

CITY COUNCIL MEETING  
Tuesday, November 9, 2010 7:00 p.m.  
Public Safety Building  
3925 W Cedar Hills Drive, Cedar Hills, Utah

Present: Mayor Eric Richardson, Presiding  
Council Members: Stephanie Martinez, Scott Jackman, Ken Kirk, Marisa Wright  
Excused: Jim Perry  
Kim E. Holindrake, City Recorder  
Greg Robinson, Assistant City Manager  
David Bunker, City Engineer  
Rebecca Tehero, Finance Director  
Courtney Hammond, City Meeting Transcriber  
Lt. Sam Liddiard, Police Department  
Other: Craig Frank, Trent Augustus, Cliff Chandler, Brian Gates, Brent Uibel, Diane Kirk, Kim Hovorka, Peggy Rowell, Lynn Rowell, Vangie Norton, Ken McCarty, Adam Hovorka, Matthew Hovorka, Trudy Carter, Marshall Carter, Jeffrey Lyons, Jeanne Mather, Kathy Vinson-Mack, Annette Kindt, Scott Horn, Kristi Natividad, Justin Peay, RL Peay, Richard Hancock, Jamie Hancock

COUNCIL MEETING

1. This meeting of the City Council of the City of Cedar Hills, having been properly noticed, was called to order 7:13 p.m. by Mayor Richardson.

Invocation C. Kirk

Pledge led by Matthew Hovorka

2. Public Comment (7:15 p.m.)

Peggy Rowell: Ms. Rowell stated that she was disappointed to discover that there was no library when she moved to Cedar Hills 10 years ago. She asked the Council to consider a library space in the new community center. She recognizes it would have to start small with a children's library. She dreams of a county library system someday. If Cedar Hills has something in place, it will be able to contribute to a larger system.

Jeanne Mather: Ms. Mather is a teacher, a mom, and a book lover. Her family frequents the Pleasant Grove library, but she would love to see a library in Cedar Hills. Mapleton started with a book mobile and has grown to 4000 square feet in the city building. There are grants available for library books. Many members of the City are disgruntled by the golf course; a library in the community center would provide a better balance for the building.

Kathy Vincent-Mack: Ms. Vincent-Mack moved here from the east coast where they have a free public library system. She loves libraries and is willing to help in any way she can to bring a library to the City.

Annette Kindt: Ms. Kindt stated that she has four autistic children and has taught them to read. Taking her children to Pleasant Grove is difficult. She has been the PTA president at Mountain Ridge, and will be PTA president at Lone Peak next year. The community loves to read. It would be nice to have something close and have a space in the new community center for the children.

Kristi Natividad: Ms. Natividad voiced her support for a city library. Her family loves to read. The children in the community need a library.

Trent Augustus: Mr. Augustus thanked the Council for putting in the time for a new community center. He has seen the plans for the exterior of the building and is concerned about the look of the building and how it sits into the surroundings. He feels it is a bit too modern for the

surrounding neighborhood and its environment.

RL Peay: Mr. Peay stated that he is excited about the community center. He is involved with the Scouts. His son Justin is willing to do a book drive for a library as part of an Eagle Scout project.

Justin Peay: Justin stated that a library would be awesome because it would give kids a chance to learn.

Brent Uibel: Mr. Uibel presented a plan for a ramp in the golf cart storage area to get double-decker storage. He also proposed looking for repossessed, foregoing floor to ceiling windows, and not adding a second story as ways to cut costs. He feels that the building does not fit into the environment. He further suggested putting the elevator in the middle of the stairway to save space.

C. Wright reported on the Alpine School District Meeting where the board voted to allow all Cedar Hills' residents the opportunity to attend Lone Peak High School. Residents east of Canyon Road would still be assigned to American Fork, but Lone Peak will be opened next year all 10<sup>th</sup> graders who live in that area. An application is required to transfer. The application window runs from January through March.

#### CONSENT AGENDA

3. Minutes from the October 19, 2010, Public Hearing and Regular City Council Meeting (7:40 p.m.)

**MOTION: C. Kirk - To accept the minutes from the City Council meeting from October 19, 2010 with the one change that was submitted.** Seconded by C. Jackman.

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

#### SCHEDULED ITEMS

4. Representative Craig Frank Invited to Discuss Upcoming Legislative Activities (7:43 p.m.)

Craig Frank reported that for the first time since the 1970's the Speaker of the House is from Utah County. Utah was recently ranked by Forbes as the number one state for business opportunity. The state's economy is healthy with an unemployment rate lower than the national average. About half of the state's rainy day fund was used last year with a remaining amount of \$200 million. The state has maintained a Triple A bond rating despite the recession, which impacts the states ability to bond and the amount of improvement projects the state is able to fund. Expected issues for the 2011 Legislature that will affect the community include the Timpanogos Special Service District (TSSD) waste stench and education funding.

C. Wright is concerned with the possibility of Utah County turning over Canyon Road to the cities. The road does not meet city standards. Representative Frank stated that he feels the trade of 4800 West for Canyon Road needs to be equitable. C. Wright stated that regarding TSSD, it is her opinion that Pleasant Grove should bear the lionshare of any improvement costs because they chose to locate commercial land on an area that smells. The sewer plant was there long before anything else was built, and Pleasant Grove is benefitting through sales tax from that commercial area.

C. Kirk stated that he is frustrated with the EPA's requirements for storm water plans. He would like to see the Utah Legislature petition the EPA for reasonable storm water requirements that won't financially burden small cities during these economic times. Representative Frank is aware of the problem and the Legislature is making efforts to ensure that the Federal Government operates within its appropriate role. He encouraged anyone interested to contact Senator Hatch, Senator Bennett, soon-to-be Senator Lee, or Representative Chaffetz. He is also happy to carry a resolution from Cedar Hills to Washington D.C. when he is there later this month.

5. Review/Action on the Recommendation of the Traffic Safety and Livability Oversight Committee to Enter an Agreement with Renaissance PUD for Snow Plowing (8:14 p.m.)

See handouts.

Staff Presentation:

David Bunker stated that the Traffic Safety and Livability Oversight Committee (TSLO) met on October 15 with residents from the Renaissance HOA to discuss traffic safety during the winter months. One option before the TSLO Committee was for the City to plow through the Renaissance area as it goes to 9220 North if the HOA agreed to open their gates. It has been difficult for the City to plow 9220 North, and this agreement would make it easier for the city plows to get to 9220 North. The gates would be open from October 1 to May 1. It needs to be clear that the City is not committing to full maintenance of the roadways. Staff recommended the agreement.

Council Discussion:

- Mayor Richardson stated that the City needs to be careful when it takes these types of actions that it is not unofficially developing an unintended policy. He recommends this action because it makes it easier for the City to plow the roads and improves winter safety by offering alternate routes up that hillside.
- C. Wright stated that she wants to ensure that the gates remain open for the entire period of October 1 to May 1 and not be opened or closed depending on the weather.

**MOTION: C. Kirk - To approve the Renaissance HOA proposal to open the north access gate for public use from October 1 to May 1 annually in exchange for snow plow services on Hillside and Renaissance Drives to increase safe winter driving conditions for the residents and our plow drivers.** Seconded by C. Jackman.

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

6. Review/Action on a Resolution to Adopt a Storm Water Management Program (8:22 p.m.)

See handouts.

Staff Presentation:

David Bunker stated that the City is required to submit a new Storm Water Management Program to the State of Utah updating the UPDES permit. It is enforced by the EPA through the state of Utah. City staff has spent the last several months updating the program. It is close to the program adopted in 2004 with changes to cover the new items in the permit. The program does

not take care of every item now but sets forth the plan to comply over time with every task in the permit. That is allowed. The biggest change will be in inspections and documentation. His expectation for how much implementation will cost the City is \$140,000, which is about 1/4 of the City's property taxes. The City will be audited within the next five years.

Council Discussion:

- C. Wright suggested putting together an explanation of this issue in the newsletter with information about how to contact congressional representatives. She stated that she cannot approve this program. The City cannot afford any increased costs. She would like to band together with other small cities to fight this.
- C. Jackman agreed that the City should fight this but still needs to comply. The City cannot afford the repercussions of not complying with the law.
- C. Kirk stated that he does not want to join a revolution with the Federal Government over storm water. The Council cannot put the citizen's property taxes at risk by not complying.
- C. Martinez read part 2, page 5 "Notice of Understanding" from the storm water plan, addressing the City's issues with the mandate. She agrees with this statement.

**MOTION: C. Kirk - The City Council of the City of Cedar Hills reluctantly and with opposition to the Federal EPA's unfunded mandate, approves Resolution No. 11-9-2010A, adoption of the City of Cedar Hills Storm Water Management Program, including modifications based on an annual review by the program manager, and in so doing state our opposition and dislike of the federally mandated program that was written by those in Washington that have not a single clue or idea of what they are doing to municipalities throughout this country.** Seconded by C. Jackman.

Vote taken by roll call.

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

C. Wright excused (8:53 p.m.)

**MOTION: C. Jackman - To move item 9 to before 7.** Seconded by C. Martinez.

Yes	-	C. Jackman C. Martinez	
No	-	C. Kirk	Motion fails.

7. Review/Action on Amendments to the City Code, Title 10, Chapter 2, Definitions, Regarding the Definition of a Family (as it pertains to household) (8:55 p.m.)

See handouts.

Staff Presentation:

Greg Robinson stated that this item is to bring the City into compliance with state law. The minimum allowed is four unrelated people.

Council Discussion:

- C. Kirk stated that the amendment clears up any past confusion, and he supports this ordinance.

**MOTION: C. Jackman - To approve Ordinance No. 11-9-2010A, amending Title 10, Chapter 2, Definitions, Regarding the Definition of a Family (as it pertains to household) of the City Code of the City of Cedar Hills, Utah.** Seconded by C. Kirk. Vote taken by roll call.

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

8. Review/Action on Amendments to the City Code, Title 10, Chapter 2, Definitions, Regarding the Definition of Accessory Apartment (8:58 p.m.)

See handouts.

Staff Presentation:

Greg Robinson stated that he met with C. Jackman who had suggestions for this ordinance. One suggestion was changing residential building to “main building.” The other suggestion was to change the definition of accessory apartment to be a “subordinate building within an owner occupied main building with its own eating, sleeping and sanitation facilities, within a main residential building and having no separate address or utilities.” This amendment also limits the number of people in an accessory apartment to two people per bedroom with a maximum of four and requiring offstreet parking for all vehicles.

Council Discussion:

- C. Jackman stated that he would like to add that a separate entrance be required. The last sentence would now read “and having no separate address or utilities and having a separate entrance.”

C. Wright returned. (9:11 p.m.)

- C. Kirk stated that he would like the Planning Commission to look at the parking ordinance.

**MOTION: C. Jackman - To approve Ordinance No. 11-9-2010B, Definitions, amending 10-2-1 to read that an accessory apartment “shall mean a subordinate dwelling within an owner occupied main building, which has its own eating, sleeping, and sanitation facilities, within a main residential building and having no separate address or utilities, and having a separate entrance.” and altering the accessory apartment conditional use to read: “Occupancy would be limited to (2) persons per bedroom with a maximum of (4) four people. The residence must provide off-street parking for any and all vehicles pertaining to all occupants of the main building.” And instruct the Planning Commission to look at the definition of single-family dwelling and also look at the parking ordinance for all residential zones under conditional uses.** Seconded by C. Kirk.

Further Discussion:

- C. Wright stated that there is a delicate balance between property rights and affecting

neighborhoods. The City has a problem with excess cars parked on the streets. There is an ordinance currently in place that is not enforced.

- C. Jackman stated that the parking discussion needs to take place but not when considering this ordinance.

Vote taken by roll call.

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

9. Review/Presentation of First Quarter Financial Statements (9:24 p.m.)

See handouts.

Becky Tehero presented and reviewed the first quarter financial statements.

10. City Manager Report and Discussion (9:48 p.m.)

- The 2009 property taxes report was distributed.
- The City Christmas Dinner is on December 14.

MAYOR AND COUNCIL REPORTS

11. Board and Committee Reports (9:55 p.m.)

- C. Kirk attended the North Point Solid Waste Special Service District finance committee meeting. He met with Mr. Flinders from Manila Water and discussed that the City needs to be notified of meetings. He will attend the next Manila Water meeting. The Traffic Safety and Livability Oversight Committee met and recommended striping Canyon Heights Drive as well as having it patrolled more heavily. Dispatch came to a consensus and decided that a certain percentage (about 10%) should be paid by each entity. This percentage will be divided by city by population. The rest of the cost of dispatch will be covered per event. This solution will be presented to the board on November 17.
- Mayor Richardson reported that UTOPIA voted for additional funding. When looking at programming for the events center, he asked the Council to consider community services needs as the City gets ready to hire a new community services director and other community services staffing needs. He reminded the Council to do the homework Curtis Minor Architects requested—send three examples of buildings you like, one example of a building you don't and why.  
C. Wright reported that over the years she has been on the Council she has received emails about a library. She emailed all those who had requested a library, and some of them showed up tonight to comment.  
C. Martinez believes that a space in the community center needs to be dedicated to a library. She met with Jason Garrard regarding a December reading of The Polar Express. It will be geared toward pre-school children on December 16 at 10:00 a.m.  
David Bunker reported that the Timpanogos Special Service District line that was supposed to come to Cedar Hills was taken off the plan. Because of the North County Boulevard project and UDOT being in control of that road, it will be more difficult to get in a sewer line. American Fork is petitioning to get a sewer line placed to 50 South, which would accommodate Cedar Hills waste. Otherwise it may cost the City money to solve the problem. There has been no sewer small since the Gore cover was placed over the compost.

EXECUTIVE SESSION

12. Motion to go into Executive Session, Pursuant to Utah State Code 52-4-204 and 52-4-205 (10:23 p.m.)

**MOTION: C. Kirk - To go into Executive Session, Pursuant to Utah State Code 52-4-204 and 52-4-205 to discuss competency of an individual.** Seconded by C. Martinez.

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

\* \* \* EXECUTIVE SESSION \* \* \*

13. Motion to Adjourn Executive Session and Reconvene City Council Meeting (11:01 p.m.)

**MOTION: C. Kirk - To Adjourn Executive Session and Reconvene the Council Meeting.** Seconded by C. Martinez.

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

ADJOURNMENT

14. Adjourn

The meeting was adjourned at 11:03 p.m. on a motion by C. Jackman, seconded by C. Kirk, and unanimously approved.

Approved by Council:  
December 7, 2010

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