

CITY COUNCIL MEETING
Tuesday, November 15, 2011 7:00 p.m.
Public Safety Building
3925 W Cedar Hills Drive, Cedar Hills, Utah

Present: Mayor Eric Richardson, Presiding
Council Members: Ken Kirk, Scott Jackman, Stephanie Martinez, Marisa Wright, Jim Perry
Konrad Hildebrandt, City Manager
Kim Holindrake, City Recorder
Rebecca Tehero, Finance Director
Courtney Hammond, City Meeting Transcriber
Others: Gary Gygi, Jenney Rees, Cliff Chandler, Gretchen Gordon, Myron Hassard, Sam Liddiard, Molly Remund, Barbara Cromar, Debbie Severn, Bob Lyle, Cato Jones, Scout Troop 1170, Reverend Jack Dunn, Paul Sorenson, Rob Crawley, Marshall Shore, Zonda Perry, Jerry Dearing, Ken Cromar, Neshia Thomas, Curt Crosby, Ken Severn, Dan Davis, Joseph Davis, Diane Kirk, Karissa Neely, Amy Porter, Jonia Lundberg

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 Richardson.

Invocation given by C. Perry

Pledge of Allegiance led by Zach Thomas

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

Curt Crosby: Just, at least for me, a couple of key points as concerning the recent election, and I'm sure you are as concerned about it as I am. There is really some truth to the issue of the poll watchers not being allowed to watch the counting, then that is a big concern of mine, and I'm sure you are as concerned about it as I am. I think the election was, I guess you can say, hotly debated and contested from what I saw. The citizens were pretty involved. From what I could see outside of the area, I think we had the biggest turnout of anybody in any area, which is good to see our citizens involved. My concern is that, at least especially when it comes to the city, I was concerned both with the September newsletter and the November newsletter. They both appeared, in my opinion, to have a specific, I guess you could just say, bent toward the election, and I don't think that is a fair way for the City to send and use the newsletter, and so that is a concern of mine. Then the one last question that I would have is, you know, when the city began, as I understand it, as a matter of fact in the seventies, if I remember right—what is the process for parts of cities, like for example, let's say some of us might feel, I guess you could say, disenfranchised with the city. And what I'm wondering is: has there ever been part of a city that has left the city and gone to be part of another city? I've never known of that, but that's been on my mind and I feel like if we can't really get representation in our city for the issues that seems really important to us then maybe we've got to find another city that might take us. Thank you for your time.

Mayor Richardson: Curt, I'm happy to talk to you about that at any point in time, about your question.

Curt Crosby: You can email me.

Cato Jones: Mayor and Council, thank you for your time. I just have a couple of comments about the election too. I was asked to make a couple of comments on my experience. I've never been asked to be a poll counter before, so I've had no experience—or a poll watcher, I should say. And I'm too old and fat to be a pole dancer, so I guess that won't rule into it. Anyway, I wasn't aware of any of the instructions or anything. We were given written instructions, which I read.

C. Perry: Wait, just to clarify, you were saying that you were a poll . . .

Cato Jones: I was a poll watcher for district 2 at the request of Mr. Jerry Dearing. Jack Dunn was also in the room with me, Reverend Dunn. There were two of us. There were three ladies: one reading the ballots and two ladies working, or recording the ballots on separate sheets. Everything looked fine to me. I have no reason to doubt there was any problem except we were verbally told—we started to sit close and we were verbally told, both Jack and I, that we needed to sit back. So I sat back about 10–12 feet away at a table. I could see the lady reading the ballots and the ladies recording, but I couldn't see anything that they were doing. I couldn't see what was being read on the ballot or I never saw any of the ballots themselves. I presume they were done accurately, but I do not know that for a fact. I was given, as I said, a written instruction sheet entitled A County Poll Watcher, which had certain things in it about not calling out or not giving results out ahead of time, different things like that. We were verbally told, as I was sitting closer, to move back and we were not to be next to the counters, and that we were not to talk to them. That was basically my experience. So I tried to mark down in general terms as I heard a ballot read what I thought was done, but I didn't—neither one of us was able to see any of the ballots. Whether we were supposed to, I don't know. Just like I said, it was my first encounter with doing something like that. Due to the existing aura of skepticism and misleading comments and actions on the part of the Council and other city employees in the past, the lack of openness, I think it would behoove this Council to consider, if in fact poll watchers should have been able to see the ballots, I think it would behoove this Council to request a recount that was fully observed to eliminate any appearance of impropriety that may exist. As I say, I'm not aware of any myself, but the way that I could see ballots or see what was being said. All I could hear what was read. Like I say, with the current situation in the city where many citizens are concerned about misleading statements and lack of openness on the part of the Council and city personnel it would be a step in the right direction to request a recount and to remove any even appearance of impropriety from this election.

C. Kirk: I have a question for Mr. Jones. Are you familiar with Utah law?

Cato Jones: I am not.

C. Kirk: Thank you.

Cato Jones: I don't like lawyers.

C. Kirk: I don't either. But we are bound to obey the law.

Cato Jones: I understand.

Reverend Jack Dunn: To mirror the reflections of Cato Jones, I too would like to call for a recount. I was selected to watch the polls when Dearing, Sorenson, and Crosby ran for office in 2009 and at that time we were instructed to simply not interfere with the counting process, but we were allowed to roam freely, to watch the actual ballots to see how they were marked, to

watch the tally sheets being made. In 2009 the counters and the readers were all positioned as such that everyone who was watching the polls were able to roam about freely and observe this. As of November 8, 2011, when I was again requested to watch the polls, I sat in a position where I could see both of the counters mark the tally sheets, expecting that the ballot reader would come in the empty space between them with their back to me so I could actually see the marks on the ballots to ensure that everything was being tallied and read accordingly. Instead the individual reading the ballot sat with her back to the wall holding the ballots up from the table in such a manner that I could not see any of the marks on the ballots, but I could see the tally markers marking the sheets. They were very direct in telling us that they needed to have us sit back a certain distance, and at one point of time I even stood up to scratch my back because of some problems I've had with that, and one of the actual tally markers said that I couldn't do that, that I was able to have too big of a view of what they were doing. The actual lady reading the ballots said, "No, that will be all right. He's not close enough to encroach on your space." I believe that in light of everything that's been happening in the last little while, a recount would be appropriate.

C. Kirk: Are you making any accusations as to improprieties during the counting?

Jack Dunn: No. But I am saying, because of . . .

C. Kirk: Thank you.

Myron Hazzard: I was a watcher, and I assumed being a watcher I was supposed to watch what was going on, and not twiddle my thumbs and look at the walls. So I sat down at the counting table and was there for about a minute and one of the officials came in and said, "You may not sit there. You have to sit over there at that table." And I thought "How can I watch what is going on from over there." I only thought that. I didn't say it. But I moved over to the table that was about 10 or 15 feet away and I watched very carefully and listened very carefully, but I didn't know what I saw, but I could tell that the reader of the polls was a very conscientious man, and the two men that were writing down the vote—I know them. They are very honest and very conscientious. So I thought, "Why am I here? This is a waste of my time. I'm not watching anything except my thumbs twiddling." The thing that bothered me was that I sat where I could see and I was told to move where I couldn't see. And I thought, "That's strange. How come we're called watchers? What a waste of time." I have a recommendation that the watchers should be where they can see the ballots so they know for a surety that what's being said is actually on the ballot, and the watchers should be where they can see the tallies, so they know that horseplay isn't going on. But I don't think it did where I was because the three men that were involved are very, very honest. Now, I have a recommendation, either drop the watchers and don't act like you know what you're doing when you don't because certainly you didn't when you call them watchers and didn't allow them to watch. Now that is ridiculous. I think we are all adults and we don't need to mess around like that. So either drop the watchers or let them watch. That's my recommendation. I have here a written statement by my companion watcher James Dayton and I'd like to read what he typed: "To Whom It May Concern, On November 8, 2011, I volunteered to observe the counting of ballots for the Cedar Hills election. I was a counter during the primary election and the observers also sat at a distance. They, however, stood up and watched carefully whenever a difference was tabulated by the counters and reader of each ballot." If you call watchers in the future, let them watch. Quit playing games. We're not little kids. And you're not convincing us that you're being honest by doing that. We know better.

C. Kirk: Mr. Hazzard. I appreciate your recommendation, and I agree to a certain point because I have been a poll worker before, and I was not able to watch some of the ballots either. But that's not the purpose of the poll watcher. They are to watch certain other things and will be explained later on. But I have a question for you, sir. Do you have a specific complaint of inappropriate action?

Mr. Hazzard: Nope.

C. Kirk: Thank you.

Rob Crawley: I would like to suggest that a committee be assembled to research the possible solutions to the golf course issue. Considering that the golf course has had operating losses for 2010 and 2011 of \$149,050 and \$198,070, respectively each year—that's a revised loss from operations based on just the items that went into operating, so I propose that the committee be selected to work on a plan to reduce the operating losses in the future years as much as possible. The operating loss mentioned above does not take into consideration the costs for paying off golf course bonds or depreciation on golf course improvements. These costs are being paid for by property taxes collected for the purpose of making bond payments, so it doesn't tie in exactly to the financial statements because I tried to break out what was actually operation costs versus sunk costs that we already put in like depreciation on improvements and stuff like that. If there was a committee I'd be willing to serve on it if I was asked to. So if that comes up, I do want to serve on it. Also I'd like to suggest that the City Council and mayor request a recount of the ballots of the recent City Council election in order to appease all groups that a correct vote count was performed and to allow the healing process to begin in Cedar Hills.

C. Kirk: Mr. Crowley, do you have a specific complaint concerning the election process?

Rob Crawley: Um, I just have . . .

C. Kirk: Something that you believe to be inappropriate?

Rob Crawley: I have heard a lot of . . .

C. Kirk: No, do you specifically have a complaint that you would like to register with the City Council of inappropriate action during the election process?

Rob Crawley: Yes.

C. Kirk: What is it?

Rob Crawley: If you'd let me speak.

C. Kirk: I'd like to hear it.

Rob Crawley: Um, I have heard many complaints from residents, that they have heard the poll watchers weren't allowed to watch.

C. Kirk: So you've heard, but you yourself do not have a specific complaint. You've heard it from others?

Rob Crawley: Right. And I'm not stating that. I'm stating that I . . .

C. Kirk: I want to know if you have a specific complaint.

Rob Crawley: I'd just like to say a couple sentences without being interrupted.

Mayor Richardson: Go ahead.

Rob Crawley: There are enough people that have expressed their concern about this to me that whether legally you should or legally you have to, I think it would help the city heal.

C. Kirk: I'm not disagreeing with you. But I would like to know if somebody's got a specific complaint that we can investigate or look into other than what they've heard. And to the poll watchers I asked that because if they have a specific complaint we have full intentions of

identifying that and looking into it. We are not trying to hide anything. So I'd like to know specifics if there are any.

Rob Crawley: I wasn't there. I just know that a lot of people are concerned. I think it would help our city. That's my opinion.

C. Perry: Thank you for all your efforts.

Gary Gygi: I am one of the people that was recently elected to the Council, a Councilman-elect. This is all a process for all of us. We learn a lot as we go through this. I can tell that the contention that exists is evident in other areas of the city. As a gesture of good will I reached out to Jerry Dearing and his wife, and Paul Sorenson and Ken Cromar and had very good conversations with them and received an email today with their request to have a recount. In that spirit, I encourage them to pursue any avenue that they want to pursue in terms of a recount. Where I couldn't go, and I told Paul this this afternoon, that I couldn't go to the point of saying that I had seen or my one poll watcher that I had didn't report any complaints to me. And so where I couldn't join them was in saying that specific allegations had occurred that I was aware of, because I didn't hear of any and I certainly didn't witness any myself. So, I'm with them in spirit in terms of saying they should pursue any avenue they want in terms of a recount. Where I can't join them is in saying there's basis for that. Thank you.

Jenney Rees: There has been quite a bit of talk recently about a recount, and some concerns expressed who the poll workers were as well as the poll watchers not being allowed to see ballots. While I personally have no concerns about those who were poll workers, and I trust that their actions were completely honest and they acted with integrity, and I also believe the vote is 100 percent correct, I do want to go on the record stating that I have no issue with any candidate requesting a recount if they have concerns about the accuracy of the vote. Thank you.

Molly Remund: I don't have very much time to talk, so I won't be able to say everything I would like to say. I want to start out by saying that I believe that the City Council members are honest people who are trying to do what they think is best for our city. I didn't always feel that way, but I've come to that conclusion, however I do understand why some people have concerns. I believe mistakes have been made in communicating information to the citizens and also making information available to the citizens. I believe that the rift that we currently have in the city could have largely been avoided or greatly minimized if the city newsletter was utilized differently than it currently is. I know that as City Council members you feel you have done all that you can short of going door to door to talk to the citizens about issues and get their input, however I believe that the city newsletter, especially with the discussion on the impact fees could have been done leading up to the meetings that you had. You could have given a lot of information in the city newsletter about how the impact fees are collected, the deadlines involved, what is going on in other cities as far as lawsuits and things that create a sense of urgency in this situation, as far as letting us know that there may never be a traditional recreational facility in our city, that there may also be the possibility of a clubhouse being built. I know myself, I would have come to the meetings if I had known a little better what was at stake, and at those meetings I would have realized that the information you use yourselves to make your decisions would be made available to us as citizens and also that people would have been invited to pore over that information and themselves contribute ideas because we are only as good as the information we have. And I believe you wanted to make the right decision in this case, however as a citizen, and I am a

person that is very politically involved, and I like politics, and I like things like that, but I am an average citizen. I will get involved if I feel motivated that something is going to impact me. So I feel like if the city newsletter had front and center a lot of the information that we can be trusted with, that we are reasonable and we are intelligent, and that we will be able to go through this information and possibly we might have come to the exact same conclusion that you did, but at least we would feel like that information was given to us. I know that you don't want to have bad publicity, and we do now have bad publicity, so I would encourage you from here on out, especially where it says City Meeting Updates, in my mind that is kind of after the fact. As much space should be attributed to what's coming up, what's going to be talked about, what issues are facing the city, why we're talking about them and what the possible outcomes might be so that people who have an interest in whatever particular agenda items are, that they can then come to the meetings. I know that they are available to us. But we aren't going to make that extra step. If you are going to email something to us I would much rather have the results. I'd rather know from the city newsletter what's coming up and what we want to discuss. So I would greatly encourage you to change the format of the newsletter and also to change the format of the city website, and I feel like if you do that and if the responsibility is taken for the mistakes in the past of communicating with the citizens that will go a long way to healing the rift that we currently have.

C. Wright: I just wanted to say in regards to that comment, I had one of the most enjoyable conversations with a resident, with Molly after the election took place. I just want to say with a body this big, I know that all the residents aren't here, but I just want to say, our telephone numbers are on the website and our email numbers are on the website. I think that when people have a concern, very few people take the time to email. Some of you do, but I do think you also need to respect each Council person's choice of communication. I emailed her back and said, "My life is such that I cannot sit down and write you a lengthy email. Please call me." She has been one of only three or four residents that has ever called me back because I am a mother of four children first and I am a Council person second and I can make time while I'm in the car to and from. My point is we are all here available. I hear so often in this community that "The Council isn't listening to us. The communication is terrible." Then why is my home phone number on the website, because anyone can call me or any of us and any time. Please utilize that. I realize it's more uncomfortable for some people to actually pick up a phone, but for some people on the Council maybe that's the only way for them to really communicate while in between making meals or something. So thank you, Molly, I feel like I understood a large segment of our residents a lot better. I believe it was an hour long conversation. Kudos to you for taking the time, and I wish more residents would contact us in the classy, factual manner that you did. Thank you.

C. Perry: I just want to add that, so I'm obviously concluding my second term. In the last eight years we've gone from—let's just say we've improved the level of transparency, and I really hope that the newly elected Council members will build on that and take it even further and better. Some of the things that we've done, we now have audio of all of our meetings, we now have agendas ahead of time, we have the Council packets available on the web before the meetings. One problem that we can never solve is that we can't plan a month ahead on what's going to be on our meetings. Sometimes for whatever reason things come right down to the last minute and they get added or subtracted from the agenda right before the meeting. I guess what

I'm saying is that I totally appreciate what you're saying and that we can use the newsletter better. And I agree with that. I hope that those who come after me will do that. But at the same time we can't expect to have a whole month's agenda ahead of time because then everyone complains about how slow government works and how they can't come in a week before and say I want to request this item to be on the agenda, and then we'll have to say, "Nope. Sorry we have to wait until it goes in the newsletter and it will be out next month." It becomes a real frustration and the gears of government have even more sand and that would not be a good thing.

C. Kirk: I think I owe this audience an apology for my attitude, but I'm not accustomed to being called dishonest or a liar in my life. There are true concerns in this community about things that take place. But I promise you nobody on this Council has intentionally tried to mislead you. To add to Molly's remarks, I've had my phone on the webpage. I pass my cards out. You know who I am. I haven't received a lot of calls from my neighbors. I get calls from people who have concerns after they are angry about them. Call me if you have a question. We cannot guess what is in your mind. I can't guess what the questions are. To us, we sit in the meetings. We understand the issues. We research them and we deliberate them. It's everyday common practice for us to know what's going on. It's difficult to separate that from the citizen down the street that we assume, which is probably bad, if they have a question, they'll call. If they have a complaint, they'll call. We get a lot of complaints, but we don't get a lot of questions. They prefer to go to their neighbors and ask about it, and sometimes they get factual information and sometimes they don't. Miscommunication is devastating as we've learned over the last several weeks. Nobody on the Council, or future Council, will ever turn a phone call down. They may not respond immediately because of time and their own families, but nobody runs for Council so they can avoid the public. My apologies to everybody, but I still intend if anyone comes up to talk, if you are one of the poll workers, I am going to ask if you have a specific complaint, because we need to know that. It's not to harass you. It's to find information. It's a fact finding question. I need to know if you have a specific question. If you state it in your comment, then I'll not ask you. But if you don't do that, I feel obligated to ask if you have a specific complaint that I can research, that I can investigate, and that we can correct if it's valid. That's my intent and I apologize for my anger and hope I can calm down. Thank you Mr. Mayor. It wasn't as short as I anticipated.

Barbara Cromar: I received a letter to be a poll election official for the city for the election. I did not take that responsibility on because I felt it was a conflict of interest, because my husband was running for City Council. I feel that there has been conflict of interest here. A letter to the Cedar Hills Council: I am very proud to stand and say that Jerry Dearing, Paul Sorenson, and Ken Cromar and Mr. Sorenson ran a very open, honest and integrous campaign for the City of Cedar Hills Council positions that we just voted for. They were on one side of the issues. And on the other side were Gary Gygi, Jenney Rees and Trent Augustus and former mayors of Cedar Hills, former Council men and women of Cedar Hills, present mayor and City Council of Cedar Hills, some Cedar Hills' employees, special interests such as Utah Association of Realtors. A large amount of money was given to Gygi, Augustus, and Rees. I call that side of the campaign the machine. In my opinion this is very wrong. I ask you to petition for a recount so that issues can be put to rest. Why did the City Council not honor the petition that was signed by over 500 people asking that any spending over \$400,000 be voted on by the citizens of this community? You delayed or refused a request for information from the Dearing, Sorenson, and Cromar camp. When a city won't work for or with its citizens, we have a real problem here. There are

many people in this city very unhappy with the negative campaigning and even deception and fear-based phone calls and emails that happened in the days preceding this election. Sorry, I am angry as well. I apologize. I am nervous. I have never done this before. In the 20 years that we have lived here I have never felt like I have had to, but I feel like I have to now. Does that make it a fair and honest election in a city that has a certain value system that is very common? I believe that the answer has to be no. I hope that you will at least petition for a recount so that this also troubling event can be put to rest. This community is in deep trouble, and not just financially. Only having factual, open, honest and transparent government that serves all of the people, all of the time is the solution. That is what I pray for. To the Mayor and City Council of Cedar Hills I say, isn't it about time for the light of truth to shine and continue shining from now on? Thank you very much.

Amy Porter: I don't like to be in this position, but I was also asked to be a poll watcher. I've never done that before. After this experience, I don't know if the intent was to scare me into never doing this again, it may be succeeding. I took 45 minutes of badgering and name calling from someone I thought was my friend and my neighbor, and listened to some terrible accusations just because I was simply a poll watcher. I have strong beliefs, but I do not call people, I do not email people, and I do not get in people's faces about how they believe. I feel like this has been really tough. I'll just read my statement. A question was asked. Did I see every ballot as it was being counted. And I actually did. It was possible for me to see every ballot as it was being read. I couldn't see them as they were being marked, but I could see all of them as they were being read. I have no question that they were all read correctly. When we were taken to the counting room we were directed to sit at the end of the table. Before the counting began, though, I moved my seat over to where I could see the ballots. Nobody stopped me. But when the other poll watcher asked the same question, they told him no. And now I'll read a statement written by Julie Knudsen. She was asked "Did I see every ballot that was being counted?" She wrote, "No." What exactly was I told to where I could sit and how close I could be in the counting process? She responded, "I asked if I should move to sit behind the counters so I could see and was told to sit at the end of the table where I was, but I do not question the integrity of the counters nor the final count of the precinct." Thank you.

C. Perry: With regards to the previous comment. It took me a while to look this up. Apparently some people are unaware, but this City Council, in response to the petition opted to put to the public ballot "No public building requiring \$400,000 of public funds for building construction shall be built without first being approved by voters in a duly called election." Those who would claim that we opposed people voting for buildings in excess of \$400,000, etc., etc., blah blah blah, are simply wrong or weren't in the meeting and those who were didn't pass the information on.

Angela Johnson: The comments are coming in my head as I listen to everyone else, but I think the main issue I wanted to mention was after Molly made those comments. I think it would be really wise on the website to review the pros and cons, here's the pros and cons of doing different things. Whoever mentioned that we can't do these things before a lot of times, a lot of times we do know we're going to have a big recreation center or we're going to talk about a city building or whatever. Let's talk about the pros and cons, real pros and cons. Let's put all the information out for people. And let's go slow. Go slow. Don't rush into anything. And let's get

the citizens' opinions so this does not happen again. As you can see the repercussions are getting kind of out of control here. As far as a poll watcher, I did that also, and my specific complaint; first off, I didn't know what I was doing. I would have liked to have seen the names on the ballots. My main reason for wanting to see the names on the ballots was because there seemed to be some confusion with Jerry and Gary because they're so similar. And our person, and this is just the precinct I was in, but you know Jerry and Gary. Sometimes there can be a little bit of an issue. I guess my main complaint is there seemed to be a little bit of confusion with those two names. I don't know if it makes a difference.

C. Perry: Can I ask a question? I've never been involved. So I don't know what goes on back there. Do they just say Jerry or Gary? Or do they read Gary Gygi or Jerry Dearing?

Angela Johnson: Our reader just said the first name. In hindsight, maybe if we all would have thought about it before, we would have said, say the last name. That's my main concern about this whole thing. And I think if there really are that many people that are worried, I would just highly recommend it.

C. Kirk: If there was some confusion between Jerry and Gary, did either one of the two counters stop and say, "which one did you say?" Was it corrected at the time?

Angela Johnson: Sometimes she would do a flash of the ballot or something like that.

C. Perry: You mean she would show that ballot to the . . .

Angela Johnson: Yeah, she would, like this, she would kind of show the talliers, I think. And then sometimes I don't think we knew. There were two poll watchers. I was sitting with Peggy Rowell, and we would kind of turn to each other, "did she say Jerry or Gary?" Again, I don't know that it is going to make a difference in the count, but I just feel like if there is that many people that are worried. I hope it won't cost us much.

C. Perry: So, just to be clear. This is our job, to be really clear on the issue. So, if you weren't sure whether it was Jerry or Gary, did you or did you not ask for clarification.

Angela Johnson: They will not let us talk to the counters. We could not talk to them.

C. Perry: Okay. Were the tally people clear? Did they ever say, "I'm not sure what you said?"

Angela Johnson: And that's where I'm just not sure, because, you know, again, we couldn't talk to them and say, "Did you both get that?" You know, I assume they were both on the same page and were trying to get their counts the same. I'm not sure. Did they both get Gary? Did they both get Jerry?

C. Perry: So their counts did come out the same?

Angela Johnson: I would assume they have to, don't they? Hopefully they put down Gary when they said Gary, and Jerry when they said Jerry. But again, where all these issues are coming up, that's where I would say my main complaint is, there is a name—and I don't know if it happened in all four precincts, but there was definitely an issue in our precinct. And then I would also ask that the Council—I know this won't come up until January when the new Council people, but all the Council people are here that will be there then also. I would like to bring up again Konrad's salary increase. I don't see that approved in the budget. I'm looking back on April 5, 2011. I had to GRAMA request it, but there shows no approval for a \$9000 salary increase. So I would hope the Council members will take a really close look at that. I just think we really need to watch our spending everywhere we can. It would be an almost nine percent increase in salary. Just seems a little much.

C. Perry: Isn't the budget on the website?

Angela Johnson: Yeah. But there's the minutes of the salary.

C. Perry: Yeah, but the minutes are on the website too.

Angela Johnson: But you have to GRAMA request.

C. Perry: No, the budget is on the website, the minutes are on the website.

Angela Johnson: The salary increases you have to GRAMA. It's not in the documents that you can pull up on the agenda. If anybody needs that, I've got it, because I GRAMA-ed it. Feel free to call Angela.

C. Kirk: So I'm confused. When you GRAMA-ed it, did you get a copy of anything?

Angela Johnson: So it says there is nothing for Konrad Hildebrandt. It says exempt, so. There is no increase allowed on the budget.

C. Perry: Let's be clear. Exempt versus non-exempt has nothing to do with salaries or salary increases. That's a matter of are you paid by the hour or are you on salary.

Angela Johnson: So there is no salary increase on the budget.

Konrad Hildebrandt: There is no documented salary increase for any employee.

Angela Johnson: Yes there are. On that document.

Mayor Richardson: We can address this later. I've already invited Angela to meet with me about these items. So we can certainly talk about them anytime.

Konrad Hildebrandt: There is just a misunderstanding.

Angela Johnson: Anyways, I don't think there is a misunderstanding. It is not approved, so I hope the Council will look into that. And also, as far as Rob Crawley's comments, as far as the committee on the golf course, I would hope that you would look into that. Obviously with all that we have found out now with the financials, if we could have a group get together, as you did with the recreation center, and look at options for the golf course. And again, I'd like to mention, please reconsider hiring exercise instructors for the recreation facility. We don't need any more employees, and I hope you'll just rent out that space and not hire any more employees. And I think I got everything. And I look forward to seeing what happens with the next Council. Thank you.

Ken Severn: I have a couple of requests. First of all I'm grateful for the opportunity to speak. It's a wonderful thing we have in this country. I'm glad I have the opportunity to do it. Hopefully it will have some effect. First of all, I would like, in reference to the Daily Herald article regarding the golf course, there was a specific reference to information that, if I read the article correctly, said that those present agreed the information presented in the newsletter, which probably was the September newsletter saying that the golf course had, I believe it was, was cash flow positive and had a \$90,000 surplus. And, according to the article, that information as agreed by the people present, which included Rob Crawley and the mayor and some others was concluded as being deceptive and misleading. So my request regarding that information is that it be corrected as soon as possible in a new newsletter, perhaps the next one that goes out, if you guys could put the information as understood by the citizens with, shall we say, layman's terms so that people will understand is it losing money or is it making money, that kind of thing. So that's request number one.

C. Kirk: Before you go on, can I respond to that a little bit?

Mayor Richardson: After he's done.

C. Kirk: I would like to respond to that one.

Mayor Richardson: Okay, go ahead.

C. Kirk: According to the open and public meetings law of Utah, three Council members cannot get together and discuss anything involving the city. It is against the law. So two is the max. If we happen to meet in Walmart and two of us are talking and another of us comes up, we have to

excuse one of the three just to avoid the appearance of wrong doing whether we are talking city business or not because it's assumed we are. I give you that because since that article came out we have not had an opportunity to have a quorum to discuss this situation. But it has not been forgotten, and it's planned for a discussion period, as I recall, tonight.

Mayor Richardson: Actually more than that. As has been mentioned, there is going to be a committee formed.

C. Kirk: Can't go into details because we haven't had the opportunity to discuss it, but we are well aware of the situation, and it is a matter of our concern.

Unidentified resident: Can I make a statement about that? That issue was brought up back in September. So you've had plenty of time to think about that.

Mayor Richardson: Okay. All right, Ken.

Ken Severn: I am friends with some of the people who were poll watchers and encountered them shortly after watching the polls. They informed me that they were not able to see the ballots. I am not familiar with the exact law regarding that, what's required, but that seems counterintuitive to me. I think that allowing poll watchers to watch ballots on a recount would go a long way to help the citizens feel better about the honesty and integrity of the vote and the proper procedure and those kinds of things. Lastly, regarding data. I sent an email asking for, when I found out our city planner, Konrad, had over \$100,000 salary, seemed like it might be a bit much for a city of our size. So I requested his salary information via email. Just sent an email and I was informed that I would need to do a GRAMA request to get that information. So on October 17, I submitted a GRAMA request asking for W-2 documents. That was a Monday. On Friday I was informed that W-2 documents are classified as private and I could not get them and therefore due records would be provided. So I left an email saying that—or a phone message on that same day—asking for an explanation of what due records were and how to proceed from here. On day 10 after that—on the 21st of October, or excuse me on the 26th, so this is day 10, the city returned my phone call. I carefully got the details of what I would need to send and how I would need to say it so that I could get the requested for information. I submitted a new GRAMA request. Then on day 10 I got the details I was requesting, and this was on the 8th of November, I got the details. That seemed to me to be a bit . . . not very helpful.

C. Kirk: I thought public employees' salaries was public information.

Mayor Richardson: They are.

Ken Severn: I was concerned with how long it took.

C. Kirk: I know that W-2 forms does have the individuals Social Security number on it, that it is protected by the information privacy act. So we can't release that.

Ken Severn: I requested maybe they block that part out. I knew that part was there. Those are my requests. I appreciate your time. Thank you.

Debbie Severn: Just really quick. I appreciate your time. I just want to mention a couple of quick things. I think most of the stuff I have was already mentioned, but I do think that transparency is so important. I think that if we are going to have committees that the Council needs to be really careful to make sure we honor what the committee decides, as much as their own opinions. In the past, like with the Blue Ribbon Committee, I kind of felt like that was something where—I talked to people and their ideas weren't actually the ones that were used in the end. And just make sure that we spend our money responsibly. Make sure that we don't overspend on our buildings to make them more fancy or elaborate than we need because—we want them to be nice, we want them to be durable but I think there is a way that we might be able to cut back a

little bit there. I'm concerned also about just making sure that the information is accurate, whether it comes in the newsletter or whether it's going to sway one party or the other as far as the golf course or no golf course. It's been a huge problem as far as disagreeing opinions, which I think is normal in any city. There will be disagreements. Just make sure that accurate information is out there and then that everyone is involved in making a good decision. Thank you.

Jerry Dearing: Thank you for the opportunity again. First of all I would like to congratulate Mr. Gygi and Mrs. Rees and Mr. Augustus on their victory. The biggest concern of this evening is the failure of our poll watchers to actually be able to watch the polls. Statutes involved talk about each candidate being able to elect each person to act as voting poll, there are different types of poll watchers, to observe the casting of the ballots, others to be a counting poll watcher to observe the counting of the ballots and that's what we are concerned with here. Then when it talks about in section 28-4-101 about counting paper ballots during an election day, it says, "Counting poll watchers appointed as provided in section 28-3-201," which I was citing from before, "may observe the count." Unfortunately it doesn't give any other direction other than that. And so to me observing, in past experience, they were able to see the polls. I think one of the reasons for that is, if you're like me, I write an article or something, and then I review it and I find errors that I made. I try to correct them, and then I look at it again and I still find more. And sometimes I send it out, and I find more. It seems to me the more eyes that we have, the less opportunity there is for mistake. In connection with our polling process this year, I'm aware of no accusations regarding any conduct of any person other than the fact of the failure to allow the watchers to watch the count. Probably by the mistake we didn't put out a press release, I don't think it's ever been released to the press, but there were some statements about city employees or relatives. It is not illegal for them to be appointed, the only thing is to avoid, I guess, the appearance or even the possibility of anything going. We had talked to the county election official who said that he had always advised cities and towns and others not to involve them in it just to avoid any possible problems. Here I would like to try to divert from any type of accusation, because there is no accusation as to an individual, but only to the process of poll watching and trying to problems. We are in the process of preparing a letter to the council in which I will read some parts of it, that we would like to respectfully request that you, another thing is on the recount, based on the legal research I've done and talking with the city attorney and others and the county, it would appear that probably the only way to really get it done properly here would be through a court process, because in my opinion and some other opinions, the statutes are not written very well. They are not very clear. They say certain things you can do. They don't say what you can't do. We'd just like to have it done appropriately. We'd like to respectfully request you to petition the district court, and we would be willing to work with you on that as well as perform a supervised recount of the November 8 ballots not because we think it would change, but we think it would take away any suspicion that anyone might have as to the accuracy and what was performed and therefore put the thing to bed and help heal some of the wounds that seem to have happened. Two of the most cherished and unique aspects of American freedom are: first, our system of checks and balances, and second, the right of each person to vote his conscience by private and secret ballot with trust that his vote will be counted fairly and accurately. With respect to the system of checks and balances and elections, Utah State Code provides each candidate the opportunity to have his or her representatives watch the count, and I suppose I should have said, observe and be able to confirm that the count was accurate saying

that they were allowed to observe the counting of ballots. Unfortunately seven of our eight poll watchers were not able to, in our opinion, observe the count and therefore causes them consternation as you've heard this evening. I would like to work together with you to obtain the order of the court or permission from the court to open the ballots and to do a recount so the watchers can observe that and put to bed any possible problem that anyone has with it and we can all fully support those who have been elected. Thank you.

Jonia Lundberg: I have had a question in my mind for some time regarding the golf course and that is this: if I were a council person trying to decide how to spend funds then I would want to spend funds in such a way that affects the majority of the people in a favorable way, that would meet their needs. My view of the golf course is that there are very few people, as I understand it statistically, of members of the community of Cedar Hills that actually use the golf course. And so it is our money, as a whole, that is supporting the golf course. Regarding the new recreation center, it seems to me that there is something that is within the Council priorities that does not agree with my priorities, and that is that we spend most of our money to benefit the majority of people, and I don't see in either case that that has been your thinking, and that I don't understand. The other question I have is regarding a call that I received—I still have it on my phone—it's either the early of November or the last part of October. And there was somebody surveying my opinion regarding the election and the golf course, and I didn't know where that call was coming from, and I have no idea whether it was sponsored by somebody on the Council. I don't know why they were calling. Anyway that raised kind of a question in my mind. As to the election, it seems to me again, if I were sitting on the Council, I would want to do everything that I could so that no question would be raised about the integrity of the election. You know, having that thought in mind, I would say to myself, I don't want anything to happen that would cause another election to take place because there were doubts. And so, what I'm wondering is why the thinking of the Council wouldn't be . . . I guess if I were thinking about it, I would want to make sure that the poll watchers saw the ballots so we wouldn't have this problem occur. And I certainly would not have chosen to use people who were related to the candidates or who were city workers to be part of the poll watching group. That seems to me to be, again, raises questions in peoples' minds. You know, they probably did fine, but as I said to somebody—the recorder—I said, “you know, even though you're fulfilling the law,” as far as she understood it and told me, I said, “wouldn't it have been better to go a step further than just following the law and not put people who were Council peoples' wives or who were working for the city into those roles.” I don't understand why the thinking wouldn't be we have got to give this the greatest integrity possible. So that's my question. It is: why when you know there is such a split in the opinion of the people in the city, why you wouldn't do everything possible and go beyond the law if necessary to make sure that this wouldn't have happened? To me that is not the exercise of good judgment to have done some of those things that have raised the issues. So that's where I kind of fall on this. Then when I was told that the poll watchers could not see the ballot, I honestly could not believe it. Now that may be according to the law, but sometimes we go beyond the law to do a better job. And that's what I question, why we didn't go beyond what the law states, if the law doesn't state that poll watchers should watch and see that ballot. I don't know why we don't go beyond it to make our processes here in Cedar Hills have the greatest integrity possible. So those are my feelings about it.

Paul Sorenson: Let me first state I'm sorry for the little outburst there when Mr. Severn's question was responded to by the City Council. Right after the news article came out I emailed the City and was corresponding with the City—the finance person and all the City Council were also cc-ed on it. They knew exactly that that particular September article that implied that there was a surplus was indeed erroneous, misleading, and incorrect and incomplete, because 2012 was a negative. And it's rather curious that it stopped at 2009. So I apologize for that outburst, but I at least had to explain that the City Council has had plenty of time to respond. In fact I was told that there would be a response the following month. I think fall is about over with and now we are into the winter time and still no response. Now since the last Council meeting an extremely interesting article was published in the Sunday, November 6, 2011, Daily Herald titled Money Trap in Cedar Hills. If you have not seen it, I encourage all to read it at heraldextra.com. I bring this to your attention to make it part of the official record and explain in part why the residents of Cedar Hills are disillusioned and dismayed with the way the city is being operated, specifically the lack of openness and clarity with regards to the golf course and its finances. The article reported that most of those present, which included a contingent of city staff and Council agreed that the September 2011 newsletter was deceiving and misleading. This is where the City claimed that the golf course has shown positive operating cash flows from operating activities, thus implying a surplus. In the article Councilman Perry said that newsletter statement was poorly worded and could be misconstrued, but the intention was to tell the truth. It was merely an attempt by the city staff to highlight a few of the great things about Cedar Hills. After some discussion Mr. Perry clarified that the statement wasn't transparent but "we have been as transparent as we possibly can." I'm sorry but that is not good enough. Number two: since 2004 the city has borrowed money from other city funds—almost \$1.9 million. The accounting for these funds is obscurely located in the balance sheet as a liability titled Outstanding Checks Excess Deposits. Mayor Richardson defended the statement about golf course surpluses because there is no one in the city who believes it is in the black and that residents would understand that surplus means that the golf course is kept alive by loans. I found the most egregious comment was the City Manager when he said that the city has no obligation to complete the financial picture for residents by telling them that operating activities is actually a narrow accounting term, and that the City had borrowed \$270,000 from other city funds to essentially show the golf course is in the black. My question: what else is the City not obligated to do? A golf colleague who recently spoke to us, a resident of Cedar Hills, developed an extensive analysis that disputes the myth that shutting down the golf course would be financially negative. The numbers don't support that. The article goes on to quote Mayor Richardson, who referred to the golf course as operation break even. The paper noted that it is a misnomer, at least in the short run. There is no financial plan for the course other than to keep dipping into city funds because property taxes don't cover the costs. As a postscript, not found in the article, I noted that the 2011 unaudited statements, that the city is transferring \$195,000 from the recreation impact fees by way of the general fund to the golf course income statement to improve the net profit. That is one way to reduce the amount being borrowed. Again, not transparent. In conclusion, obfuscating, double talking, and misleading statements have led many residents of the city to discuss and question the integrity of all that comes from the city. Now before the City Council is a request to recount the November 8 voting. Why? Because the integrity of the vote is in question due to questionable procedures during the counting process. The residents deserve to know that their votes were indeed counted properly. A recount would be the first step in a healing process caused by the

lack of transparency and honesty from the city. It is my hope that it will not be the last. Thank you very much.

Ken Cromar: Thank you Mayor and Council. Boy, I honestly had a lot of notes prepared and I've thrown it all out of the window. I'm just going to speak from the heart. For years, for years, the golf course has gone on and on and on, and the city has withheld information or not provided it in a timely and open manner. Then I must compliment Ken Kirk when he had written the article in the newsletter in 2009 a column that said, "I need to have the facts. Could you help me, cause I can't get them? I can't get anybody to tell me what this golf course had cost the city in a definitive way from the city admitting what it cost." Thank you for making the effort. I went to Konrad Hildebrandt and got some numbers together. When we published those numbers, we were told that we were liars and we were not telling the truth. And the numbers came from the city. We added the numbers that were in the financials, and were told that we were not telling the truth. And for the last two years we have asked, and asked, and asked for the information. I've had numerous email exchanges with Councilman Perry, and he committed to actually provide those numbers because he said we were getting it wrong and he kept backing off from that and in the end he defaulted on his opportunity as he was written to and reminded that he did not provide the numbers. I would tell you that to this date the city has not provided the numbers, and I would tell you that this article that showed up Sunday, November 6, Money Trap in Cedar Hills, it's not just the bond. Unknown to most voters, the city has been borrowing money from itself since 2004 to keep the golf course afloat. Every citizen in this city should read this article. Your City Council has not been telling you the truth for years, got caught, and finally admitted it in great detail what's been going on. The spending didn't stop. Those things are easily dissected later if anybody's interested, but this article should be read, and it should be noted I have never in my life seen an article like this in the newspaper, no ads anywhere, no ads anywhere, on two pages going into great detail about double speak from City Council members, mayor, city manager, information that has not been had. And here is why this troubles me, because had this article come out one week earlier the citizens would have actually seen it and the results of the vote would have been different. Why? Because the city and its surrogates through anonymous and not-so-anonymous well-financed groups worked in tandem, actually there are three groups, the city, anonymous groups/the Utah County Association of Realtors and the campaign itself, that knew that our positions were not to turn the golf course to weeds and did not repudiate, as promised in signed campaign pledges. In July we all signed that and all promised that if we knew the opposition was not telling the truth, that we would then immediately and repudiate. A letter was sent, a letter was not responded to. No apology and no response has yet come. There was an effort by Jenney Rees to actually do something, I'm told, behind the scenes. But that actually ends up being an admission of knowing but not actually having performed, but I at least compliment her for the effort. Friends, Cedar Hills is in deep trouble. As a city, people have complained for years about the contention. A neighbor said, "You know why we have contention in Cedar Hills? It's because we don't have the truth and we don't have the facts." They don't come from the City Council and indeed obfuscation and twisting of facts is really what we get. And so when neighbor is pitted against neighbor, and it's done because of a City Council that is not open and honest and transparent as promised, therein lies the problem. You want to solve the problems in Cedar Hills, the way we do that is apologize. In other places there would be resignations, but we begin by apologizing, being open and transparent and then publishing the facts in a timely fashion. It would have been a different election had the truth been known. Final

concluding statement is this: for this city to be able to heal there is a series of things that need to happen, the first of which is the reasonable request for a recount. We ask you as the City Council to actually go to the district court and petition the court in behalf of all of your residents as part of trying to help the healing process begin. Thank you for your time.

CONSENT AGENDA

3. Minutes from the October 4, 2011 Fiscal Year Audit (8:18 p.m.)
4. Minutes from the October 18, 2011, Public Hearing and Regular City Council Meeting (8:18 p.m.)

MOTION: C. Jackman - To approve the consent agenda. Seconded by C. Martinez.

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

SCHEDULED ITEMS

5. Review/Action on the 2011 Fiscal Year Audit (8:19 p.m.)

See handouts.

Staff Presentation:

Rebecca Tehero stated that she has worked with the independent auditing firm Allred Jackson over the past few months on this audit.

Diana Cannell, Allred Jackson, stated that the city staff has worked hard and been very accommodating with the audit. She reviewed the audit. Total assets went down about almost \$1 million primarily because of accumulated depreciation. Liabilities went down about \$330,000. The “outstanding checks in excess of deposits” listed under liabilities is a common term and could be otherwise stated as “due to” and “due from.” There were no budgetary findings this year. When she read the Daily Herald Money Trap article she went back and looked at past financial statements. Everything was listed. Operating losses were reported. The fund transfers into the golf course fund were from the impact fees in the capital facilities plan. The impact fees were collected for a specific purpose and must be expended within six years. The City is at risk when it doesn’t spend the impact fees within the allotted time. Every city that receives impact fees has to submit a report on impact fees, plans for the future, and why impact fees were not expended. The City has submitted the appropriate reports and schedules explaining the collection of impact fees, plans for impact fees, and reasons for delay of expenditure of impact fees. C. Perry requested that this documentation on impact fees be available to residents. There is one finding this year: the unreserved fund balance exceeded the maximum amount allowed by state law. Ms. Cannell enjoys auditing Cedar Hills. Rebecca Tehero is knowledgeable and makes her job pleasant.

MOTION: C. Jackman - To approve the Fiscal Year 2011 Independent Audit Report. Seconded by C. Kirk.

Council Discussion:

- C. Perry requested that the report explaining the collection of impact fees, plans for impact fees, and reasons for delay of expenditure of impact fees be made available to residents.
- Mayor Richardson thanked Rebecca Tehero for her work.

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

Council break at 9:12 p.m.

Reconvened at 9:20 p.m.

6. Review/Action on the Canvass of the 2011 Municipal General Election (9:20 p.m.)

See handouts.

Staff Presentation:

Kim Holindrake stated that as the election officer, she has no reservations that the 2011 General Election results are accurate. Poll workers were trained, took an oath, and conducted the election professionally, ethically, and according to state law. In the oath poll workers swear to defend the constitution of the state and country, to perform poll worker duties according to state law, to endeavor to prevent fraud and deceit, to not try to ascertain how any voter voted and to not disclose such if it is made known to them. The City works diligently to gather poll workers. It is difficult to fill the positions. Poll workers are not asked if they are affiliated with a candidate or position. State law only states that they cannot be related to a candidate. Poll watchers are appointed by candidates and take an oath of secrecy. There was one concern on the night of election, and that was that there were two employees as poll workers. This person was asked if they had seen anything untoward at the election. The response was she did not. Ken Cromar asked to meet with Kim the day after the election. Mr. Cromar came to the offices along with Mr. Dearing and Mr. Sorensen. They wanted information about the total number of registered voters and the total number who voted. Mr. Cromar mentioned having a recount. She informed them that the election did not qualify. She asked at that time if any of them had any specific concerns about the election and received no response. During the election there was one poll watcher in precinct 3 who asked to leave in order to vote, which is against state law. The poll manager conferred with other poll workers, and they allowed her to exercise her right to vote. She then returned to the counting room. A poll counter in precinct 3 spoke to Kim about the reading of the names Gary and Jerry. She mentioned that the poll watchers commented positively on the clarity with which she read the names. As the elections officer, Kim contacted the county elections office and the lieutenant's office to ask two questions: (1) Does the city's general election qualify for a recount in any way. Both said no. (2) Does the City Council have the flexibility to conduct recount on own. Both said no. The mayor and City Council are the

canvassing board. They are to review the total votes cast, poll book, tally list, and statement of disposition. As the election officer she stated that the ballot boxes will not be opened except in the case of a recount or as ordered by a court. The City's general election does not qualify for a recount. Anyone that wants to contest the election can follow the proper procedures. Recount requirements are that the votes need to be within one vote or less per precinct, which in the case would be four votes. Currently the difference between 3rd and 4th place is 40 votes. State law says that poll watchers are there to observe the process of the vote count. Each precinct has three counting poll workers. Two workers do a tally list while the other reads the ballots. A ballot box is brought into a secure room. The total ballots are counted to ensure that the ballots in the box match the ballots listed in the poll books given by the election poll workers. In her 20 years as election officer, there has never been a question of the reader reading the ballot correctly. She was at Cedar Ridge when poll watchers arrived. Three of the four had never done it before and asked what they should be doing. She quickly told them to look for impropriety such as pulling ballots from pockets, rereading ballots that had already been read back into the box, etc. She only had one poll watcher that contacted her with a concern, which was that two city employees were counting poll workers. She believes that the others didn't have a concern until they were contacted about seeing the ballots. It has been the City's policy that the poll watchers location is up to the discretion of the poll counters. They are the ones to decide what is disruptive to the process.

Mayor Richardson stated that six years ago, his parents were poll watchers in a controversial election in a small town about the size of Cedar Hills. They expected to be able to see the ballot and the tally marks. The counting was done in a Council room. They were told to sit in the back row while the counting was done up front. They talked to an election lawyer about their situation. He told them the state code is very broad. He didn't think the state code meant to imply that poll watchers are auditors, but that they can observe the process. He asked two different attorneys about the election and the position of the poll watchers. They both said that the correct process was followed. After review, the only misdeed was one poll watcher left the counting room and returned. The poll manager, in conference with the other poll workers, decided it was better to err on the side of allowing that individual to exercise her right to vote.

Kim Holindrake stated that there were four absentee ballots received after the election was over. Two were dated November 8. State law states they need to be postmarked before the day of election. The other two ballots were opened and read as followed: (1) Trent Augustus, Gary Gygi, Jenney Rees, against the bond (2) Ken Cromar, Gary Gygi, Jenney Rees, for the bond. These votes will be added to the official counts.

The City Council acting as the canvassing board reviewed the total votes cast, poll book, tally list, and statement of disposition. The turnout for this election was high with turnout in the high 20's to low 40's. The total overall turnout was 36%.

Mayor Richardson stated that the Council and the Mayor do not own the ballots; the court does. If he owned the ballots he would conduct a recount. These allegations of people being dishonest are not healthy for the community. He supports a recount but does not support any allegations of fraud, misconduct, or corruption because it did not happen. He cannot support a claim that there

would be a change in the outcome because two of the three participants told him that they do not believe that would happen.

MOTION: C. Perry - I move that the City Council make the following findings: (1) The elections are not under the control and purview of the City Council but under the appointed election official, which in this case is our City Recorder. The City Council made every effort to do an investigation of the “questionable circumstances” around a recent election, and the only impropriety that we found was that a poll watcher of precinct 3 appointed by Jerry Dearing left the room after the count was started, which is a grave violation of duties and responsibilities, nevertheless it was not possible to affect the outcome, was observed by the other election poll workers, therefore not worth pursuing. That according to state law one vote or less per precinct authorizes a recount. Nevertheless noting that the City Council neither created that criteria nor has the authority to enforce it; as stipulated by the election officer. She contacted the lieutenant governor’s office, the deputy clerk auditor of Utah County; and that the City Council obtained multiple attorneys’ legal opinions with regards to this issue; and the City Council has no specific right above and beyond anyone else to authorize or instigate a recount. Although noting that numerous members of this Council would personally prefer one as stated even this evening; that poll watchers have no specific right to audit the vote, but only to observe, noting that one observer per candidate would be allowed to view both the ballots and the tally, yet one person couldn’t reasonably be expected to observe both. Hence we conclude that the intent is to observe the process, and that the process is being conducted according to law; that tonight we have repeatedly heard from candidates that there was no specific accusation of misconduct, illegal activity or malfeasance being made, and that in an open letter dated November 15 also says that no accusation of wrongdoing is being made. As a Council we absolutely support the right of candidates to request a recount. We encourage them. We wish them well, and we hope that it happens. We even investigated the possibility of being able to access the ballots as part of the canvassing process. We were told from multiple authorities, including our election official here tonight and legal counsel that that was not an option, that we could not open the ballots, and we could not affect a re-tallying, and that tampering with ballots is a felony offense. We have been informed by both the lieutenant governor’s office and the deputy clerk auditor of Utah County that the City has no basis or legal standing to request a recount. Lastly, we as a City Council have full confidence in our poll workers, the established process, the checks and balances, the multiple people involved, and that no evidence of misconduct whatsoever exists. Therefore we wish potential candidates who may want to pursue a recount, we wish you well and we hope the best. We hope you’re successful. We accept the election results for the 2011 General Election held on November 8, 2011, acting as the canvassing board, and we declare that the three candidates Augustus, Gygi, and Rees to be the winners of the election. Seconded by C. Wright.

Yes - C. Jackman
C. Kirk
C. Martinez
C. Perry
C. Wright

Motion passes.

Further Discussion:

Mayor Richardson is willing to write a letter to the court supporting a recount for the sake of putting to rest the question. He would also make it very clear that he feels there has been nothing done wrong.

7. Review/Action on a Resolution for a Municipal Court (10:25 p.m.)

See handouts.

Staff Presentation:

Konrad Hildebrandt stated that this resolution is to create of a justice court. To be certified Cedar Hills needs an attorney opinion letter. The resolution must also affirm that Cedar Hills is willing to meet all requirements for the creation and operation of the court during the certification period. The municipal court would include criminal, civil, and small claims cases. Currently Cedar Hills contracts with American Fork to provide police coverage and for district court. The administrative judge of the state has ruled that if a city does not have a municipal court they must go to the county court. Cedar Hills' prosecuting office is near the district court but would now have to go to Provo for every case. There are about 70 citations per month. The American Fork police department and the prosecutor have indicated that going to Provo would be problematic and more costly. They have requested that the City create its own municipal court. The certification process could take up to one year.

Council Discussion:

- C. Perry would like to see an analysis of what it would cost versus the anticipated revenues.
- Mayor Richardson suggested gathering more information before approval.

MOTION: C. Perry - To continue this item pending further information until a meeting as soon as possible in 2012. Seconded by C. Kirk.

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

8. City Manager Report and Discussion (10:52 p.m.)

- The staff has put together the Fiscal Year 2012 budget report.
- The dissolution of Manila Water will soon be final.
- The monthly management report will be out tomorrow.
- A resident asked about fencing issues in The Cedars HOA. It was referred back to the HOA.
- There has been a committee working on a master plan for the south side commercial district. A draft concept plan has been drawn up. C. Perry feels plans like this convey a false sense of the level of detail.

C. Perry excused (11:10 p.m.)

MOTION: C. Kirk - To extend the City Council meeting until a time when its appropriate to complete the meeting. Seconded by C. Wright.

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

C. Perry returned (11:15 p.m.)

MAYOR AND COUNCIL REPORTS

9. Board and Committee Reports (11:15 p.m.)

C. Kirk reported that Utah Valley Dispatch is installing a new 911 system that allows for up to 50 operators. It is also moveable, which is important because the board voted to look for a new property. North Point Solid Waste Special Service District met on Wednesday. He presented a balanced budget. There was some discussion about health benefits. Best Buy no longer charges the \$10 fee for recycling electronic equipment. The board discussed the employee surplus program. It is a salvage program for commodities. There is a district-employee cost share program for the commodities. Rocky Mountain Power agreed to sell the District some land; they are now adding conditions.

C. Jackman reported that the Planning Commission met and discussed The Cedars fences and will meet this week to discuss Bridgestone, Plat C.

C. Martinez reported that the Youth City Council is doing the 4th annual Santa's Workshop. Last year they helped about 170 kids. There are teenage children involved as well, so teenage appropriate gifts are needed. There will also be the 2nd annual reading of the Polar Express. Junior Jazz sign ups are ongoing until December 2.

C. Wright reported that the Beautification Committee wants to plan a landscape design for the community center by the end of the year.

C. Perry reported that the proposal for Lone Peak Public Safety District funding is to go to population based fees, which would cost Cedar Hills more. There is also a proposal for a 10% buy-in, which would cost an additional \$11,000. He would be willing to concede on the 10%, but each city needs to pay the costs for their own buildings, rather than receive rent from the District. Mayor Richardson added that Cedar Hills won't agree to the funding issue unless there is equal representation. Changing of funding needs to be unanimous on the board; change in representation needs to be approved by all the city councils. The District started with volunteers. Then it staffed Alpine full time with a 10-year plan to staff all three cities. The timeline was moved up with a Homeland Security Grant. It is only now that all cities are staffed that some are crying foul. Konrad Hildebrandt would prefer maintaining status quo with funding. The City Council's consensus is that Cedar Hills is willing to go to a population-based funding with a 10% buy in, no rent, no retro, and equal representation. C. Jackman will go to the District meeting on Thursday morning.

EXECUTIVE SESSION

10. Motion to go into executive Session, Pursuant to Utah State Code 52-4-204 and 52-4-205 (10:02 p.m.)

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

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

*** Executive Session ***

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

MOTION: C. Kirk – To adjourn the Executive Session. Seconded by C. Jackman.

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

ADJOURNMENT

12. Adjourn

This meeting was adjourned at 1:08 a.m. on a motion by C. Jackman, seconded by C. Perry, and unanimously approved.

Approved by Council:
January 17, 2012

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