

**CITY COUNCIL MEETING**

Tuesday, May 5, 2015 7:00 p.m.  
Community Recreation Center  
10640 N Clubhouse Drive, Cedar Hills, Utah

Present: Mayor Gary Gygi, Presiding  
Council Members: Trent Augustus, Rob Crawley, Mike Geddes, Jenney Rees, Daniel Zappala  
David Bunker, City Manager  
Chandler Goodwin, Assistant City Manager  
Jeff Maag, Public Works Director  
Charl Louw, Finance Director  
David Shaw, City Attorney  
Courtney Hammond, Transcriptionist  
Others: Lt. Sam Liddiard, Fire Chief Brad Freeman, Paul Sorenson, Curt Crosby, Jerry Dearing, Marshall Shore, Michael Johnson, Sam Bushman

**COUNCIL MEETING**

1. This meeting of the City Council of the City of Cedar Hills, having been properly noticed, was called to order at 7:02 p.m. by Mayor Gygi.

Invocation given by C. Zappala

Pledge of Allegiance led by Gavin Ferguson

2. Approval of Meeting’s Agenda

**MOTION: C. Rees—To approve the agenda, as is.** Seconded by C. Zappala.

Yes - C. Augustus  
C. Crawley  
C. Geddes  
C. Rees  
C. Zappala Motion passes.

3. Public Comments

Jerry Dearing: Mr. Dearing encouraged the council to reconsider the situation of Kim Holindrake, the former city recorder. He has reviewed various documents, including a contract she signed and case law. He feels she was made part of a situation she didn’t create. He encouraged the council to reinstate her retirement. He didn’t always agree with Ms. Holindrake, but she was a knowledgeable and valuable employee.

Paul Sorenson: Mr. Sorenson read a letter from Sam Bushman and Cedar Hills Citizens for Responsible Government asking that the city restore six years of retirement to Kim Holindrake. She voluntarily resigned on May 1, 2012 and signed a waiver agreement because she was told that if she didn’t sign the agreement she would be fired. Her reputation was ruined in the process. Cedar Hills Citizens for Responsible Government has the document on its website. He asked that

the current mayor and council provide the six years of retirement that was compromised. In the waiver she was asked to sign she agreed to never sue the city and indemnify them for damages incurred in defending against such suit.

Curt Crosby: Mr. Crosby stated that Kim Holindrake was asked to sign the waiver which stated that she was given adequate time to seek legal advice; though she was given no time to seek such advice. He feels she is one of the most respected and honest employees the city has had. Her termination was unfair, her career was compromised, and she was unable to defend herself. Jerry Dearinger feels the waiver is unenforceable. He asked the city to make restitution by restoring six years retirement.

Sam Bushman: Mr. Bushman stated that he is a nationally syndicated talk show host. Cedar Hills has been in the news repeatedly. The news has not been favorable. His GRAMA request for information was not returned. He then called in a mediator and saw a debate between the mayor and the attorney. He asked for emails on personal email accounts, but only wanted city business. He wrote an affidavit to build city trust. One city councilmember signed it. He invited all city councilmembers to work on the language in the affidavit. He learned about Kim Holindrake and feels that she has done nothing wrong. He hopes to build relationship with new attorneys. He has suggestions to build transparency, starting with the affidavit.

Ken Cromar: Mr. Cromar stated that Kim Holindrake was forced to sign a contract. There was a fifteen minute legal meeting before the meeting that he feels was illegal. Mayor Gygi claims it was a birthday celebration. Ms. Holindrake was told that if she didn't sign the waiver she would lose benefits and retirement. He doesn't understand why the attorney and mayor would ask an employee to not sue. That says something to him about the attorney and mayor. He asked the mayor and council to restore that which Ms. Holindrake had earned. Cedarhillscitizen.org is where the documents are posted.

Michael Johnson: Mr. Johnson received an email from Jeff Maag about gating off the road at the top of the hill. He is concerned about the speed of cars coming down the hill. He has asked for a speed bump. Gating it off will means that everyone will park in front of his house. He is against gating it off. He asked the City Council to talk to city employees about that approach. He is frustrated with lack of response and communication from the city.

#### CONSENT AGENDA

4. Minutes from the April 14, 2015 Special City Council Meeting and the April 21, 2015 City Council Meeting

**MOTION: C. Rees—To approve the consent agenda.** Seconded by C. Zappala.

Yes	-	C. Augustus	
		C. Crawley	
		C. Geddes	
		C. Rees	
		C. Zappala	Motion passes.

## CITY REPORTS AND BUSINESS

### 5. City Manager

The community center has been busy. Scheduling has become complex. The musical *Honk* is in full swing. Karate classes and other recreation activities take place here every day. Greg Gordon and Natalie Scott are in charge of reservations.

The golf course and the events center have had a great month.

T-ball and lacrosse registration is currently open.

Tot soccer and other soccer programs are in full swing. The new uniforms were a big hit this year. The teen soccer program will finish up and then Cedar Hills will team up with American Fork recreation for a double elimination tournament.

### 6. Mayor and Council

C. Zappala: He is working with Qualtrics to put together a survey that won't cost the city any money. He and his students received a small grant to continue the issue tracker app.

C. Rees: A few members of the Planning Commission and staff met with Blu Line Designs regarding the architectural design for the congregate care facility. The Planning Commission will meet on May 12th to review that. The Planning Commission changed its meeting time to the 4<sup>th</sup> Tuesday of every month. The Family Festival magazine is with the printers. Family Festival banners are being put up. Tickets are on sale and can be purchased on-line. Sponsorship money has exceeded target amount. The summer concert series is being planned. A children's art show is planned as part of Family Festival

C. Geddes: Utah Valley Dispatch received 8 RFQs for building contractors. The Beautification, Recreation, Parks & Trails Committee planned a city day of service on Saturday. It started at 7:00 a.m. and residents beautified the area around the city sign on Canyon Road, planted flowers at the roundabout and collected litter along the trails.

C. Augustus: He was appointed to the economic development committee. He feels he should have been at the Blu Line meeting.

## SCHEDULED ITEMS

### 7. Review/Action on Fiscal Year 2015 Budget Amendments

Charl Louw reviewed the Fiscal Year 2015 budget. He proposed a transfer of up to \$250,000 to the capital projects fund for Bayhill Park and contingency funds for the park or maintenance shed. It also allows the city to stay under the 25% requirement. He also proposed an increase of \$5,000 for the Family Festival to be offset by donations, motor pool reclassifications to the expense accounts for each individual department, and mass transit sales tax revenues, which total around \$10. There is also a proposed reclassification of sewer impact fees for the Timpanogos Special Service District from a liability account to a revenue expenditure account.

C. Crawley stated that the city has budgeted \$200,000 for a maintenance shed. He wanted an update on the project. Some golf course options may conflict with the building of the maintenance shed. He asked that the golf course options be considered before building the maintenance shed. He feels that there are other options for the golf course that nobody is willing

to look at. The golf course finance committee mainly looked at how to improve the golf course, not other options for the golf course.

C. Zappala stated that David Bunker reported during work session that the land is being surveyed for the maintenance shed.

C. Geddes stated that he would like to consider the golf course options as well, but doesn't feel that precludes the building of the shed, which is necessary for the safety and well-being of employees.

C. Augustus stated that the golf course finance committee considered all the options and the financial details of the golf course and said that they could not come up with any other viable options for the golf course. He is hesitant to look at the options again.

Mayor Gygi stated that other options for the golf course are brought up every 3-4 years. He is hesitant to bring it up again when all other options have been considered. There will always be people in different camps with the golf course, so this is an issue that can continually be analyzed, but it isn't always fruitful. At this point he feels that it should be a political issue in the upcoming election, and see if it gets the votes of the people.

C. Rees stated that the golf course shed has been planned for a year, with extensive analysis. She would like to move ahead with it.

**MOTION: C. Zappala—To adopt Resolution 05-05-2015A, a resolution adopting the amended 2014-2015 Fiscal Year Budget for the City of Cedar Hills, Utah.** Seconded by C. Rees. Vote taken by roll call.

Yes - C. Augustus  
C. Crawley  
C. Geddes  
C. Rees  
C. Zappala Motion passes.

8. Review/Action to Adopt the Tentative Fiscal Year 2016 Budget (July 1, 2015 to June 30, 2016)

Charl Louw presented the tentative budget for Fiscal Year 2015–2016. The increase in wages and benefits is due to a new custodian and an increase from part-time to full-time for Natalie Scott in the events center.

Mayor Gygi asked Charl Louw to review the Class C Road Fund expenses because he understands that the increase won't happen until the following year.

C. Zappala stated that he would like to see the golf course fund transfer reduced each year.

**MOTION: C. Augustus–Year after year, day after day, our beloved benevolent beings of the legislature have maintained meaningless statutes, in this case mandating tonight that the City Council adopt a completely nonbinding preliminary and tentative budget in advance of passing an actual budget, and in this case prior to full figures being available from the county assessor’s office. Nevertheless, wishing to be in complete compliance with even poorly written laws that even the benevolent legislature isn’t willing to follow, I move that we approve the nonbinding preliminary budget for the Fiscal Year 2015–2016, and again publically invite our esteemed public servants, the legislature, to attend more municipal meetings so they can better understand how municipal government functions. Further we would like to publically thank our finance director and staff for their diligent work in monitoring our fiscal finances and for preparing the tentative budget.** Seconded

Zappala. Vote taken by roll call.

Yes - C. Augustus  
C. Crawley  
C. Geddes  
C. Rees  
C. Zappala Motion passes.

#### 9. Review/Action on Water Restrictions

Jeff Maag stated that the council asked him to present a watering schedule. Two part-time employees would be adequate to enforce the restrictions. Regular staff would help. The cost would be about \$22,700 with some secondary costs associated with use of city vehicles and possibly some additional legal expenses. The money would come out of the water and sewer fund. Because this will be a recurring expense, he recommended it be added to the Bowen Collins utility rate study. The watering schedule divides the city into three upper and three lower zones with odd and even houses in each zone given two days to water. Sunday would be open for spot watering. The citizens committee did not recommend a watering schedule. There may be a slight decrease in water consumption, but it is just as likely the city’s water usage will increase. Education has increased, including through the media. With a scheduled watering system, the city will lose the opportunity to gather further data to see how the results of the education effort have affected water usage.

C. Crawley stated that he wants to clearly state what the city’s water expectations are. He wants to try strict restrictions and see how it goes. He will not vote for meters until water restrictions are given a fair chance.

C. Rees stated that for the past several years the state watering guidelines have been posted on the website. In the late summer months, the city dumps a large amount of culinary water into the pressurized irrigation (PI) system to meet demand. That is a problem because our drinking water needs to be protected.

Chandler Goodwin stated that he has researched what other cities have done to reduce water usage and what works. Lehi is much more restrictive, allowing 2 days a week, with no run over onto hardscape, mandatory pool covers, non-water toys, etc. Southern Nevada Water Authority has seen a lot of success through their conservation toolbox. They used rebate incentives for

water wise landscaping. Even the cities that are enforcing their water restrictions don't expect to see reductions in water usage.

C. Zappala stated that the pushback from residents on restrictions come from those that want to conserve, because the city is forcing a certain schedule that will increase their usage, for example those that want to follow state guidelines and only water twice a week. He recommended a light touch on water restrictions, such as no daytime watering. He would rather not spend money on enforcement and continue education. For the future, he would like to plan for metering after the feedback from the Bowen Collins study. Well levels over the past several decades show a downward trend.

Mayor Gygi said that he doesn't care when people water, he just cares about how much they water. The state is looking at ways to monitor how cities use water. The city should have a robust discussion on water conservation and possible metering.

David Bunker stated that the Cottonwood Well was designed to be able to supplement both the culinary and pressurized irrigation (PI) water. The city should have enough water rights to not have to use the Cottonwood Well for PI. The Harvey Well pump was pulled and the current water levels were compared with the levels when the pump was set in 1999. It has dropped 47 feet, or about 25%. As more cities take more water through wells to supplement their irrigation systems, the groundwater levels will continue to drop.

**MOTION: C. Crawley—To make the restrictions this year and put plans in place that if they don't produce a decrease in usage, then we look into other options, such as metering.**

No second. Motion dies.

David Bunker stated that he feels that enforcement is burdensome, and that the savings in water usage is negligible.

C. Rees stated that a lot of residents think the city should have restrictions. They want to conserve. It will be difficult to get residents on board with metering without trying restrictions first.

C. Zappala stated that because of the Cedar Hills water system, the schedule that would work is two days a week. Mid-summer state guidelines are three times a week, which means many people will think that two days is not enough and may double water, which will increase water usage.

C. Geddes stated that he feels that anything spent at this point is a waste of money. He feels that metering is the right thing to do. He does not want to spend money sending someone around to enforce, but would be willing to have one staff member enforce with a stated fine, and ask for voluntary compliance.

Mayor Gygi stated that he is willing to do restrictions in an effort to get closer to metering.



11. **MOTION: C. Geddes --To adjourn Closed Session and Reconvene City Council Meeting.** Seconded by C. Zappala. (10:50 p.m.)

Yes - C. Augustus  
C. Crawley  
C. Geddes  
C. Rees  
C. Zappala Motion passes.

12. ADJOURNMENT

This meeting was adjourned at 10:50 p.m. on a motion made by C. Zappala, seconded by C. Geddes and unanimously approved.

Approved by Council:  
June 16, 2015

/s/ Colleen A. Mulvey, MMC  
City Recorder