

PUBLIC HEARING AND CITY COUNCIL MEETING

Tuesday, January 17, 2012 7:00 p.m.

Public Safety Building

3925 W Cedar Hills Drive, Cedar Hills, Utah

Present: Mayor Eric Richardson, Presiding
Council Members: Trent Augustus, Gary Gygi, Jenney Rees, Stephanie Martinez, Scott Jackman
Konrad Hildebrandt, City Manager
David Bunker, City Engineer
Kim Holindrake, City Recorder
Brad Kearl, Chief Building Official
Courtney Hammond, City Meeting Transcriber
Lt. Sam Liddiard, Police Department
Others: Cliff Chandler, First Lieutenant Buffington, Marshall Shore, Ken Cromar, Roman Frazier, Karissa Neely, Ryan Wood

COUNCIL MEETING

1. This meeting of the City Council of the City of Cedar Hills, having been properly noticed, was called to order at 7:09 p.m. by Mayor Richardson.

Invocation given by C. Gygi

Pledge of Allegiance led by C. Augustus

2. Public Comment (7:10 p.m.)
Ken Cromar: Mr. Cromar stated that a Daily Herald editorial on November 8 cautioned against local government running large projects. The article stated that the city has not yet provided an accurate explanation of the golf course finances. He is asking the city to correct the record. Mayor Richardson stated that the numbers are the numbers. A committee has been formed to help communicate to the residents the “plain English” interpretation. Mr. Cromar stated that he wants a simple answer to the question “How much have taxpayers paid to subsidize the golf course?” He asked when Konrad Hildebrandt would have a signed contract. Mayor Richardson responded that he currently has a signed contract.

PUBLIC HEARING(S)

3. Amendments to the City Code, Title 10, Regarding Apiaries (Bee Keeping) (7:22 p.m.)

Ryan Wood: I’m just a hobbyist beekeeper. I love it. I appreciate you considering it. This is about my third year, so I’m kind of green. I realize the benefit of bees to our neighborhood. I started because I have a garden and I love gardening; but I don’t have a ton of room to garden. I just wanted to maximize what I was doing. Now I pay more attention to the bees than the garden. I realize some people may have concerns with bees. It is a matter of education, just like it is with my kids. Again, I appreciate you considering it. We had a great meeting with the building commission. Hopefully we answered their questions. If you have further questions, we can talk to you all.

Roman Frazier: I am a fourth generation beekeeper. My great grandfather was taught by Benjamin F. Johnson, who was his father, bee keeping in southern Utah several years ago. It's been in the family ever since. We've had and maintained bees in Alpine for over 30 years. We've had the pleasure of helping and guiding many neighbors and friends, most of whom have quit the hobby of beekeeping. The last couple of years we have actually expanded our beekeeping operation. We run and operate a commercial pollinating business and a co-op where people can join forces with us and lean on our expertise and guidance for some successful bee keeping. We currently manage over 1100 colonies or hives of bees, most of which will be heading to California Tuesday of next week for pollinating purposes. Then the first week of May they come back from California. We have over 40 locations from Ogden to Heber to Provo where we place our apiaries. Typically we have around 30 colonies per apiary, just as a matter of efficiency rather than running to 1100 backyards. We monitor the saturation of how many bees one area can handle according to the bloom and what's available to the bees in that area and within a one-mile radius generally. We take all that into consideration so that we maximize pollinating and honey gathering here in Utah. We had a little crash course this morning—I mean just before the meeting—on what constitutes a hive. In the industry we realize a colony of bees increases in number in the summer and decreases in number in the fall as they prepare for the winter and wintering over. The bottom two boxes in any hive in the industry are considered the hive body. We actually put a screen above the second box to keep the queen and her brood chamber into the bottom two boxes, or into the hive body. Any box, whether it's a half hive box or a full deep box that's placed above the hive body is considered a honey-gathering super. Bees gather way more honey than they need to get their colonies through the winter. Typically they need 60-65 pounds of honey. A good strong hive and honey flow can gather that in a week or two. Some hives will gather 150-200 pounds plus. But the average is about 45 pounds in Utah, above and beyond what they need to get through the winter. If you average the weak ones and the super strong ones, if you average that all out, it is about 45-50 pounds beyond what they need. So if you don't give them room to grow in their hive, and you don't add those supers on top, what will happen is they'll create a new queen, a second queen in the hive, and current queen will allow that to happen because she realizes they are running out of space. Then what happens just before that new queen hatches, the current queen and half the colony leave the hive. That is called a swarm. The bees are the very most docile at that point. They are not aggressive. You can handle them with no gloves. I've done it in shorts and a t-shirt, grabbed a ball of bees off the tree, shake them into a box. Someone just lost half a hive because they weren't putting those supers on top. They want to work, and if they don't have the work then they get discontent and then they'll divide themselves so they don't overcrowd the hive. Then you just lost half your hive. That is the reason for honey supers in the summer. You harvest that honey, peel it back down to two boxes high, back down to the hive body for over wintering. In the spring you watch that and add more boxes back as you need it, assuming they survive the winter, which a lot of them don't. I'm happy to field any questions. This question did come up: What constitutes one hive? Is it one box? Is it a stack of boxes? It's a colony, it's a queen and her potentially 80,000-100,000 bees in the summertime, the height of their population per hive.

C. Augustus: You would classify a hive as a stack of boxes, then?

Roman Frazier: Um hm. One colony will reside in a stack, which grows in the summertime as they collect honey and then shrinks back down as they get ready to winter over in the fall.

C. Martinez: So, how high can your hive go?

Roman Frazier: We've had hives as high as six boxes. Typically they don't go higher than that, about 4 and 5 on a strong hive. Most hives, if they are healthy and they're in a good honey flow, will be four boxes high. You've got a couple honey supers on top, maybe a fifth one. But then it's not long, and you can either extract them or trim it back down to three or whatever. Most hobbyists aren't going to extract mid year. They are just going to keep adding boxes and then in the fall they take the supers off and leave the hive body to winter over. If a hobbyist doesn't know what they are doing and they take too much honey, then the bees starve to death. That's a very simple mistake. It's a life-long learning process. We're continually learning. We just went to a national seminar in Arizona. We met the largest bee keeper in the nation. He has over 100,000 colonies of bees, 100,000 hives. They come from all over.

C. Augustus: So what kind of height is that? If you're saying 4-6 boxes, is that 4-6 feet? Is that 3-5 feet? What kind of height are we talking about with those?

Roman Frazier: It could be this high (gesturing to about 5 feet).

Ryan Wood: So your deep boxes are ten inches, your honey supers—what a lot of people use—are about 7 inches high.

C. Augustus: So even six boxes at ten inches apiece, though, you're still under six feet.

Ryan Wood: It's typically only a month or two with high boxes. Then you are going to harvest it.

Roman Frazier: It has a height; it is high all summer long. It doesn't really make sense, especially in the winter time. It provides too much cold air for the bees. It would be hard on them. So, they would die, probably, if you left it that tall. It is like an accordion. Those that know what they are doing, or who are vigilant and give them the incentive it needs. I'll go to a bee yard and some need a couple of boxes and others don't need any because there are problems. You've got all different heights in a bee yard, depending on . . . You can just look and I can see which hives are doing well because of how high they are. That is just part of the deal.

CONSENT AGENDA

4. Minutes from the November 15, 2011, Regular City Council Meeting (7:33 p.m.)
5. Minutes from the January 3, 2012, Public Hearing and City Council Meeting (7:33 p.m.)

MOTION: C. Martinez - To approve the consent agenda minutes from November 15, 2011 and January 3, 2012. Seconded by C. Jackman.

Yes - C. Augustus
C. Gygi
C. Jackman
C. Martinez
C. Rees Motion passes.

MOTION: C. Martinez - To move item 8 to item 6. Seconded by C. Augustus.

Yes - C. Augustus
C. Gygi
C. Jackman
C. Martinez
C. Rees Motion passes.

SCHEDULED ITEMS

8. Review/Action on a Contract for Park Maintenance (7:34 p.m.)

See handouts.

Staff Presentation:

David Bunker stated that Wilkinson Outdoor Maintenance is the current maintenance provider for the parks. Their contract ended December 31, 2011 with a possibility for two 3-year extensions. They have provided phenomenal service. The prior provider charged for every sprinkler head. Wilkinson takes care of everything. Staff recommended extending the contract for another 3-year term. They mow, trim weeds, fertilize, fill bark, manage pest control, and maintain sprinkler systems. He's easy to work with and provides a great service.

Council Discussion:

Mayor Richardson stated that there are two service providers in the City that have continually done a great job. One is Waste Management; the other is Wilkinson. He seconds the recommendation to extend the contract. The cost is based on acreage plus a 2% annual increase.

MOTION: C. Jackman - To approve the park maintenance contract extension with Wilkinson Outdoor Maintenance beginning January 2012 and ending December 31, 2014. Seconded by C. Martinez.

Yes - C. Augustus
C. Gyi
C. Jackman
C. Martinez
C. Rees Motion passes.

6. Review/Action on Amendments to the City Code, Title 10, Regarding Apiaries (Bee Keeping) (7:39 p.m.)

See handouts.

Staff Presentation:

Brad Kearl stated that the Planning Commission has considered this, reviewed the state's regulations, and came to the conclusion to allow the state to oversee and regulate bee keeping and not add additional regulations. The main determination was to decide how many hives to allow. The recommendation is up to four hives per 10,000 square feet. Clarification on what defines a colony/hive is essential. His interpretation of item D is that the hives must be at least five feet from the property line and six inches above the ground unless permission is attained in writing by the adjoining property owner. If that neighbor moves, the contract is no longer valid and the bee keeper would need to move the hives to within ordinance standards.

Roman Frazier stated that a colony is one queen and her attendants, represented by a stack of boxes, consisting of a hive body and some number of honey-collecting supers.

Council Discussion:

The Council would like to see the following changes:

- “Hives” needs to be changed to “colonies” throughout the ordinance.
- “Colony” needs to be defined as a single stack of boxes representing a hive body and any number of honey-collecting supers.
- In item C, “hive” should be changed to boxes.
- In item D “permission” should be changed to “revocable permission.”
- Change A to two colonies per 5000 square feet, but no more than eight colonies.

MOTION: C. Jackman - To approve Ordinance No. 1-17-2012A, an ordinance amending Title 10 of the City Code of the City of Cedar Hills, Utah, adding requirements relating to apiaries by amending Title 10, Chapter 5 of the City Code entitled Definitions, adding a definition for colony as a single stack of boxes including a hive body and honey collecting supers with one queen and attending bees; and adding Title 10. 5, section 35, Apiary Requirements as presented, changing section A to read “lots may contain two (2) colonies per five thousand (5000) square feet, but not more than eight (8) colonies. Colonies must be located in the side or rear yard. This applies to all zones other than R-1-20,000; changing item C to say, “Colonies shall be kept in boxes with removable frames which shall be kept in sound and usable condition”; altering D by replacing all instances of “hives” to “colonies” and adding “revocable” before “permission is attained”; E shall read, “Colonies shall be operated and maintained as provided in the Utah Bee Inspection Act; and section F should read “Each colony shall be conspicuously marked with the owner’s name, address, telephone number, and state registration number. Seconded by C. Augustus. Vote taken by roll call.

Yes - C. Augustus
C. Gygi
C. Jackman
C. Martinez
C. Rees Motion passes.

7. Review/Action on Amendments to the City Code, Title 4, Regarding Solid Waste and Recycling (8:16 p.m.)

See handouts.

Staff Presentation:

Kim Holindrake stated that this is an update using the new contract signed last year with Waste Management and incorporating Title 7-1A-4, which details the order in which utility payments are used.

Council Discussion:

C. Martinez stated that Ken Kirk passed along that the correct term for what is defined in this document as solid waste is municipal solid waste (MSW).

MOTION: C. Jackman - To approve Ordinance No. 1-17-2012B, an ordinance amending Title 4 of the City Code of the City of Cedar Hills, Utah, amending the requirements relating to waste and

recycling as presented, changing the word “solid waste” throughout to “MSW” and in the definitions section replacing “solid waste” with “municipal solid waste (MSW)”. Seconded by C. Martinez. Vote taken by roll call.

Yes - C. Augustus
C. Gygi
C. Jackman
C. Martinez
C. Rees Motion passes.

9. Review/Action on Resolution of Intent to Annex Property Located at Approximately 10018 North and 4800 West (8:23 p.m.)

See handouts.

Staff Presentation:

Mayor Richardson stated that the Jacobs property is ready to come into the city at this time. It is owned by Rhinehart Land Company. He would like to make the annexation contingent on Rhinehart’s participation in the city’s master street plan.

Kim Holindrake stated that the City is annexing this according to UCA 10-2-418, which reduces the noticing requirements.

MOTION: C. Augustus - To approve Resolution No, 1-17-2012A, a resolution indicating the intent of the City Council to annex a portion of an existing island or peninsula; identifying the area proposed for annexation; authorizing a public hearing of the proposed annexation; providing for the publication of notice of said hearing; and subject to the approval of the city master plan with participation of development of roads and all necessary costs. Seconded by C. Gygi. Vote taken by roll call.

Yes - C. Augustus
C. Gygi
C. Jackman
C. Martinez
C. Rees Motion passes.

10. Review/Action on Board/Committee Appointments—Planning Commission and Board of Adjustment (8:27 p.m.)

See handouts.

Mayor Richardson stated that he was ready to make one appointment, which is Randy Gehring to the Board of Adjustment.

MOTION: C. Augustus - To appoint Randy Gehring to the Board of Adjustment. Seconded by C. Martinez.

Yes - C. Augustus
C. Gygi
C. Jackman
C. Martinez
C. Rees Motion passes.

11. Review/Action on City Council Assignments (8:28 p.m.)

Mayor Richardson recommended the assignment of C. Gygi and C. Augustus to the Golf Finance Advisory Committee. He also recommended C. Rees be given the assignment of the Community Covenant program.

MOTION: C. Gygi - To appoint Gary Gygi and C. Augustus to the Golf Finance Advisory Committee. Seconded by C. Jackman.

Yes - C. Augustus
C. Gygi
C. Jackman
C. Martinez
C. Rees Motion passes.

MOTION: C. Jackman - To appoint Jenney Rees to the Community Covenant Program. Seconded by C. Gygi.

Yes - C. Augustus
C. Gygi
C. Jackman
C. Martinez
C. Rees Motion passes.

Council Discussion:

- C. Augustus stated that he would like to see how far Cedar Hills can push the Community Covenant Program.

MOTION: C. Jackman - To do item 13 next. Seconded by C. Martinez.

Yes - C. Augustus
C. Gygi
C. Jackman
C. Martinez
C. Rees Motion passes.

MAYOR AND COUNCIL REPORTS

13. Board and Committee Reports (8:36 p.m.)

C. Gygi reported that the North Point Solid Waste Special Service District made a purchase of a construction and demolition waste dump in Fairfield. This will save the District \$80,000/year in tipping fees. It will be a small savings to Cedar Hills because its contribution is small. There is a contract coming up in about a year with the municipal solid waste company. There is a possibility that site can also take some municipal solid waste. On Utah Valley Dispatch there is a safety issue with boundaries with Pleasant Grove. The issue should be less about how many residents are in Cedar Hills or Pleasant Grove, but rather safety issues. There are some residents of Cedar Hills who live on a street with Pleasant Grove residents. Responders may have difficulty finding the house because it is a Pleasant Grove street. There are homes close to the Cedar Hills public safety building but live in Pleasant Grove. Those calls from Pleasant Grove automatically dispatch to Pleasant Grove, though that building is much further away than the Cedar Hills building. It opens the City to liability. It is a serious issue that needs to be talked out with Pleasant Grove.

C. Martinez: The community services director has changed.

C. Rees: She has refined her list on communication ideas. She asked for input and feedback.

12. City Manager Report and Discussion (8:45 p.m.)

- The Budget Finance Committee will meet next Friday.
- Next Tuesday, 6 p.m., there will be a joint work session with Pleasant Grove City to discuss sewer issues. C. Jackman asked that public safety issues be on the agenda.
- Pleasant Grove will hold their Strawberry Days the 3rd Thursday of June, which pushes it back this year to in the middle of the Family Festival. He proposed moving the Family Festival to before Strawberry Days. He Asked the Council to consider the City of Fun carnival rides. There is no cost to the City, and they give 15% back to the City.
- Marisa Wright was asked to come back with a few more options for artwork for the recreation center. Option A: Natalie Scott refined her bid, which could range from \$11,000 to \$17,000. Option B: Critical Laser does metal cutouts. She asked for a four-foot metal circle, 3/8 inch thick, with some image (trees, Cedar Hills). She would need three (two on walls, one on fireplace) for roughly \$1500 each. Option C: Original oil paintings. She would need five or six, and it would cost \$4000 and up. Option D: Stock art. Non-commissioned, non-original reproductions. C. Gygi does not want the recreation center to look any less beautiful on the inside as it does on the outside. He recommended using Natalie Scott, but use Critical Laser to do the Cedar Hills logo. C. Augustus stated that he doesn't have a problem with the budget. He would like to take it one step at a time. Start with a few trees and then take a few months to see what else is needed. He would also love to see a Critical Laser piece and an area where local artists can exhibit their work on a rotating basis. C. Martinez stated that she likes Natalie Scott's work, particularly because she is a resident. Mayor Richardson stated that he doesn't want to go overboard with one style of art.

EXECUTIVE SESSION

14. Motion to go into Executive Session, Pursuant to Utah State Code 52-4-204 and 52-4-205 (9:40 p.m.)

MOTION: C. Jackman - To go into Executive Session, Pursuant to Utah State Code 52-4-204 and 52-4-205 to discuss pending litigation. Seconded by C. Martinez.

Yes - C. Augustus
C. Gygi
C. Jackman
C. Martinez
C. Rees Motion passes.

15. Motion to Adjourn Executive Session and Reconvene City Council Meetings (10:17 p.m.)

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

Yes - C. Augustus
C. Gygi
C. Jackman
C. Martinez
C. Rees Motion passes.

ADJOURNMENT

16. Adjourn

This meeting was adjourned by 10:17 p.m. on a motion by C. Jackman, seconded by C. Martinez, and unanimously approved.

Approved by Council:
February 7, 2012

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