

CITY COUNCIL MEETING
Tuesday, June 21, 2016 7:00 p.m.
Community Recreation Center
10640 Clubhouse Drive, Cedar Hills, Utah

Present: Mayor Gary Gygi, Presiding
Council Members: Jenney Rees, Mike Geddes, Ben Bailey, Rob Crawley, Daniel Zappala (7:11 p.m. via telephone)
David Bunker, City Manager
Chandler Goodwin, Assistant City Manager
Greg Gordon, Recreation Director
Wade Doyle, Golf Director
Jeff Maag, Public Works Director
David Shaw, City Attorney
Courtney Hammond, Transcriptionist
Others: Lt. Sam Liddiard, Mr. and Mrs. Harr, Kenna Mills, Joshua Barrus, Tom Cantrell, Devo Hagen

COUNCIL MEETING

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

Invocation given by C. Geddes

Pledge of Allegiance led by Boy Scout Tyler Jackman

2. Approval of Meeting's Agenda

MOTION: C. Rees—To accept the agenda, as is. Seconded by C. Bailey.

Yes	-	C. Bailey	
		C. Crawley	
		C. Geddes	
		C. Rees	Motion passes.

3. Public Comment

Tom Cantrell: On behalf of his scout troop, Mr. Cantrell presented the council with a thank you note for serving the city.

PUBLIC HEARING

4. Water and Sewer Enterprise Fund transfers out to the Governmental Funds to cover related Water and Sewer charges for Fiscal Year 2017

No comments.

5. Amendments to the Fiscal Year 2016 Budget (July 1, 2015 to June 30, 2016)

No comments.

6. Fiscal Year 2017 Budget (July 1, 2016 to June 30, 2017)

No comments.

CONSENT AGENDA

- 7. Minutes from the May 3, 2016 and the May 17, 2016 City Council Meetings
- 8. Appointment of James Dayrymple to the Cultural Arts Citizens Advisory Committee

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

Yes - C. Bailey
C. Crawley
C. Geddes
C. Rees Motion passes.

CITY REPORTS AND BUSINESS

9. City Manager

There was no Timpanogos Special Service District meeting this month.

Golf clinics have started.

The golf course has hosted 10 tournaments already this month.

The events staff is hosting 4–5 events every week.

Summer lacrosse games started on Saturday

Recreational program listings are on the website.

Mr. Bunker has been working on Lone Peak Public Safety District’s policy and procedures updates.

10. Mayor and Council

C. Rees: The Family Festival was a huge success. The carnival company has committed for next year.

Mayor Gygi: The last Mountainland Association of Governments transportation meeting looked at transportation funding. There are four funding options: (1) do nothing; (2) try passing Proposition 1 again; (3) create legislation specific to Utah County needs; (4) assess road utility fees similar to Provo. He was asked to head a subcommittee to look at potential legislation specific to Utah County.

C. Geddes: The Utah Valley Dispatch building is moving along, with plans to be complete by October.

C. Crawley: The busy water season is coming up. He reminded everyone to conserve.

SCHEDULED ITEMS

11. Review/Action on a Conditional Use Permit or Walmart Outdoor Storage and Sales

Public Comment:

Devo Hagen: Mr. Hagen was speaking on behalf of his wife, Charelle. She is displeased with Walmart’s outdoor storage. When Walmart was approved, outdoor storage was specifically not allowed. It is not aesthetically pleasing, and looks like a dumping site for seasonal storage. The city does not need to allow them to do this. They are asking for an exception for half the year, and thus increasing square footage.

Chandler Goodwin stated that in 2007 Walmart entered into a development agreement, which prohibited outdoor sales or storage, except within a specific outlined area. Walmart is requesting a conditional use permit to store seasonal items, such as soils, propane, grills and garden items.

The storage of such items allows for two-way traffic as well as 17 parking stalls. He has no public safety concerns. Aesthetically, it is fairly well maintained. Any conditional use in this permit will need to be tied to a standard stated in the code.

C. Rees stated that council members spend a lot of time reviewing the concerns of residents when drafting the development agreements. She has reviewed the minutes when the development was discussed and the council at the time was clear about not allowing outdoor storage and display. She would like to restrict the front of the store to floral, with the rest of storage in areas 5, 8 and 9. All the other requested storage should be in the garden center.

C. Crawley stated that he appreciates Walmart and would like to allow for some flexibility. He thinks that this proposal has gone too far with too much outdoor storage. He would like to hold them to the original agreement with some flexibility on floral in the front. He does not want to see any expansion into the parking area.

C. Bailey stated that Walmart is the largest retailer in the world, and they bring in items that the neighborhood wants. In his discussion with residents, they appreciate that Walmart carries the things they need, including soils and pavers. He thinks that if the city starts limiting them on where they can store their goods, potential shoppers will go elsewhere. He likes the proposal.

C. Geddes said that he thinks Walmart is a terrific neighbor. Just because something was approved a certain way in 2007 doesn't mean it has to stay that way. As Walmart gets better and evolves, so does the city. Safety is important. But as long as it is safe and tasteful, he is okay. He hasn't heard any complaints. Council members are not retailers; Walmart is the expert. The city should get out of their way.

C. Zappala stated that section 9.2.2 in the development agreement gives the city broad latitude. He feels there should be no storage allowed in the parking area. He would also like to see the outdoor storage be floral.

Mayor Gygi stated that this is the first year that section 7 was closed off to traffic. He does not like that. He is okay with the other storage areas.

Joshua Barrus from Walmart stated that the community told them that they wanted the pavers and other landscaping items. They get 8,000 customers per week. Customers have been enthusiastic about the new products. Walmart could not accomplish what they want to do without storage zone 7.

MOTION: C. Rees: To approve a conditional use permit for Walmart to use designated areas as separate outdoor sales areas, subject to the following conditions, those conditions being that zones 10 and 11 are restricted to flowers specifically, and all outdoor uses are restricted to areas 5, 6, 8, 9, and the garden center and that those outdoor uses only include those items that Walmart has submitted to the council listed in their proposal. Seconded by C. Crawley.

C. Crawley suggested that areas 10 and 11 be restricted to all living items, including trees.
AMEND MOTION: C. Rees—That section 10 and 11 be for any living plant. Seconded by C. Crawley.

AMEND MOTION: C. Zappala—That the area be kept neat and clean at all times.

Accepted by C. Rees. Vote taken by roll call.

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

12. Review/Action on the Golf Course Driving Range Fence

Greg Gordon stated that to replace the poles and netting, raising the entire driving range fence to 50 feet will cost \$37,825, and Niels Fugal is willing to trade out \$15,000 for a 2-year corporate golf pass. The city is on the schedule for installation the last week of September.

MOTION: C. Geddes—To approve expenditure of funds of approximately \$37,825 for the installation of new poles and netting/hardware which will raise the driving range fence to 50 feet in height. Seconded by C. Crawley

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

Break taken at 8:05 p.m.

Reconvened at 8:10 p.m.

13. Review/Action on the Golf Cart Lease Agreement

Wade Doyle stated that the Cedar Hills golf course has a unique terrain, and as a result the batteries on the golf carts were losing charge. The discharge unit was faulty, which has made the problem worse. This requires a replacement of all batteries. RMT will cover the cost in return for a 1-year lease extension at \$6,200/month with a \$4,000 tire allowance.

David Shaw stated that he will look into the warranty with EZ Go to see if the batteries should be covered.

C. Geddes stated that the carts are in excellent mechanical shape. He does not have a problem with extending the lease.

Mayor Gygi asked that the council be kept updated on this type of problem as soon as it occurs.

MOTION: C. Geddes—To authorize extending the current lease agreement by 1 year with RMT and include RMT providing a \$4,000 credit towards tire replacement with the addition that our legal counsel will review terms of bumper-to-bumper agreement that was made with RMT and it could come back if there are material changes. Seconded by C. Rees.

Vote taken by roll call.

Yes - C. Bailey
C. Crawley
C. Geddes

C. Rees
C. Zappala Motion passes.

14. Review/Action on Authorizing Water and Sewer Enterprise Fund transfers out to the Governmental Funds to cover related Water and Sewer charges for Fiscal Year 2017

Charl Louw stated that this transfer is required because governmental entities are required to charge governmental funds for any services provided by enterprise funds. Budgeted enterprise fund transfers from the Water and Sewer fund offset estimated charges to the General fund and Golf fund.

MOTION: C. Rees—To authorize Water and Sewer Enterprise Fund transfers out to the Governmental Funds to cover related Water and Sewer charges for Fiscal Year 2017.

Seconded by C. Crawley.

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

15. Review/Action on a Resolution Certifying the Calculated 2016-2017 Real and Personal Property tax Levy

Charl Louw stated that Utah County calculated a \$10,589 increase for new residential/commercial property activity. The county auditor's certified tax rate for 2016 is .002186. Last year's rate was .002315.

C. Geddes stated that it is important to note that though the city's rate went down and the city receives the same revenue through property taxes, total property tax bills may go up because of Alpine School District.

Mayor Gygi stated that he would like the property tax rate to be .0019 percent. Since his time on council and as mayor there have been some bonds that have been retired and other bonds that have been refinanced. The money saved has been absorbed into the annual budget. Events are generating revenue. There will never be a point in time where the city will want to lower property taxes and receive less revenue.

Charl Louw stated that the money saved by refinancing bonds was passed on to residents.

C. Rees stated that when the city has refinanced bonds, the tax burden for residents was lowered. Every year expenses go up, while the city's revenues stay the same. If the city is not proactively putting money aside, there will be a point in time where streets and infrastructure are in disrepair and without money set aside, the city will not have the money to do it.

C. Geddes stated that the city is in a good financial situation. He does not want to kick the can down the road and ask the residents in the future to bond because the city cut rates now. Cutting the rate to .0019 will save the average resident only \$14 per year.

C. Crawley stated that he would like to see the city reduce its debt. Instead of reducing taxes, the money should go toward reducing debt.

C. Zappala stated that the city has reduced property tax revenue for a decade, while the city has also expanded services. The capital projects funding is vital for parks and other facilities that are important to residents. He is very hesitant to lower taxes more. He does not want to be in a situation where services need to be cut. He cannot find \$130,000 to cut from the budget. He is worried that the city is becoming so dependent on sales tax that during the next recession, the city will be hurt.

MOTION: C. Rees—To approve Resolution No. 06-21-2016A, a resolution setting the total Property Tax Levy assessed upon real and personal property for general governmental purposes for the 2016–2017 tax year for the City of Cedar Hills, and with that accept the County Auditor’s certified tax rate as provided in packet. Seconded by C. Zappala. Vote taken by roll call.

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

16. Review/Action on a Resolution Adopting the Fiscal Year 2017 Budget

Charl Louw presented the Fiscal Year 2017 budget, which included a brief review of the General Fund and expenditures, sales tax revenues, property tax rates, legal services, public safety, street maintenance, park maintenance, golf and golf debt service fund, capital projects, the water and sewer fund.

C. Rees excused (9:14 p.m.)

MOTION: C. Bailey—To approve Resolution 06-21-2016B, a resolution adopting the 2016–2017 fiscal year budget for the City of Cedar Hills, Utah. Seconded by C. Geddes. Vote taken by roll call.

Yes - C. Bailey
C. Crawley
C. Geddes
C. Zappala Motion passes.

17. Review/Action on a Resolution Adopting the Fiscal Year 2016 Budget Amendments

Charl Louw proposed several amendments. It has been requested that the revenue Youth City Council (YCC) raised be committed for future YCC activities. A similar type of revenue commitment for the Cultural Arts Committee has been requested.

MOTION: C. Crawley—To adopt Resolution No. 06-21-2016C, a resolution of the City of Cedar Hills, Utah adopting the amended 2016 Fiscal Year Budget for the City of Cedar Hills, Utah. Seconded by C. Bailey. Vote taken by roll call.

Yes - C. Bailey
C. Crawley

C. Geddes
C. Zappala Motion passes.

18. Review/Action on a Resolution Adding, Amending, or Deleting Certain Fees to the Official Fees, Bonds and Fines Schedule of the City of Cedar Hills

David Bunker stated that this fee schedule adopts the fees from the Bowen Collins utility rate study. It also includes the non-residential impact fee rate. These rates will be effective July 1, 2016.

MOTION: C. Geddes—To approve Resolution No. 06-21-2016D, a resolution adding, amending, or deleting certain fees to the official fees, bonds and fines schedule of the City of Cedar Hills, Utah. Seconded by C. Bailey. Vote taken by roll call.

Yes - C. Bailey
C. Crawley
C. Geddes
C. Zappala Motion passes.

19. Review/Action on a Resolution Adopting a Storm Water Management Plan

Jeff Maag stated that the city's storm water discharge permit expired. The city is required to renew it and the EPA has mandated some additional requirements to renew the permit. The new items will necessitate additional staff time as it relates to building permits. Requirements will require any development to meet the low-impact development plans.

David Bunker stated that staff has been working with JUB Engineering to comply with the new permit requirements. The city will be required to do more testing on developments, and take samples of outflows. This sampling will also incur costs for the city.

MOTION: C. Bailey—To approve Resolution No. 06-21-2016E, adoption of the City of Cedar Hills Storm Water Management Program including modifications based on an annual review by the program administrator. Seconded by C. Zappala. Vote taken by roll call.

Yes - C. Bailey
C. Crawley
C. Zappala
No - C. Geddes Motion passes.

20. Review/Action on an Ordinance Amending the City Code Title 6, Chapter 8, Relating to Smoking and electronic Cigarettes, Park Curfew and Noise in City Parks

MOTION: C. Bailey—To table item #20. Seconded by C. Geddes.

Yes - C. Bailey
C. Crawley
C. Geddes
C. Zappala Motion passes.

21. Review/Action on a Resolution Placing an Opinion Question on the November 8, 2016 Utah County General Election Ballot Regarding the Imposition of a CARE Tax

David Bunker stated that Cedar Hills currently has a CARE Tax that is set to expire this fall. The county is not planning on putting a similar tax on their ballot, which allows Cedar Hills to put the CARE Tax opinion question on the county's General Election ballot this fall. It will extend the CARE Tax at the same rate for the next ten years. The CARE Tax generated close to \$40,000 this past year.

MOTION: C. Zappala—To approve Resolution No. 06-21-2016F, a resolution placing an opinion question on the November 8, 2016 Utah County General Election ballot as to whether or not the City of Cedar Hills should impose a local sales and use tax of one-tenth of one percent to fund botanical, cultural, and recreational organizations and facilities in the City of Cedar Hills, and approving the ballot title and propositions. Seconded by C. Geddes. Vote taken by roll call.

Yes - C. Bailey
C. Crawley
C. Geddes
C. Zappala Motion passes.

ADJOURNMENT

22. This meeting was adjourned at 9:46 p.m. on a motion by C. Bailey, seconded by C. Geddes and unanimously approved.

Approved by Council:
July 19, 2016

/s/ Colleen A. Mulvey, MMC
City Recorder