PUBLIC HEARING AND CITY COUNCIL MEETING
Tuesday, October 18, 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, Jim Perry, Scott Jackman, Stephanie Martinez, Marisa
                Wright
                Konrad Hildebrandt, City Manager
                Courtney Hammond, Meeting Transcriber
                Lt. Sam Liddiard, Police Department
                Others: Leatham Smith, Trent Augustus, Paul Sorenson, Jerry Dearinger, Angela
                Johnson, Karissa Neeley, Rod Lacey, Ken Cromar (7:57 p.m.)

COUNCIL MEETING
1.   This meeting of the City Council of the City of Cedar Hills, having been properly noticed, was
        called to order at 7:05 p.m. by Mayor Richardson

        Invocation given by C. Wright

        Pledge of Allegiance led by Leatham Smith, Scout Troop 1206

2.   Public Comment (7:07 p.m.)

        Rod Lacey: Mr. Lacey thanked the City for work on the Community Recreation Center. He was
        present at the last City Council Meeting to talk about privacy fencing in The Cedars (West). He
        and an HOA board member came to explore the possibility. He wanted to make clear that
        privacy fencing was not a board-approved decision, but an exploration of the possibility.
        Angela Johnson: Ms. Johnson stated that she does not want the City to hire aerobics instructors
        but would prefer to allow them to lease out the space. She would also like the Council to
        consider allowing two minutes of public comment during each agenda item.
        Jerry Dearinger: Mr. Dearinger clarified that the language in the initiative petition is intended for
        the majority of voters that vote in a duly called election to determine whether the building would
        be built. The effective date of the petition was meant to be the day that it was applied for, and
        there is precedent for that in Utah.

PUBLIC HEARING(S)
3.   Amendments to the Fiscal Year 2012 Budget (July 1, 2011 to June 30, 2012) (7:13 p.m.)

        No comments.

CONSENT AGENDA (7:13 p.m.)
4.   Minutes from the September 20, 2011, Public Hearing and Regular City Council Meeting
5.   Minutes from the October 4, 2011, Regular City Council Meeting
6.   Appointment of Poll Workers for the 2011 Municipal General Election

MOTION: C. Kirk - To approve the consent agenda, except item 5, Minutes from the October 4, 2011, Regular City Council Meeting, because of them being absent from consideration for the Council. Seconded by C. Wright.

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

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C. Perry requested a policy regarding when minutes and summary of motions are posted.

SCHEDULED ITEMS
7.   <u>Review/Action on Amendments to the Fiscal Year 2012 Budget (July 1, 2011 to June 30, 2012)</u>
      (7:19 p.m.)

      See handouts.

Staff Presentation:
      Mayor Richardson stated that the City did some remediation on the hillside by the water tanks. The City met with a geotech engineer, who was able to give the City a great rate and came up with great recommendations and solutions. The original estimate was over $1 million. The end number was far less.

      Konrad Hildebrandt stated that every year the City identifies problem areas along the hillside. The City was able to get complete remediation by moving and compaction of soil. The area was also reseeded. The anticipated amount for the project was $85,000. Because of collaboration between the City and the construction company, the final dollar figure is $75,000.

Council Discussion:
- C. Kirk stated that when the water tank was constructed, the hillside was deemed safe for construction. Now the area needed some remediation. He worries that over time more remediation needs to be done.
- C. Perry state that the water tank is built on solid rock. The remediation efforts are below the tanks.
- C. Martinez stated that she lives up in the area. She was prepared for the dump trucks and noise in the area. The remediation was quiet with minimal noise and mess.

MOTION: C. Kirk - To adopt Resolution No. 10-18-2011A, a resolution adopting the amended 2011-2012 Fiscal Year Budget for the City of Cedar Hills, Utah, for the hillside remediation project for $75000 to be transferred from capital improvement projects to pay for the project. Seconded by C. Perry. Vote taken by roll call.

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

8.   Review/Action on an Alternate Law with Initiative Petition (#4) Relative to the Construction or Purchase of Public Buildings in Excess of $400,000 Excluding the Cost of Land (7:37 p.m.)

Presentation:
     C. Perry stated that he had two significant concerns with the language of the proposed initiative petition. (1) It called for a majority of registered voters, rather than the majority of those that actually vote, which can cause a problem if something is passed without the majority. (2) There was language that was drafted to block the construction of the recreation center. Many who signed the initiative petition didn't intend to block the building but to have a voice in the building of public buildings. To avoid the unconstitutional nature of a retroactive law, he and C. Martinez drafted an alternate law that simply states: "No public building requiring more then $400,000 of public funds for building construction shall be built without first being approved by voters in a duly called election." The $400,000 number remains though arbitrary. Both this language and the initiative petition language will be on the ballot (November 2013). If both pass, any conflicts will be decided by the one that gets the most votes.

     C. Martinez stated that she worked with C. Perry on this language. The intent was to be clear and simple.

MOTION: C. Kirk - To adopt the alternate petition to put before the voters in the election of 2013, the Council alternative of "No public building requiring more then $400,000 of public funds for building construction shall be built without first being approved by voters in a duly called election. Seconded by C. Martinez.

Discussion:
- C. Martinez stated that the public needs to be educated. This election won't happen for another two years.
- C. Perry stated that there will be a voter information pamphlet with a "for" and "against" and with rebuttals for each of the proposed laws.
- Mayor Richardson stated that the City cannot take one position or the other. The City needs to remain totally objective.

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

9.   City Manager Report and Discussion (7:48 p.m.)

• The monthly management report is out.

MAYOR AND COUNCIL REPORTS
10.   Board and Committee Reports (7:49 p.m.)

C. Martinez reported that the ski bus signups are ongoing. Jr. Jazz is underway. The Youth City Council will be doing Santa's Workshop again this year.

Mayor Richardson reported that UTOPIA is moving forward with installation in Centerville and Layton.

C. Perry reported that the Lone Peak Public Safety District will be meeting in November where there will be a proposal to go to a population based distribution of cost with Cedar Hills getting full representation on the Board. He recommended another Council member attend the next meeting because he will be leaving the Council soon.

C. Kirk reported that the Dispatch Board came to an agreement with Media 8 regarding answering media requests. Dispatchers can verify the call and location. From there the media can contact the appropriate authorities. The North Point Solid Waste Special Service District finance committee met. Their contract with Allied ends soon. There have been talks about buying a landfill. The recommendation is no cost of living increase for employees for the fourth year in a row. The salvage program, which splits salvage proceeds between the district and the employees that participate, will be discussed soon.

EXECUTIVE SESSION
11.   Motion to go into Executive Session, Pursuant to Utah State Code 52-4-204 and 52-4-205
12.   Motion to Adjourn Executive Session and Reconvene City Council Meeting

No Executive Session.

ADJOURNMENT
13.   Adjourn

This meeting was adjourned at 7:58 p.m. on a motion by C. Perry, seconded by C. Martinez, and unanimously approved.

                                                    _/s/ Kim E. Holindrake_____
Approved by Council: Kim E. Holindrake, City Recorder
November 15, 2011