

CITY COUNCIL MEETING  
Tuesday, June 15, 2010 7:00 p.m.  
Public Safety Building  
3925 W Cedar Hills Drive, Cedar Hills, Utah

Present: Mayor Eric Richardson, Presiding  
Council Members: Ken Kirk, Stephanie Martinez, Scott Jackman, Marisa Wright, Jim Perry  
Konrad Hildebrandt, City Manager  
Kim Holindrake, City Recorder  
Rebecca Tehero, Finance Director  
Others: Shawn Richins, Cliff Chandler, Russ Smart, Candise Smart, Brent Schvaneveldt, Kevin Schvaneveldt, Chad Hart, Taran Pew, Mark Schvaneveldt, George Morris, Annette Schvaneveldt, Ben Higbee, Jocelyn Wruell, Hayley Lowder, Boyd Wilkins

COUNCIL MEETING

1. This meeting of the City Council of the City of Cedar Hills, having been properly noticed, was called to order at 7:10 p.m. by Mayor Richardson.

Invocation given by C. Jackman.

Pledge of Allegiance led by C. Kirk.

2. Public Comment

Brent Schvaneveldt: Mr. Schvaneveldt handed out a time line, petition, and emails regarding the recent election of the Youth City Council (YCC) mayor. He stated that an issue occurred with the YCC election for mayor with his son Kevin, who ran for mayor. The election was held on May 13. Kevin waited for the results but never heard. He emailed Ashley Vogelsberg, who is the YCC advisor, on May 19 and asked about the election results. She emailed back on May 25, 12 days later, stating he was not selected for the position of mayor. Kevin emailed back because he knew he won the majority of votes and couldn't believe he didn't win. She emailed back stating the tally was a tie, and she made the final call along with the YCC council advisor, which is Jim Perry. They appointed the other candidate as mayor of the YCC. Mr. Schvaneveldt called Konrad Hildebrandt because Kevin was upset because he thought he won the election and asked how there could be a tie when there were 15 kids voting in the election. Konrad stated he would check into the process. Mr. Schvaneveldt emailed Konrad that same afternoon stating that nine of the 15 youth swear they voted for Kevin. Konrad emailed back stating he talked to Greg Robinson, Assistant City Manager, and Ashley and found that 15 kids voted and Ashley voted. Her vote made it a tie. Ashley called the council advisor, and they selected the candidate based on experience. Mr. Schvaneveldt emailed Konrad back questioning Ashley voting with the youth and whether she told Jim Perry that she voted to make it a tie. He suggested that the issue could be resolved by selecting both the candidates as co-mayors or by doing a revote and counting the votes in front of the kids. The petition is signed by nine of the 15 youth, including parents' signatures, attesting they voted for Kevin. Konrad emailed him back on May 29 stating he would contact Ashley, Greg, and Councilman Perry. Konrad responded on June 2 stating the process will return to the original process by creating an unbiased review board of three persons. Mr Schvaneveldt stated that they obviously recognized some wrong doings at that point. His family has had sleepless nights and has thought long and hard about the issue. They decided it wasn't right because those weren't the rules set up initially especially since Kevin won the election. On June 4 he emailed Konrad asking what happened to the idea of co-mayors. On June 10 he hadn't

hear back from Konrad and knew he must be gone so he forwarded the email to Greg Robinson who responded by quoting the bylaws of the YCC and the process of appointments. On June 13 he emailed Konrad and Greg stating the bylaws had been violated from the very beginning of the process. An important point in the bylaws is the name submitted to the Mayor for appointment as YYC mayor has to have the consent of the YCC. Since the other candidate did not win the election, she does not have consent and cannot be mayor. He offered a solution again that both candidates share the responsibility. He has been trying to resolve this at the city level, and it has gone on for over a month. It can be easily fixed. He is still proposing to resolve the issue easily. They feel bad for other candidate since she was told she could be mayor, incorrectly according to the bylaws. They don't feel she should step down; Kevin is very willing to share in the responsibilities. A lot of the kids are here in support and parents are very angry with the process and what happened. Some suggested that he go straight to the press. The parents think there is fraud going on, unethical behavior on parts of the staff, and they shouldn't put up with it. He isn't after that. He is trying to resolve this and make something positive for the youth. It is important because of the principal of it, and what we are trying to do for our kids. Kevin sacrificed five months of his life back in Washington DC working as a Senate page. The issue is embarrassing and disgusting. If it's not unethical, then it is ignorance by the city staff by not following the bylaws set up. He thinks staff resurrected the bylaws after they saw they were at fault. He is asking the Council to consider what has gone on and do the right thing. He asked the Council how they would feel about their election if someone voted who lives in a different city and that vote made it a tie. Thanks for your time and effort running for an election, but we're changing the game. He asked, what are we teaching everybody.

- Mayor Richardson agreed that the City wants it to be a fair process. The whole reason of the YCC is to teach good government and values to the youth. You are working hard to find something reasonable and to have a good experience. The City needs more youth involved not less. He is happy to meet with Mr. Schvaneveldt along with Konrad, and asked Konrad to set up a meeting with the three of them. The bylaws need to be clear and foster the principles the City is trying to keep.
- C. Wright feels bad and has a good sense of what his family is going through. He has given such great service to the City and through the Blue Ribbon Committee. Mayor Richardson will make it right. She hopes that feelings will be healed and appreciates his service.
- C. Kirk feels the YCC bylaws need to be discussed, and C. Perry should be included in the meeting since he is the YCC advisor. What was clear when written perhaps may not be clear now.

Annette Schvaneveldt: She is satisfied with what Brent presented. The family has thought a lot about this, and it is a big deal to the children. These are smart young men and women. We need to let them be good leaders.

Ben Higbee: He came a couple years ago requesting to know if the City would be interested in landscaping the emergency water release next to his house in Canyon Heights. Someone was supposed to get back with him. The concept was that all the other areas in the neighborhood had been landscaped as water retentions or right-of-ways. He doesn't understand why this area wouldn't be the same as the area by the city building and other areas. This is where it was left, and someone was going to look at the budget. He believes it is all water related. City staff has kept the weeds down better. Previously he requested the City to give him the property with the easement, and he would take care of it.

- C. Perry stated that the short answer is that many of the areas are retention basins that are dug out. This area is native, not to say it couldn't be turned into grass; but the policy has been to keep it native if not excavated out. He is not opposed to doing something.
- Mayor Richardson pointed out that this is right in front of Mr. Higbee's house. He apologized for it not being addressed before. Some of these areas were installed by developers and some by the City. This is not the only native area; there is one by his house. The native areas shouldn't look unkempt or weedy. Regardless it needs a solution,

but the City runs a tight budget. He will discuss the issue with staff and schedule a meeting.

- C. Wright stated that some residents come and ask to beautify areas themselves.

Chad Hart: He feels that the YCC issue has been resolved.

Russell Smart: It's been a few years since he has been in the area. His family owns property south of Walmart on Cedar Hills Drive and also owned the Walmart property. He came to get to know the Council. It is nice to see the Walmart open. He commended the YCC for being involved in politics.

Mark Schvaneveldt: He is also on the YCC and satisfied with what has been discussed.

#### CONSENT AGENDA

3. Minutes from the June 1, 2010, Public Hearing and Regular City Council Meeting

**MOTION: C. Perry – To approve the consent agenda.** Seconded by C. Jackman.

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

Motion passes.

#### SCHEDULED ITEMS

4. Review/Action on Resolution Adopting the 2010-2011 Real and Personal Property Tax Levy

See handouts.

#### Staff Presentation:

Rebecca Tehero reported that the certified tax rate from the County is .001715 with a budget revenue of \$580,631. Last year the budgeted revenue was close to \$630,000. There was a change in the law in 2009 requiring the formula be adjusted by reducing the previous year's budgeted revenues by the most recent five-year average redemption amount. Since this is the first year the change is taking place, there is an exception if the City's proposed rate is higher than the certified tax rate. Then you don't have to go through Truth in Taxation as long as the proposed rate doesn't exceed the amount reduced because of the five-year average redemption. Last year the City certified a different rate, but the City received close to \$530,000. It is the five-year average of the redemption amount. The certified tax rate budget revenue plus the redemption average is the certified budget revenue redemption average. This brings the certified tax rate to .001856, which is what staff recommends be approved. This is the rate the budget assumes, keeps the City's programs running, and doesn't require truth in taxation.

#### Council Discussion:

- Mayor Richardson stated that his philosophy is that the State's way of looking at truth in taxation is broke and rates shouldn't go up and down with values. He has recommended and advocated in the last four years the rate of .00169. The City should always keep the same rate unless there is a conscious effort to peg a different rate. As discussed in work session, he believes there is due cause to peg a different rate because the public safety costs have increased dramatically. The .001856 would be the appropriate rate.

**MOTION: C. Wright – To approve Resolution No. 6-15-2010A, a resolution setting the total property tax levy assessed upon real and personal property for general governmental purposes for the 2010-2011 tax year for the City of Cedar Hills, Utah, with the proposed rate for General Operations at .001856 and the General Obligation Bond at .001138 with a total of .002994.**

Seconded by C. Perry. Vote taken by roll call.

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

Motion passes.

5. Review/Action on an Ordinance Regarding the Telecommunications Service Providers Tax

See handouts.

Staff Presentation:

Rebecca Tehero stated that this needs to be adopted by July 1 in order to receive the increase beginning October 1. The State requires a 90-day notice prior to increasing the tax. If the rate is changed back in July, the tax won't be effective until January 1, 2011. Konrad Hildebrandt stated that the increase equates to 18 cents per month per household. Staff is also actively working to ensure that telecommunication bills have the correct city listed.

Council Discussion:

- Mayor Richardson stated that the proposal to adopt 3.5% is allowed by state law.
- C. Kirk stated that the telecommunication rate increase is on providers of the community, but in reality it will be passed on to consumers, which are the citizens. He would rather not adopt an increase if it isn't necessary. The dollar value in the budget is about \$5,000. He suggested not passing the ordinance, and coming up with items to cut from the budget.
- C. Perry stated that if the increase isn't adopted, then the budget isn't balanced, which is required by law.

**MOTION: C. Perry – To approve Ordinance No. 6-15-2010A, an ordinance establishing a tax on the gross receipts of telecommunications service providers; setting the rate for such tax; and establishing the effective date of the tax; at the rate of 3.5% effective October 1, 2010, as amended.**  
Seconded by C. Wright. Vote taken by roll call.

Yes - C. Jackman  
C. Martinez  
C. Perry  
C. Wright  
No - C. Kirk

Motion passes.

6. Review/Action on a Resolution Regarding the Municipal Wastewater Planning Program

See handouts.

Mayor Richardson stated that this is a State required report due yearly, but the date was changed from September to June. There are no changes since the last report. There has been no effluent discharge from the system.

Council Discussion:

- C. Jackman stated that the City should have an operations and maintenance manual and a safety plan. Konrad Hildebrandt stated that staff is currently working on these items. C. Jackman feels the Council should discuss a Sinking Fund.
- C. Perry stated that he would argue against a Sinking Fund.

- Mayor Richardson stated that in a Sinking Fund, enough funds have to be set aside to be able to do a full replacement of the system. There is no financial benefit, and it doesn't serve the residents.

**MOTION: C. Jackman – To approve Resolution No. 6-15-2010B, the City of Cedar Hills Municipal Wastewater Planning Program Annual Report.** Seconded by C. Kirk. Vote taken by roll call.

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

7. Review/Action on the proposed cutouts on Briggs Blvd and Nelson Blvd

See handouts.

Mayor Richardson stated that two previous cutouts were done in 2008 to facilitate safety issues. The Cedars HOA has asked for additional cutouts. The Traffic Safety and Livability Oversight (TSLO) Committee addressed the issue.

Boyd Wilkins stated that he was elected to The Cedars HOA Board just a few weeks ago. Some may see the cutouts as a convenience rather than a necessary need. The previous cutouts made it more enticing to cut through. The collectors were not thought of as getting traffic out. The HOA's proposal was to see if city funds were available, and if not then to see if the HOA could get a price from a city-approved contractor. Last year he spoke to 75 individual homes in the development and found this was an issue brought up many times. It is a need and appears that most of the safety issues are from people trying to get from point A to B on the wrong side of the street. Typically it occurs when visibility is limited at dusk or in the evenings, which makes it more susceptible to an accident. The HOA Board is looking for a bid amount to make a decision.

Council Discussion:

- C. Perry stated that the issued has been discussed at great lengths, and the Council decided to provide labor and oversee the project.
- C. Kirk stated that because it is a city street, the bid must be done by the City. Nothing is planned until after July 1 because of the budget, overtime of city employees, and the Family Festival. If the City does the project, it would be put on the Capital Improvements Plan (CIP) but would be a low priority. The bids will go out and the HOA will be notified.
- Mayor Richardson stated that the TSLO Committee addresses safety issues for the City, makes recommendations to the City Council, and the Council puts the items into a time table, which is the CIP. The previous cutouts were added because of emergency response needs. Along with prioritization if residents show a safety need then the Council addresses it, and staff finds a funding mechanism. If the City pays for the project, it is years down the road. If the HOA pays, then it may move forward. The City will still participate with project management and equipment, which was already agreed upon. Because the project is small, only three bids are required.

**MOTION: C. Perry – To table this item.** Seconded by C. Kirk.

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

Motion passes.

8. City Manager Report and Discussion

- On July 16 and 17 from 9 a.m. to 5 p.m. is the National ICMA training in Salt Lake City on crisis leadership when natural or manmade issues happen. This falls into FEMA training and incident command training. There is no cost, and it is open to the Council to attend. The value to attend depends on your interest level. He needs to know who is attending by June 20.
- The monthly management report is out.
- In support of staff, he stated that there are always two sides to the story with regards to the Youth City Council.
- The monument sign at 4800 West and Cedar Hills Drive will be on the next agenda. The project was approved but not funded.

MAYOR AND COUNCIL REPORTS

9. Board and Committee Reports

- C. Kirk reported that the Utah Valley Dispatch Special Service District meets tomorrow to address procedural items and the 911 charges.
- Mayor Richardson stated that David Bunker is at the Manila Water Company meeting tonight representing the City.
- C. Perry reported that previously Highland City had misgivings about the Lone Peak Public Safety District (LPPSD) budget. The budget went back to the Highland City Council and was approved with a handful of conditions on ways to save money. This will be discussed at the next LPPSD meeting on June 30. The Youth City Council comments heard today are one sided and will be discussed further.
- C. Wright reported that the Blue Ribbon Committee met and will not be focusing on one recreation center. All discussions are about two facilities, one at the golf location and another somewhere else. The Committee plans to have a recommendation by July or August. The Beautification Committee completed a project last night with about 10 families participating. The ravine at Silver Lake Drive was cleaned, and public works staff was to clean up the pile of debris. Four families repaired fences and cleaned up tumble weeds in The Cedars East. Winder Dairy has signed on with the Family Festival and will provide free milk. The swim night is on Saturday at 6:30 p.m. and is free with wristband.

EXECUTIVE SESSION

10. Motion to go into Executive Session, Pursuant to Utah State Code 52-4-205 (8:35 p.m.)

**MOTION: C. Perry – To go into Executive Session, following a two-minute break, to discuss the character and competence of individuals and the purchase, exchange, or lease of real property.**  
Seconded by C. Wright.

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 (10:05 p.m.)

**MOTION: C. Perry – To Adjourn.** 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 10:07 p.m. on a motion by C. Jackman, seconded by C. Kirk and unanimously approved.

Approved by Council:  
July 13, 2010

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