

CITY COUNCIL MEETING

Tuesday, October 18, 2016 7:00 p.m.
Community Recreation Center
10640 N Clubhouse Drive, Cedar Hills, Utah

Present: Mayor Gary Gygi, Presiding
Council Members: Ben Bailey, Rob Crawley, Mike Geddes, Jenney Rees, Daniel Zappala
Absent/Excused: Chandler Goodwin
David Bunker, City Manager
Jeff Maag, Public Work Director
Greg Gordon, Recreation Director
Charl Louw, Finance Director
David Shaw, City Attorney
Gretchen Gordon, Executive Assistant
Courtney Hammond, Transcriptionist
Others: Zonda Perry, Rob Smith, Vickie Clark, Brian Child, Dan Wilson, Brennon Tripp

COUNCIL AGENDA

1. This meeting of the City Council of the City of Cedar Hills, having been properly noticed, was called to order at 7:01 p.m. by Mayor Gygi.

Invocation given by C. Zappala

Pledge of Allegiance led by Brennon Tripp

2. Approval of Meeting’s Agenda

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

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

3. Public Comments

No comments.

REPORTS/PRESENTATIONS/RECOGNITIONS

4. Alpine School District Assistant Superintendent, Rob Smith to report on and discuss the School District’s General Obligation Bond Proposition on the November 8, 2016 General Election Ballot

Alpine School District (ASD) Assistant Superintendent Rob Smith gave a presentation on the upcoming school district bond. The school district is growing, particularly in Lehi, Eagle Mountain and Saratoga Springs. ASD has a AAA bond rating. Responses solicited by residents

showed that voters would support a bond, particularly if it meant no tax increase. The bond could be issued without a tax increase through retirement of existing debt, accelerated growth, opportunities to refinance, and low interest rates because of AAA rating. Projects include 1 new high school, 2 new middle schools, 6 new elementary schools, 4 rebuilds, 10 renovations and 3 or more land acquisitions.

5. Principal Rhonda Bromley to report on Lone Peak High School
Tabled.

CONSENT AGENDA

6. Appointment of Robin Finch to the Cultural Arts Citizens Advisory Committee

7. Minutes from the September 6, 2016 City Council Meeting

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

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

CITY REPORTS AND BUSINESS

8. City Manager

Driving range poles have been delivered but there is a delay on the installation crews.

Flag football is finishing up.

The ski bus is starting to fill up.

The city is currently accepting Jr. Jazz sign ups.

Vista Room reservations are filling up for the holiday season.

Cedar Hills is now an approved passport acceptance facility.

9. Mayor and Council

C. Zappala: He has started drafting the State of the City report. Zonda Perry contacted him about starting a *Girls Who Code* program in the city.

C. Rees: The Family Festival Committee is working on filling a vacancy.

Mayor Gygi: He is working on filling vacancies on the Beautification, Recreation, and Parks & Trails Committee.

C. Bailey: The Cultural Arts Committee is sponsoring an annual date night, tentatively scheduled for December 2. There are a limited number of spots available.

C. Crawley: He found out that if North Pointe Solid Waste Special Service District is disbanded, any money or assets would go to the county.

C. Geddes: The new Utah Valley Dispatch building will open next month. There will be a grand opening in January.

SCHEDULED ITEMS

10. Discussion on Workers Compensation Insurance Compliance related to Subcontractors and Vendors

David Bunker stated that Workers Compensation audits the city every year. The city has made improvements over the year in reducing liability. The city can choose to provide Workers Compensation premiums for subcontractors and vendors, but costs will increase. Current city policy is to verify insurance.

Brian Child of Olympus Insurance gave a presentation on Workers Compensation. If the city hires a contractor or vendor who does not have Workers Compensation, the city becomes the statutory employer. The city has a good Workers Compensation program with good scores and ratings. The city's premiums have decreased by 35% over the last three years. Premiums can increase significantly with major injuries and claims. The city could require that contractors have evidence of Workers Compensation coverage, with sole proprietors being allowed to waive Workers Compensation.

C. Rees stated that last year the Family Festival Committee was notified that vendors needed to submit documentation of Workers Compensation coverage or a waiver. It was an issue for some of the smaller companies. The man with the car show was not willing to pay the \$50 waiver fee. The Family Festival Committee paid the fee to avoid losing him. The committee would like some direction from the city about the acceptability of paying the fee. They are worried about losing small vendors.

David Shaw stated that the city can mitigate potential liability if the city contracts them with the stipulation that they fulfill all the insurance requirements that the state requires, rather than subcontracting them.

Mayor Gygi stated that this will be brought back in the future with a specific recommendation.

11. Discussion on W-9/1099-Misc Tax Form Requirements

Charl Louw stated that all employees/contractors get an IRS W-9 Request for Taxpayer Identification Number and Certification form. Only those who earn over \$600 get an IRS 1099-Misc. & Independent Contractors form.

12. Review/Action on the Phasing Plan for Lakeshore Trails Subdivision

David Bunker stated that the majority of this project has begun. The one portion that has not begun is Hunter's Court. The developers are proposing that the project be split, with Hunter's Court being Phase 2. Almost all subdivisions in the city have been phased. The developers would post bonds for each phase and receive a bond release when each phase is completed, following inspection.

Dan Wilson stated that Hunter’s Court is just a bulb. He is hoping to get asphalt in this year. They are asking for the phasing to give them a little wiggle room in case it does not happen this year.

MOTION: C. Bailey—To approve the phasing plan for Lakeshore Trails Subdivision, allowing the development and the associated bonds to be split into two phases as shown on the approved phasing plan. Seconded by C. Crawley.

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

13. Review/Action on Canyon Road Interlocal Agreement with Utah County and Pleasant Grove City

David Bunker stated that under this interlocal agreement the county would improve Canyon Road with asphalt, curb and gutter, drainage improvements and safety improvements. Funding of \$9.9359 million would be provided by the Utah Department of Transportation (UDOT), Mountainland Association of Governments (MAG) and Utah County. That money would not fully build the road to city standards. There would still be some sections without curb and gutter. Pleasant Grove City has been working with JUB Engineers to get a concept design. After the improvements the county would own the road for 30 years. After 30 years, the cities would take the road, with Cedar Hills taking the road north of canal, Pleasant Grove south of the canal. The agreement includes some city maintenance by the city, such as snowplowing, striping and pothole maintenance, which would cost \$15,000-\$20,000 per year. The agreement gives the cities a utilities easement and asks them to put in the utilities before road improvements. If the county backs out of the agreement and gives the cities the road early, they would give the cities the cost of 30 years of maintenance. That could be a sticking point and something that needs to be mediated.

C. Crawley stated that the council has turned down the proposal to own this road several times. He doesn’t know why the city is being asked to own the road again. He would like to double down on the message to the county that it is their road. The city can’t be wishy-washy with them.

Mayor Gygi stated that there is a safety issue on the road. The county put together this proposal and the city is obligated to respond. The last response from the city was for the county to own the road forever. The county rejected that offer, but they have come back with this proposal. There is an opportunity to apply for additional funds to complete curb and gutter.

C. Rees stated that she is concerned that if the project is above budget, the city would have to help fund it, without any idea of the actual cost. She is also concerned about the six-month notice that allows the county to walk away. There are many Pleasant Grove residents north of the canal, but no Cedar Hills residents south of the canal. The county negotiated to get the road in a swap from the state. Commissioner Ellertson stated in a prior city meeting that he would reject the

money from MAG unless the city agreed to take the road. She feels bullied into taking the road. There is immediate maintenance money that is needed, even if the county actually owns the road for 30 years. She feels that as a regional road, it is the county's road. It is the county's responsibility. She would like to have a joint session with Pleasant Grove's council to talk about the road.

MOTION: C. Crawley—To turn down the offer and make it clear that we are not interested in negotiating future ownership of Canyon Road and make it clear enough so they can plan for long-term ownership of the road. No second. Motion dies.

C. Geddes stated that he is tired of the council dangling the money in front of the city. Long term, the city should own Canyon Road. He would like to have them spend the money on the road, and then perhaps the city will agree to take ownership, if it is built to adequate standards.

C. Zappala stated that he would like to send a clear message to the county that the city expects them to fix the road properly. There are serious safety issues with the road. They need to fix those safety issues. He doesn't know what the future ownership of the road looks like. He doesn't want to be bullied to take over the road before they spend the money. They need to fix the road first. Once it is fixed properly, the county can talk to the city about a partnership.

MOTION: C. Zappala—To tell the county that we expect them to spend the \$9.5 million to fix Canyon Road properly because there are significant safety issues with it. After they spend the money and fix the road properly, then they can come back and have joint meetings with us and Pleasant Grove to talk about the future of that road and what it should look like. Seconded by C. Geddes.

Mayor Gygi stated that the county may not be able to use the \$9.5 because the county was not the sponsor of the project. He would like to see this decided by the end of the year. He will speak with Mayor Daniels and see if his council is available for a joint meeting.

C. Rees stated that if there is a concern that MAG can reallocate that money, she would suggest setting up a meeting in January with the Pleasant Grove City Council and county commissioners. She doesn't think a joint meeting will make any sense without the newly elected county commissioner.

C. Crawley stated that he's worried that postponing too long by waiting to meet with Pleasant Grove council and the new county commissioner would hurt funding. Negotiation and ownership ambiguity is stopping the road from being fixed.

C. Bailey stated that he likes C. Zappala's proposal. He feels that Cedar Hills is getting the short end of the stick. The majority of the safety issues are located in Pleasant Grove area.

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

14. Discussion on Arguments in Favor of and Against the Cedar Hills CARE Tax Proposition #6 on the November 8, 2016 General Election Ballot (public comment will be allowed for this agenda item)

David Bunker stated that state code requires a public comment period to allow for equal time for arguments in favor of and against Proposition 6. The agenda packet includes these arguments.

C. Rees stated that she is encouraging residents to vote for the CARE Tax. It is a tax they are currently paying. It is a .01% sales tax that goes directly towards arts in the community. It has been used for the basketball court at Heritage Park, finishing the community center basement and recreation activities. The city repeatedly hears from residents that they love parks and trails and recreation activities. It is not a lot of money, but it makes a big difference.

C. Zappala stated that he strongly supports the tax. Residents have repeatedly voted for it.

C. Bailey stated that he will be voting for the CARE Tax.

C. Crawley stated that he is in favor of parks within the city. He doesn't want to pay for it through an additional tax.

C. Geddes fully supports the CARE Tax.

No public comments.

15. Motion to go into Closed Session pursuant to Utah State Code 52-4-205(1)(c) & (e) to discuss pending litigation or reasonably imminent litigation and to discuss the sale of real property

*** NO CLOSED SESSION ***

16. This meeting was adjourned at 9:08 p.m. on a motion by C. Zappala, seconded by C. Geddes and unanimously approved.

Approved by Council:
November 1, 2016

/s/ Colleen A. Mulvey, MMC
City Recorder