C. Wright - To approve the contractual signing to Ken Harris architects to complete the architectural design of the golf clubhouse, with the fiscal impact \$70,000+ for the architectural design and contract management of the clubhouse. Seconded by C. Bowman.

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

Further Discussion:

- C. Richardson stated that the amount in the motion reflects the cost listed in the contract from the last meeting.
- C. Perry stated that the last several years have been spent trying to reduce the tax burden on residents. While the City hopes that building the clubhouse will cover its costs, he is unsure that will be the case. He is not convinced that it is the best return of investment.
- C. Bowman pointed out that the estimated increase in revenue in receptions does not include an increase in fees. Fees would at least double with a clubhouse.
- Bobby Seegmiller stated that he talked to a council member in Egan City who said that reception centers are the biggest revenue producers in their city.

11. Discussion Regarding Amendments to the Guidelines for the Design and Review of Planned Commercial Development (10:34 p.m.)

See handouts.

C. Richardson stated that he requested this item go onto the next Planning Commission agenda to recommend restrictions on non-sales-tax-producing entities that border 4800 West and Cedar Hills Drive. Highland is adding a similar restriction in their Design Guidelines.

MAYOR AND COUNCIL REPORTS

13. Board and Committee Reports (10:35 p.m.)

No reports.

EXECUTIVE SESSION

14. Motion to go into Executive Session, Pursuant to Utah State Code 52-4-5 (10:35 p.m.)

MOTION: C. Richardson - To go into Executive Session, Pursuant to Utah State Code 52-4-5 regarding purchase or sale of land and legal matters and the competence of an individual. Seconded by C. Perry.

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

* * * EXECUTIVE SESSION * * *

15. Motion to Adjourn Executive Session and Reconvene City Council Meeting (11:13 p.m.)

MOTION: C. Bowman - To Adjourn Executive Session and Reconvene City Council Meeting. Seconded by C. Kirk.

12. City Manager Report and Discussion (11:14 p.m.)

- The City received the Distinguished Budget Award again this year.
- Mayor McGee has committed to raise \$10,000 for the Family Festival. He challenged each Council Member to raise \$2,000 each.

ADJOURNMENT

16. Adjourn

This meeting was adjourned at 11:22 p.m. on a motion by C. Perry, seconded by C. Bowman, and unanimously approved.

Approved by Council:
March 17, 2009

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