

CITY COUNCIL MEETING
Tuesday, March 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
Excused: Jim Perry
Konrad Hildebrandt, City Manager
David Bunker, City Engineer
Kim Holindrake, City Recorder
Rebecca Tehero, Finance Director
Courtney Hammond, City Meeting Transcriber
Lt. Sam Liddiard, Police Department
Others: Cliff Chandler, Brent Uibel, Troop 1189, Jonathan Tehero, Ray Briscoe, Diane Kirk, Troop 1176, Troop 839, Troop 1185, David Lone

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 7:01 p.m. by Mayor Richardson.

Invocation given by C. Wright.

Pledge of Allegiance led by Soren Nielsen.

2. Public Comment (7:03 p.m.)

No comments.

CONSENT AGENDA

3. Minutes from the March 1, 2011, Regular City Council Meeting (7:04 p.m.)

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

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

SCHEDULED ITEMS

4. Review/Action to Award the Contract for the Surface Rejuvenation Project (7:04 p.m.)

See handouts.

Staff Presentation:

David Bunker stated that this bid covers 100,000 yards of type II slurry. The low bidder is Intermountain Slurry, who has done projects for the City in the past. He feels comfortable using them again and feels this is a great price. The areas are the Forest Creek subdivision (not including Redwood Road) and Temple Ridge subdivision.

Council Discussion:

- C. Wright stated that a similar project was done in the Apple Blossom area, and there was a lack of communication with residents and poor timing with it being done on the first day of school. She wants to ensure that doesn't happen again.

MOTION: C. Kirk - To approve the award of the 2011 Street Improvement to Intermountain Slurry in the approximate amount of \$97,500. Seconded by C. Jackman.

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

5. Budget Presentation for Fiscal Year 2012 (7:14 p.m.)

See handouts.

Staff Presentation:

Rebecca Tehero presented the Fiscal Year 2012 revenues for the General Fund and the Water and Sewer Fund. The City has been collecting Class C Road Funds, and a majority was spent in Fiscal Year 2011. The revenues anticipate an increase in the storm drain fee and the paramedic fee with a decrease in the garbage fee.

Discussion:

- C. Wright questioned funding the EPA storm drain mandate. Cities around the country will not be able to come up with funds to meet compliance and does not feel comfortable having this in the budget. She would like to see Cedar Hills as one of these cities. The residents are taxed too high. She questioned whether any mayor has been put in jail, and stated that this would create media attention. There is a time when government encroaches too far on your personal liberties and you have to stand up.
- C. Kirk stated that the storm water mandate was discussed at length with Representative Frank. The City can't rebel and not comply, or the City will be fined. There is a proper way to fight, and dissension is not the way.
- David Bunker stated that many communities are creating a storm drain fee and coming into compliance with the regulations. The City was fined previously on another issue. He will look into the progress of the class action lawsuit filed by San Diego County against the State of California and the EPA in regards to this unfunded mandate.
- Konrad Hildebrandt stated that Cedar Hills is required to comply with the storm drain mandate. The City will be audited by the State, who will be audited by the Federal Government. As with residents of the City, the City will not promote willful disobedience. He will talk to neighboring cities about the possibility of a class action lawsuit. He stressed the point that council members have taken an oath of office to uphold the laws.
- Mayor Richardson stated that the budget will be used for compliance monitoring.
- C. Jackman stated that the City can fight the storm drain regulation and get media attention but still comply.

6. Presentation/Discussion Regarding the Decisions 2011 Survey (8:07 p.m.)

See handouts.

Ray Briscoe, Senior Survey Analyst with Insight Communications, presented the findings for Decisions 2011.

7. City Manager Report and Discussion (8:40 p.m.)

- City staff is working to get the public safety personnel into this building. The goal is to get them in by April 1, but they will likely be in earlier. There will be an equivalent of two part-time personnel in the building.
- The Easter egg hunt (11:00 a.m.) and open house at the Public Safety Building (10:00–3:00) are on April 23.
- The bids are out on the CERC facility.
- The Cedar Hills' Youth City Council came in fourth in a state Youth City Council competition.

MAYOR AND COUNCIL REPORTS

8. Board and Committee Reports (8:45 p.m.)

- C. Martinez reported that the Arbor Day poster contest ended, and there will be entries submitted to the Arbor Day Foundation. The Cadet Girl Scouts will be assisting the Youth City Council with filling the Easter eggs.
- C. Wright reported that she met with Bennett Communications who will be putting together a magazine for the Family Festival.
- Mayor Richardson reported that he met with American Fork City's mayor about participation in a Northern Utah County Pageant. The pageant representative is requesting \$6,000 from the Cedar Hills. He feels this price is too high to put in this year's budget.
- C. Kirk reported that the North Point Solid Waste Special Service District will be looking at a proposal with Allied Waste. He reviewed a handout from Utah Valley Dispatch that explains the funding situation.

EXECUTIVE SESSION

9. Motion to go into Executive Session, Pursuant to Utah State Code 52-4-204 and 52-4-205 (9:05 p.m.)

MOTION: C. Kirk – To go into executive session pursuant to Utah State Code 52-4-204 and 52-4-205 to discuss the sale and purchase of real property and the competence of an individual.

Seconded by C. Jackman.

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

*** EXECUTIVE SESSION ***

10. Motion to Adjourn Executive Session and Reconvene City Council Meeting (9:38 p.m.)

MOTION: C. Jackman – To adjourn the executive session and reconvene city council meeting.

Seconded by C. Kirk.

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

Motion passes.

8. Board and Committee Reports (Continued) (9:40 p.m.)

- Mayor Richardson reported that he spoke with Karen Herd regarding the legal battle with Legislative District 57 and whether all of the affected area was included or not. Ms. Herd asked if the City would be willing to cover any of her legal expenses. He expressed that due to the number of residents affected, it may appropriate to cover some filing costs, which would be around \$500 to \$600.
 - C. Kirk is concerned with the appropriateness and the legality of spending taxpayer dollars. He is in favor of personally contributing money. He agrees with Ms. Herd filing the lawsuit but not with spending tax dollars.
 - C. Wright stated a large percentage of the population was wronged on every level with this issue. The courts failed us. The Governor and Lt. Governor failed us. Becky Lockhart failed us. The Republican Party failed us. Everyone failed us. Residents were calling Karen Herd, as precinct chair, with questions and concerns. She was motivated by these residents in her precinct. The City has legal funds available. Spending tax dollars to fight for constitutional rights is noble and worthy.
 - C. Jackman stated that there are a lot of residents who would be opposed to fighting it at all. He is undecided.
 - C. Martinez is undecided.
 - The consensus of the Council is to check with the city attorney on the appropriateness of using City funds on this lawsuit. If appropriate, the Council would like this to be an agenda item.
- Mayor Richardson reported that he and Konrad Hildebrandt have tried to meet with Representative Chavitz a number of times to discuss the storm water mandate and a zip code for the City. He feels it would be worth going to Washington DC to meet with Representative Chavitz. It would mean a lot to the City. The revenue from the City's own zip code is a big issue. The trip could be combined with the FEMA emergency preparedness training.
 - Konrad Hildebrandt stated that other cities use lobbyists in Washington DC to assist in these matters.

ADJOURNMENT

11. Adjourn

This meeting was adjourned at 10:00 p.m. on a motion by C. Jackman, seconded by C. Wright, and unanimously approved.

Approved by Council:
April 5, 2011

/s/ Cathy D. Larsen
Cathy D. Larsen, Deputy Recorder