

CITY COUNCIL MEETING
Tuesday, August 4, 2009 7:00 p.m.
Public Safety Building
3925 W Cedar Hills Drive, Cedar Hills, Utah

Present: Mayor Mike McGee, Presiding
Council Members: Eric Richardson, Ken Kirk, Marisa Wright, Charelle Bowman, Jim Perry
Konrad Hildebrandt, City Manager
Kim Holindrake, City Recorder
Brad Kearl, Building & Zoning Official
Courtney Hammond, City Meeting Transcriber
Others: Scott Jackman, Shawn Richins, Karissa Neeley, Diane Kirk, Cliff Chandler, J.R. Sellers,
Carolyn James, Bruce James, Dick Smith, Zonda Perry, Stephanie Martinez, Paul Sorensen

COUNCIL MEETING

1. This meeting of the City Council of the City of Cedar Hills, having been properly noticed, was called to order 7:00 p.m. by Mayor McGee.

Invocation given by C. Kirk

Pledge led by C. Wright

2. Public Comment (7:02 p.m.)

Bruce James: Mr. James stated that the roads in his neighborhood were resurfaced a few weeks ago. Many neighbors are upset by the application that was chosen and the lack of communication with the neighborhood. Both he and another neighbor, Dick Smith, have practiced as civil engineers. They have submitted a petition to outline their grievances and suggested remediation. The chosen application affects the livability of the neighborhood, i.e. rollerblading and skateboarding cannot be done on the new road and children have been injured on the jagged surfaces. C. Richardson stated that he has spent several evenings talking to residents in that neighborhood and would like to talk to more residents.

J.R. Sellers: Mr. Sellers stated that his wheelchair goes 10 mph. When you let go of the joystick, his wheelchair stops gradually over 15 feet. The jagged road jerked his foot off the footplate of his wheelchair, and it got dragged for 15 feet leaving his foot bloody. Now, he has had to strap his ankles together to keep his legs from jerking off. He doesn't understand why the surface cannot be smooth like other roads.

Dick Smith: Mr. Smith stated that he practiced as a civil engineer for 40 years. The road will eventually level off where the heavy traffic drives, but along the side of the street where Mr. Seller travels on his wheelchair will not level off. He feels that it is an economical way to do the road, and is appropriate for country roads, but not for residential neighborhoods.

C. Wright stated the Council trusts David Bunker's opinion on asphalt and road surfaces. The Council recently approved a tax cut that reduced her taxes by \$200 a year. The City doesn't have the money to have every street beautifully paved. The City has to use economical options.

CONSENT AGENDA

3. Minutes from the June 2, 2009, Public Hearing and Regular City Council Meeting (7:20 p.m.)
4. Minutes from the June 16, 2009, Public Hearing and Regular City Council Meeting (7:20 p.m.)
5. Minutes form the July 14, 2009, Regular City Council Meeting (7:20 p.m.)

MOTION: C. Kirk - To accept the June 2, 2009, and June 16, 2009, minutes and the July 14, 2009, minutes. Seconded by C. Wright.

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

SCHEDULED ITEMS

6. Review/Action on Resolution Adopting Fees (business licensing fees) (7:22 p.m.)

See handouts.

Staff Presentation:

Brad Kearn stated that each home-based business costs the City an average of \$61 and is being charged \$55. The current base rate is \$50 plus \$5 for home-based businesses. Staff recommends increasing the base fee to \$55 plus \$10 for home-based businesses. City costs for business licensing includes sending two staff members to two-yearly seminars. By not attending the seminars, the City drops in point value.

Konrad Hildebrandt stated that while some businesses don't need an inspection, others do. But businesses still need a city licenses in order for staff and Council to know what is going on in the City and to be an advocate for the business to the state.

Council Discussion:

- Mayor McGee stated that the \$13,000 in the administrative expenditures is largely taken up by the time the building official department spends on business licensing.
- C. Richardson stated that not all businesses conduct business. He feels like those businesses that don't conduct commerce shouldn't be charged. The City could create an online process for those types of non-commerce businesses.

MOTION: C. Perry - That we ask staff to do some analysis and return with a proposal that includes a nominal fee for "low- to non-impact businesses" and in the meantime improve an increase of \$5 to the base and \$5 to home-based businesses so that residents that do not have a business in Cedar Hills are not subsidizing those that do. Seconded by C. Richardson.

- C. Kirk would like to add a provision to include enforcement.

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

7. Review/Action on Cedar Hills Golf Course Items (7:48 p.m.)

See handouts.

Staff Presentation:

Konrad Hildebrandt stated that over the past several years, the Council has been working on ways to

reduce the tax burden of the golf course. Staff would like to clarify the direction and priorities and time frames of all action items relating to the golf course. The next City Council meeting would be the deadline to have a Council vote to put a General Obligation Bond on the November ballot.

Council Discussion:

- C. Kirk stated that the clubhouse has been on the agenda for the past year, and the City has spent money on architectural renderings. He would like to move forward on the original design of the golf course clubhouse and bring it to the public for a vote.

MOTION: C. Kirk - To move forward on the original design of the golf course and bring it to the public in November. No second. Motion dies.

Further Discussion:

- C. Bowman stated that she will vote for a clubhouse if it is the right one and the right price. She is still unsure of what that is.
- C. Perry stated that he has seen alternatives, and C. Richardson is still vetting an alternative that may not affect the tax burden of the City and would give the City the facilities it needs at the lowest cost. He would not vote for the current proposal when there may be a better option. The Council needs to be able to fully support whatever clubhouse proposal they present, and there needs to be a clear plan B in place that the public understands.
- C. Richardson is working with an architect to get the best return on investment (ROI) with sizing, etc. He is unwilling to put the current clubhouse proposal to a vote, because there is no set alternative if the vote is no. It gives no indication of what residents want. The Council needs to take the time to make sure the proposal is the best possible proposal. He is happy to meet with anyone to go over the details thus far on this new concept/design.
- C. Kirk stated that the City needs an explanation of why the clubhouse is not on the ballot. His concept of the better option that C. Richardson is vetting is a combination building of a clubhouse, recreation center, and City office building. He doesn't see any ROI in that combination. He does not want to call a special election because the public perceives special elections as "sneaking in a vote."
- C. Wright stated that she voted to spend the money for the clubhouse design. Public response indicated that they did not support the clubhouse, and she changed her mind. She was elected to represent the residents. The newer concept of a triple center, in her mind, is a better sell for the public and something she feels they will support.

MOTION: C. Bowman - To direct staff and Eric Richardson to coordinate before the next City Council meeting to put together a plan and proposal as far as a clubhouse, recreation center and city center so that we can be prepared before August 20 for the general vote in November. Seconded by C. Kirk.

Further Discussion:

- C. Perry stated that a proposal may not be ready by the next Council meeting.
- C. Bowman stated that this is an important issue. She would like to see it on the ballot in November.
- C. Richardson stated that he would like to see it on the most appropriate ballot, whether that is November or later. The August 20 date is only necessary for a General Obligation Bond. Any other type of general vote that does not include a General Obligation bond needs to be ready 50 days before the general election.

AMEND MOTION: C. Bowman - To delete the section that says "so that we can be prepared before August 20 for the general vote in November." Accepted by C. Kirk.

Yes - C. Bowman
C. Kirk

C. Perry
C. Richardson
C. Wright

Motion passes.

Further Discussion:

- C. Wright stated that she has been thinking about ways to get more people on the golf course. She suggested that children 14 and under be allowed to play free with a paying adult. It would make this course the only course in the county that offers free play for kids and would develop a new generation of golfers.
 - C. Perry stated that there are only a certain number of tee times. You have to construct a system so you don't cannibalize your current rounds. This idea and many others have been proposed previously. He supports the idea if it makes sense to Jim Madsen, but he is unwilling to have the Council make decrees about how to run the golf course. If the Council micromanages the course, be prepared to lose revenue. There is water puddling at the American Fork tank by the cart path, and it has been that way for two months. He has also gotten feedback that the tee boxes aren't looking good.
 - C. Kirk stated that he doesn't want to lose paying golfers to develop new golfers. Children learning the game may turn off more experienced golfers.
8. Review/Action on Resolution to Amend the City's Retirement Coverage Date (8:26 p.m.)

See handouts.

Staff Presentation:

Konrad Hildebrandt stated that the City first provided benefits to the State of Utah Retirement System (URS) on October 1, 1997. There is one current employee that worked for the City prior to that date, since May 23, 1991. She has request the City to revert her retirement back to that date. The fiscal implication is \$24,899, about \$6,000 of which is principle, and about \$18,000 in interest. Participation in the URS is mandatory. He was not with the City at that time period. He is unsure of the state law regarding retirement at that time period. It would be a benefit to this employee and may bring up requests from other employees. It is unclear whether this employee was an employee or a contract employee.

Kim Holindrake stated that when she started there was a billing clerk and a part-time town clerk. Her position was created to combine those positions. City Council members did many inspections, and other duties were fulfilled by contract employees. At the time she started working for the City, no one understood the state retirement system. The \$24,899 figure is based on the payroll she received over the years. She said she was a City employee, never a contract employee. She got a lump sum for the job she did, but was not on contract.

Council Discussion:

- C. Perry stated that he doesn't see why the Council would make this decision now when the administrators at the time did not. He does not have enough info to vote in favor. He doesn't know the laws at the time nor does he fully understand the system. He would also like to understand the implications for others who once worked for the City.
- C. Richardson stated that it comes down to whether the City should or shouldn't provide the benefit. He needs more information to make that decision.
- C. Kirk stated that he needs information about why it is the right thing to do. He needs to know what the state requirements were on May 23, 1991.
- Mayor McGee stated that he needs to know when this employee transitioned from contract employee to an employee.
- C. Wright stated that there are too many legal unknowns. She suggested that it receive legal review.

MOTION: C. Perry - To continue this item until such time as staff has prepared a substantial portion of requested information as is appropriate. Seconded by C. Bowman

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

9. City Manager Report and Discussion (8:50 p.m.)

- The management report contains statistics on property taxes. Just 23% goes to the City.
- Only one band signed up for Battle of the Bands on August 28. The cutoff date is August 12.
- Staff is actively working on the culinary water project and the Pressurized Irrigation II project.
- The Carriage Lane and Redwood Drive area is the responsibility of the developer.

MAYOR AND COUNCIL REPORTS

10. Board and Committee Reports (8:59 p.m.)

- C. Perry: The Youth City Council is gearing up for a new year. Lone Peak Public Safety District (LPPSD) has had many unusual requests from HOAs. Legal review recommended that LPPSD not enforce in HOAs unless everything is enforced as it would be on public streets. He went on patrol with Sergeant Richins.
- C. Richardson: UTOPIA met and is selling the special assessment area model in Brigham City and parts of Centerville and Layton. UTOPIA is pursuing stimulus money through the US Chamber of Commerce. The Planning Commission discussed the special events ordinance. He met with Phillips Edison about the sign. They are delaying their presentation to the Council.

EXECUTIVE SESSION

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

12. Motion to Adjourn Executive Session and Reconvene City Council Meeting

No Executive Session.

ADJOURNMENT

13. Adjourn

This meeting was adjourned at 9:10 p.m. on a motion by C. Bowman, seconded by C. Kirk, and unanimously approved.

Approved by Council:
August 18, 2009

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