

PUBLIC HEARING AND CITY COUNCIL MEETING
Tuesday, June 2, 2009 7:00 p.m.
Public Safety Building
3925 W Cedar Hills Drive, Cedar Hills, Utah

Present: Mayor Mike McGee, Presiding
Council Members: Jim Perry, Marisa Wright, Eric Richardson, Ken Kirk, Charelle Bowman
Konrad Hildebrandt, City Manager
Kim Holindrake, City Recorder
David Bunker, City Engineer
Rachel Brown, Finance Director
Brad Kearl, Chief Building Official
Jim Madsen, Director of Golf
Courtney Hammond, City Meeting Transcriber
Others: Scott Jackman, Shawn Richins, Diane Kirk, Ken Harris, Caleb Warnock, Jenna Webb, Brent Uibel, Jonessa White, Julie Patterson, Jerron Patterson

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 C. Wright

Pledge led by C. Richardson

2. Public Comment (7:10 p.m.)

Brent Uibel: Mr. Uibel stated that he thinks the proposed golf course clubhouse is too monochromatic in its appearance. He would like to have something on the front of the building that is more striking, such as beams with and mortise and tendon joints that relates it to the outdoors.

PUBLIC HEARINGS

3. Amendments to the Fiscal Year 2009 Budget (July 1, 2008 to June 30, 2009) (7:12 p.m.)

Jenna Webb: Ms. Webb stated that she represents residents in the Bayhill East area. There is a Bayhill Drive Park that is next on the agenda for development. Over 200 young children live in the area. She requested that the park move forward on the capital parks project. The neighbors would like grass, trees and picnic areas. The community is willing to assist with labor and assistance. She requested that the park be completed in sections as money becomes available. C. Perry said there was a plan to do the park along with the Bonneville Shoreline Trail, which the City had a grant for. The trail plan fell through, and the grant was not awarded. He spoke with Stephanie Martinez who said that the Harvey Park is next, but will take years. The next park after that is this Bayhill Park. There was a strong showing from residents in this area for the sod party when the pocket park was put in on Doral Drive.

4. Resolution Adopting the Fiscal Year 2010 Budget (July 1, 2009 to June 30, 2010) (7:16 p.m.)

No comments.

CONSENT AGENDA

5. Minutes from the May 19, 2009, Regular City Council Meeting (7:17 p.m.)

MOTION: C. Perry - To approve the minutes from the May 10, 2009, Regular City Council Meeting, subject to all of the amendments. Seconded by C. Bowman.

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

SCHEDULED ITEMS

6. Review/Discussion on Final Design for the Golf Course Clubhouse (7:18 p.m.)

See handouts.

Staff Presentation:

Ken Harris presented some interior and exterior proposals. The documents are 75% complete and will be ready ahead of bid schedule.

Jim Madsen stated that he is very happy with the interior design. The entryway will be slate with a wood border trim. In the larger areas, there will be a porcelain slate-look tile. Sleepy Ridge got rated #6 in the state of Utah for receptions. He suggested that the Council walk through a clubhouse/reception center that is sought after as a reception venue. Ken Harris and his staff also designed Sleepy Ridge.

Council Discussion on Design of the Building:

- C. Wright stated that the interior looks too masculine. She can tell a woman did not take part in designing the interior. She wants the primary emphasis in the design to be geared toward the reception center. She specifically doesn't like the rust and green colors and the multicolor carpet. After reviewing the swatches and understanding where they will be going, she revised her comments and is now concerned with the color of the logo in the tile and the fittings of the bride's room. She would like to provide her input for the bride's room.
- C. Bowman stated that she likes the neutral interior that it can accommodate any color scheme. People will come to this location for the spectacular view. She doesn't see it as masculine. She doesn't like the white on the exterior of the building. She agrees with Brent Uibel that the exterior needs a focal point. She liked the previous wood beam trusses because it provided that focal point and was appropriate to the surroundings. She is concerned with costs. She will not approve anything more than what the City can afford.
- C. Kirk stated that Richard Manning of Orem invited the Council to tour the Sleepy Ridge golf course at 4:00 p.m. on Wednesday. He thinks the construction environment is right for bidding. The golf course is turning away Sunset Room rentals after September. Any delay can mean missed return on investment. Timing is key.
- C. Perry stated that swatches don't tell the whole story. He agreed that the colors look masculine. He would like to see a computer rendering. He proposed that C. Wright consult with her mother, who founded Alyssa's Bridal, about the interior design of the building.
- Mayor McGee stated that he thinks the design of the clubhouse portion is fine. The reception center should be more neutral.
- C. Richardson stated that he is not at the point where he would tell the architect to draw up complete plans. The Council approved original plans, but stipulated further input from Council, a design build process, costs, etc. He volunteered to work on a subcommittee to work through his issues with the structural design of the building.

Council Discussion on Financing of the Clubhouse:

- Mayor McGee stated that Eric Johnson indicated that to get funding for \$1-2 million, it needs to go to public financing, which process needs to start within weeks. He suggested a parameters resolution by the next meeting.
- Konrad Hildebrandt stated that one of the options for financing involves using a portion of the recreation facility impact fees. The aquatic/recreation facility will have to go to public bond.
- C. Wright stated she likes the idea of having one loan for one building, and owning the other free and clear. The clubhouse is a legitimate use for the impact fees.
- C. Bowman stated that she does not favor taking money earmarked for a recreation center that residents have been clamoring for and using it for something that is controversial. The repercussions would be huge.
- C. Kirk stated that he leans towards using the impact fees because there is a timeframe issue with the impact fees. If the clubhouse portion fits the bill for impact fees, then it can be bought with cash and save interest and fees on two separate bonds.
- C. Perry stated that he cannot support taking money that was clearly intended for a recreation center that the community wants and using it for a golf course clubhouse/reception center that can only ever be used by a tiny fraction of the community. He further stated that the argument that the impact fees may be lost unless they are encumbered now is not legitimate. There is no chance that the impact fees will be lost because the Council is actively moving forward on a recreation facility. When he first ran for office there was an initiative to require no bonding without a vote of the people. He helped broker a compromise that allowed the Council to bond for core infrastructure without a public vote. But it isn't right to take impact fees collected for a recreation center and swap the funds/bonds because it will be easier to get them to vote for a recreation center than a clubhouse. On principle, he believes that people should have a voice in things that are not critical. The clubhouse qualifies as one of them. Switching the funds would not be true to the ordinance or the referendum.
- C. Richardson stated that the bond(s) would be for the same amount whether it was for one large bond or two smaller ones. Using money from a different source obscures the analysis of a return on investment.
- Mayor McGee stated that the golf course clubhouse is a more difficult sell than the recreation center. It would be disingenuous to use the impact money on the clubhouse, and then ask residents to bond for a recreation center when the Council knows that the residents will bond for a recreation center. They may not for a clubhouse. He is not implying that using impact fees is dishonest or wrong, but the implication may be construed as dishonest. He would not support using impact fees for that reason.

Council Discussion on Necessity to Bring a Bond to Public Ballot:

- C. Bowman stated that this is the first she has heard of a public vote for the clubhouse. If a vote is required, the clubhouse can't happen this year. There is no sense in creating subcommittees and getting into the details of color swatches, if this process needs to start with educating the public for an upcoming vote. Residents know this is in the works and no one has ever shown up to comment or complain.
- Mayor McGee stated that the Council was elected to make decisions, and the Council should be able to make financially prudent decisions. There should be no reason for a vote to bond for the clubhouse.
- C. Perry stated that he believes people should have a vote in whether they want a tax increase for non critical infrastructure. Seventy percent of voters supported the referendum requiring a public vote on bonding. He believes the ordinance says that the City cannot legally finance the clubhouse without a public vote. The clubhouse does not qualify, especially when considering that the impetus behind the referendum was the golf course. He sees two options: change the ordinance, or take it to a

vote. If this can't be sold to the public, then the Council needs to figure out what can be sold to the residents. The responsibility of the Council is to put together the best compromise of value, cost, and return on investment. When he feels that the Council is there, he will be out passing out flyers.

- C. Richardson stated that the ordinance can be changed with three votes, so the Council doesn't need to argue what the ordinance does or does not say or its intent.
- C. Kirk stated that the golf course is a public asset. Without repair and maintenance, the investment is lost. The clubhouse is in the best interest of the community. The golf course can be looked at as an investment or liability. He sees it as an investment.
- C. Wright stated that she understands C. Perry's argument. But residents don't understand all the intricacies of the decision in the paragraph they see when they vote.
- C. Bowman stated that she believes times have changed and the residents trust this Council. There is a track record of being financially wise.
- Mayor McGee suggested C. Richardson work with Ken Harris on the structural issues and instructed Kim Holindrake to put a change to the ordinance on the next agenda.

Meeting break at 9:05 p.m.

Reconvened at 9:15 p.m.

7. Review/Action on Amendments to the Fiscal Year 2009 Budget (July 1, 2008 to June 30, 2009)
(9:15 p.m.)

See handouts.

Staff Presentation:

Rachel Brown stated that most of these amendments are projects that were previously approved by the Council, but were not budget amended until now.

Council Discussion:

- C. Richardson stated that he is happy with the auditors, but auditing expenses have gone up quickly. He favors putting auditing services out to bid to ensure the City gets the best value. Rachel Brown said she is not opposed to bidding it out, but is opposed to taking the lowest bidder. Auditing costs are down from where they were two years ago.
- C. Richardson stated that he would like the spring tree project as a different line item to better track how the project went. Rachel Brown insisted that other income is an appropriate line item because it was an unexpected project. If the project is done again in the future, a different line item will be created.

MOTION: C. Wright - To adopt Resolution No. 6-2-2009A, a Resolution adopting the amended 2008-2009 Fiscal Year Budget for the City of Cedar Hills, Utah. Seconded by C. Kirk. Vote taken by roll call.

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

8. Review/Action on Resolution Adopting the Fiscal Year 2010 Budget (July 1, 2009 to June 30, 2010)
(9:40 p.m.)

See handouts.

Staff Presentation:

Rachel Brown presented the Fiscal Year 2010 Budget. The CARE Tax will be updated as it comes in and will be its own line item. David Bunker reported on his analysis of the skid steer. This year, staff has spent 158 hours using the skid steer. A rental facility will give the City a rental of \$30/hour plus delivery. The total would be around \$7,400. Day rates are \$170, which would cost even more. The skid steer has been used for sidewalk replacement, which cost \$14,000. Without the skid steer to pull up the sidewalk, the cost would have doubled. The City was also able to use the skid steer for the tree project and cleaning retention ponds. The annual lease on the skid steer is \$5,250. Konrad Hildebrandt stated that he is working with RapidWave to get free internet to the city buildings.

Council Discussion:

- C. Perry wanted to know the greatest item of risk, the area to cut if the revenues were \$100K less, and what would be added if \$100K more. Rachel Brown stated that other than golf, the biggest risk was anything related to building permits or sales tax revenue. Konrad Hildebrandt added that other cities have more risk associated with sales tax revenue because they budget fixed costs based on sales tax revenue. Cedar Hills doesn't. Konrad Hildebrandt stated that he would cut Mountainland Association of Governments (\$8,000). He doesn't think the City gets much value from it. Mayor McGee stated that Eric Johnson approached him and said that the City could work out a set cost for legal services. The City may be able to save \$30,000. Konrad Hildebrandt stated that he would favor putting more money in parks, streets, contract labor for auditing, and snow removal.
- C. Wright stated that Saratoga Springs offered her husband \$80-90,000 to come to every city meeting and handle all their legal matters. That may be a good place to start with negotiations with Eric Johnson.
- C. Bowman stated that she would like to see the capital projects park plan.
- C. Kirk commended staff for the budget.

MOTION: C. Kirk - To adopt Resolution No. 6-2-2009B, a resolution adopting the 2009–2010 Fiscal Year Budget for the City of Cedar Hills, Utah, as presented and discussed. Seconded by C. Wright.

Further Discussion:

- C. Richardson stated that he wasn't aware that the Council would be approving the budget tonight. Otherwise he would have raised additional issues.
- C. Bowman stated that she would like to talk to Konrad Hildebrandt about compensation packages.
- C. Wright expressed frustration that the Council did not get their issues addressed in the previous weeks.

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

9. Review/Action to Award the Bid for the 2009 Street Chip Seal Project (10:43 p.m.)

See handouts.

Staff Presentation:

David Bunker stated that there were two bids for this project, which included 40,000 square yards with a fog coat. Bonneville came in at \$140,000 and Intermountain Slurry came in at \$111,200. He recommended Intermountain Slurry. They will focus on the Apple Blossom area.

Council Discussion:

- C. Wright stated that Gary Maxwell's father invented a machine that tears up asphalt, adds oil, and

replaces it. David Bunker said that roto-milling it is a good option for replacing a street, but it is difficult to mobilize the equipment and isn't appropriate for this kind of project.

MOTION: C. Wright - To award the 2009 Street Chip Seal Project to Intermountain Slurry in the approximate amount of \$111,200. Seconded by C. Bowman.

Further Discussion:

- C. Perry was concerned that the City received only two bids. David Bunker stated that there are only a few companies that do chip seals. He expected a bid from Geneva Rock, but they did not bid.

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

MOTION: C. Kirk - To adjourn. No second motion dies.

MOTION: C. Perry - To extend the meeting until 11:20 p.m. or until we finish items on the agenda. Seconded by C. Richardson.

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

10. City Manager Report and Discussion (11:01 p.m.)

- Bids for the Mahogany Drive pressurized irrigation project are around \$21,300. Konrad Hildebrandt asked the Council for direction. Council directed staff to present options as an agenda item at a future meeting.
- It's time for Public Works to take water test readings for specific items, which is required every three years. These have to be first tap samples. If any of the Council is interested, they are to contact Konrad.

MAYOR AND COUNCIL REPORTS

11. Board and Committee Reports

No reports.

EXECUTIVE SESSION

12. Motion to go into Executive Session, Pursuant to Utah State Code 52-4-205

MOTION: C. Perry - To go into Executive Session, Pursuant to Utah State Code 52-4-205 to discuss the character and competence of an individual and pending litigation. Seconded by C. Richardson

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

C. Wright Motion passes.

*** EXECUTIVE SESSION ***

13. Motion to Adjourn Executive Session and Reconvene City Council Meeting (12:01 p.m.)

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

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

ADJOURNMENT

14. Adjourn

This meeting was adjourned at 12:02 p.m. on a motion by C. Kirk, seconded by C. Wright, and unanimously approved.

Approved by Council:
August 4, 2009

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