

CITY COUNCIL MEETING  
Tuesday, November 19, 2013      7:00 p.m.  
Community Recreation Center  
10640 N Clubhouse Drive, Cedar Hills, Utah

Present: Mayor Gary R. Gygi  
Councilmembers: Trent Augustus, Scott Jackman, Stephanie Martinez,  
Jenney Rees, Daniel Zappala  
David Bunker, City Manager  
Chandler Goodwin, Assistant City Manager  
Colleen Mulvey, City Recorder  
Charl Louw, Finance Director  
Greg Gordon, Recreation Director  
Jeff Maag, Public Works Director  
Others: Lt. Sam Liddiard, Eric Johnson, Rob Crawley

**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: 02 p.m. by Mayor Gygi.

Invocation given by Mayor Gygi

Pledge of Allegiance led by Boy Scout Sawyer Ditmar

2. Approval of Meeting's Agenda

**MOTION: C. Rees – To accept the agenda as presented.** Seconded by C. Augustus.

3. Public Comment  
No comments.

CONSENT AGENDA

4. Minutes from the October 15, 2013 City Council meeting

**MOTION: C. Rees – To approve the minutes from the October 15, 2013 City Council meeting.** Seconded by C. Martinez.

Yes	-	C. Augustus	
		C. Jackman	
		C. Martinez	
		C. Rees	
		C. Zappala	Motion passes.

## CITY REPORTS AND BUSINESS

### 5. City Manager

No report.

### 6. Mayor and Council

C. Zappala: Utah Valley Dispatch met and reviewed a study that covered staffing, technology and building space needs. The conclusion of the report is that they are going to need additional space as they look at their short and long term needs; the next step is to figure out where they want to construct a building and look at different sites and costs and then present the information to the various cities.

C. Rees: A press release went out regarding Family Week that is coming up starting on November 25<sup>th</sup>. The next Cedar Hills Champion will be presented at the December council meeting, her name is Valerie Scott. The Beautification, Recreation, Parks and Trails Committee is hosting the annual Santa event Monday, December 9<sup>th</sup> at 6:00 p.m. at the Community Recreation Center, it is a free event for all residents.

Mayor Gygi: With the legislative sessions coming up in January he has been speaking with the Utah League of Cities and Towns lobbyist about issues that may affect Cedar Hills.

C. Augustus: The Planning Commission's last meeting was a discussion relating to the commercial district. North Pointe Solid Waste met and discussed the Interlocal Agreement, modifications have been made and they want us to review them and to wrap this up before end of year, and are asking the councils to get it on the December agendas for approval.

C. Jackman: Lone Peak Public Safety District met recently and is getting ready for the upcoming budget discussions. The next Finance Committee meeting is next Wednesday.

C. Martinez: Youth City Council met and went over the Princess Day held this past Saturday. The YCC events are struggling because there is not a lot of community support and advertising. The next program they will be doing is the Santa's workshop which they have been fund raising for the entire year. They have asked if the phone messaging system could be used to get a message out to residents about donating gently used toys, and also to advertise the Family Week events and the visit with Santa. The Jr. Jazz program and the Ski Bus activity are now taking registrations. Lego League is looking of volunteers aged 14 years and older.

## SCHEDULED ITEMS

### 7. Review/Action on the Canvass of the Election Returns for the 2013 Municipal General Election

Colleen Mulvey stated that the City Council acts as the canvass board. C. Jackman, C. Augustus and C. Rees reviewed the tally sheets and the statement of disposition of ballots. C. Jackman found a discrepancy on the Precinct CH05 tally sheet which changed the total votes "For" Proposition #4 from 106 to 101, making the pre-canvass total be 624 instead of 629.

Ms. Mulvey then opened and read the 1 valid absentee ballot 17 valid provisional ballots that were received. The totals from the valid absentee and provisional ballots added eight (8) additional votes for Curt Crosby, ten (10) additional votes for Gary R. Gygi, eight (8) additional votes for Rob Crawley, six (6) additional votes for Stephanie Martinez, eleven (11) additional votes for Daniel Zappala, five (5) additional votes for Jared Bradley, six (6) additional votes for Emily Cox, nine (9) additional votes for Mike Geddes, seven (7) additional votes “For” Proposition #4, and eleven (11) additional votes “Against” Proposition #4.

The total for the official count of the 2013 Municipal General Election is as follows:

Curt Crosby	397
Gary R. Gygi	1,122
Rob Crawley	721
Stephanie Martinez	650
Daniel Zappala	840
Jared Bradley	691
Emily Cox	469
Mike Geddes	975
For Proposition #4	631
Against Proposition #4	900

**MOTION: C. Jackman—To accept and certify the results of the 2013 Municipal General Election and canvass, and declare 4-year term Mayor candidate Gary R. Gygi, 4-year term City Council candidates Rob Crawley and Daniel Zappala, and 2-year term City Council candidate Mike Geddes to be elected, and also declare Ballot Proposition #4 rejected.** Seconded by C. Augustus.

Yes	-	C. Augustus	
		C. Jackman	
		C. Martinez	
		C. Rees	
		C. Zappala	Motion passes.

8. **Review/Action on a Resolution adopting the Sewer Management Plan**

Jeff Maag explained that the State Division of Environmental Quality requires each entity with a collection or processing system for sanitary sewer to be permitted. The permit lasts for five years, and this year they put in an additional requirement that we have a Sanitary Sewer Management Plan. The state gave the guidelines of what they require. We prepared this plan and feel that it is adequate to meet those requirements, and staff is recommending that the council adopt the resolution and approve the plan as presented.

C. Martinez pointed out that on page 6 where it lists the responsible representatives it shows the phone number for the mayor. She asked if they would be calling the mayor for first response. Mr. Maag stated that on our permit it has the first response phone contacts which list his number and Public Works Operation Manager, Dee Howard.

C. Augustus expressed a thank you for putting this report together and being proactive.

Mr. Maag stated that the plan itself is a living document that has to be reviewed annually and to make any changes that they feel will make the system work.

C. Jackman asked if this report requires a lot of documentation and does it increase or create a burden Mr. Maag stated that it does increase and expand our responsibility for documentation and the annual review, we are also required to have a reporting system.

**MOTION: C. Augustus—To approve Resolution No. 11-19-2013A, a resolution adopting the Sewer Management Plan for the City of Cedar Hills, Utah.** Seconded by C. Martinez. Vote taken by roll call.

Yes	-	C. Augustus	
	-	C. Jackman	
	-	C. Martinez	
	-	C. Rees	
	-	C. Zappala	Motion passes.

9. Review/Action authorizing the Mayor to sign an Interlocal Agreement between the City of Cedar Hills, American Fork City and Highland City, to utilize the American Fork Canyon Debris Basin

David Bunker stated that we approved a very similar agreement in August; there were a few minor changes that some councilmembers in Highland insisted were made. The changes are basically a few words that were added or subtracted; the agreement stays the same and binds the three cities to maintain the debris basin at the mouth of American Fork Canyon as a flood control structure and debris basin management system.

C. Zappala stated that it looks like the main change that would impact us is if there is some emergency action that needs to be taken; this agreement says they can do it without our permission and then report later. Mr. Bunker stated that if we have a flood situation, it's typically in middle of night when those flows hit us. If there is an emergency that happens that is due to that they are going to have to take care of it immediately. It will be our personnel along with the other cities that will go out and take care of any emergencies.

Mayor Gygi asked if the city attorney has looked over changes to this agreement. Mr. Bunker indicated that he would get this to him for review.

**MOTION: C. Rees—To approve the Interlocal Cooperation Agreement for the American Fork Canyon Debris Basin for the purpose of maintaining and operating a flood control structure, and aid in ground water replenishment, subject to the review and approval of the city attorney.** Seconded by C. Zappala. Vote taken by roll call.

Yes	-	C. Augustus	
	-	C. Jackman	
	-	C. Martinez	
	-	C. Rees	
	-	C. Zappala	Motion passes.

10. Review/Action on Pricing Structure for Cedar Hills' resident's use of the Vista Room/Recreation Center

Greg Gordon stated that back in September we addressed resident rates for the golf course and were asked to put together some resident rates for the use of the Vista Room. As per some instruction from the mayor any Cedar Hills resident will get a 10% discount. Another thing we wanted to emphasize was to try to get a better discount for residents who are willing to be patient and wait within a 30 day notice. We know that we can book events easily on the weekends and weddings typically do not book under 30 day's notice. We have worked with the Finance Director to come up with the number that is our cost for the room that a resident would pay if they book within 30 days of the event. The prices are to cover our current cash needs for our budget and include advertising, staff, utilities, materials, supplies and cleaning.

C. Martinez asked if that cost covers the wear and tear on the facility. Mr. Gordon stated that that price is just operational costs. Charl Louw explained that in the budget we have a building and maintenance budget so those cash costs for the building and maintenance budget are a part of this. When we came up with the revenue budget for this center it was based on 10 days of rentals a month, and we took the average to get the basic maintenance cost. It does not include a long term cost such as replacing the flooring.

C. Augustus asked what happens when we are going to have to replace the floor, are we setting aside part of the incoming revenue for these repairs. Mr. Louw stated that he was told to analyze the bare minimum cost so this is looking at cash flow for this year only to cover our cost on these last minute rentals. This is not a recommendation that we charge this rate every night; this is just as a minimum. The rate is higher on the regular rentals that are 3 months in advance.

C. Jackman asked that when we do need to replace it do we have cash on hand. Mr. Louw stated that we do not have an account called recreation center fund, what we have is the general fund balance. He said that we are not at a point yet with the event center where we are covering costs so you have to get to the point where you are making money. He added that this year we are doing much better, but we are still working towards building up reserves. C. Jackman commented that it is important that we do at some point start to have cash set aside for things like replacing the floor so that we do not have this huge budget item where we don't know where we will get the money.

C. Augustus agreed and said that we need to create something so that we are setting aside funds so that we do have those down the road. He added that he just wants to make sure that the residents are aware and understand that by doing this pricing we are subsidizing everything, not just subsidizing the building, but the maintenance and the long term maintenance of this building. C. Jackman agreed.

C. Rees stated that she has talked to a lot of residents who say this is a beautiful facility and they never come here because they can't afford to rent it or there is nothing happening that they need to be here for. She said that she is worried that it's becoming the same situation as the golf course where people say it's pretty but only benefits the golfers. She contacted American Fork, Pleasant Grove and Lindon to ask if they have a community center that they allow people to rent and how much is it. Pleasant Grove has three, American Fork has one, and Lindon has two. The cheapest was \$35/hour and the most expensive was \$50/hour, so when it comes to what we are charging, we are not aligned with the other community centers in the area. She asked if we need to open this so that residents are utilizing it more because it was paid for with recreation tax fees and is being maintained with tax dollars. She said that there is the dilemma that we've got to make money and make it profitable, yet we want to make it feel like it is a community center they can utilize. Mr. Gordon stated that the square footage and size of room of those other centers are more aligned with our pricing for the basement rental and the conference room rental. C. Rees suggested charging residents cost for Sunday through Thursday, but to go out more than 30 days to encourage more community events here.

C. Jackman suggested that with the changes in the council next year, he thinks that it would be worthwhile to defer the discussion of our vision of what this building is and where we go with it until then, and really focus today on the residential rates. He added that our vision is important because we need to understand what it is we want to do with this building which will help us make our budget decisions.

C. Zappala stated that he thinks that we could consider extending these resident rates to be anytime instead of just 30 days within the event.

C. Augustus stated that by doing that we are giving up that revenue if somebody does want to come in and book at full price.

Mayor Gygi asked if there was a comfort level with having it not be 30 days out but with it being 45 or 60 days. Mr. Gordon stated that that is going to make it a little bit more difficult. Mayor Gygi suggested separating the days of the week because Friday and Saturday are the most in demand days, so let's decide on Sunday through Thursday. He said that we should err on the side of trying to get more residents here, and believes that we are all in agreement if there is someone doing something for the community then we shouldn't charge for downstairs. The Mayor said that the give and take is trying to figure out how to meet our budgetary goals that we have set, yet still have the residents here. He agrees with C. Jackman's point about not making changes until next year. The Mayor suggested considering extending the resident prices from Sunday through Thursday to 45 or 60 days because those times are not in high demand, and for the weekends a 10% discount.

C. Martinez stated that Sunday through Thursday sounds like great idea. Mr. Gordon agreed.

**MOTION: C. Jackman—To approve the updated resident pricing for Cedar Hills' residents use of the Vista Room/Recreation Center, with the change of the residents discount for Sunday through Thursday is up to 45 days in advance instead of 30 days.** Seconded by C. Augustus. Vote taken by roll call.

Yes	-	C. Augustus	
	-	C. Jackman	
	-	C. Martinez	
	-	C. Rees	
	-	C. Zappala	Motion passes.

11. Discussion on Golf Course Driving Range Fencing Repair

Greg Gordon stated that we have had a storm that has done some severe damage to our driving range fence. We contacted a company out of Arizona and are on their radar to get our repairs taken care. He said that if we do not do something sooner rather than later it is going to continue to tear, and the goal that we have is to repair the first four on the west side of the driving range fence. The typical driving range fence life is eight to ten years.

C. Jackman asked what the additional cost would be for raising it up a couple of feet. Mr. Gordon said that they did look into that earlier this year due to a resident complaint and thinks the cost was about forty thousand dollars to extend it up. C. Jackman stated that we are about to spend money to repair this so maybe it makes sense for us to consider raising those sections up a couple of feet while we do this.

C. Augustus stated that he is in favor of looking into taking it higher if we are going to do it and spend the money to raise them instead of just repair them. C. Augustus asked if we could get information on what the cost is to raise those up. Mr. Gordon stated that he would check into this and report back.

**MOTION: C. Jackman—To continue this item under we get the information on the cost to repair and raise the height of the fence.** Seconded by C. Augustus. Vote taken by roll call.

Yes	-C. Augustus	
-	C. Jackman	
-	C. Martinez	
-	C. Rees	
-	C. Zappala	Motion passes.

12. Review/Action on Opt-Out of Social Security

Chandler Goodwin stated that the city has not signed a 218 Agreement with the Internal Revenue Service; as such the city has not opted into the Social Security program although it currently pays into Social Security for all full-time and part-time employees. Because the city participates in the Utah Retirement Systems retirement plan, the full-time employees participate in a qualified retirement plan enabling Cedar Hills to not opt into Social Security. Staff conducted an informal poll of the full-time employees after discussing the options with them, and the results were 18 to 4 in favor of not opting in to Social Security. Since that time we've met with the council and some of the concerns that the council had were about how responsible employees would be with that decision going forward.

Mr. Goodwin reported that we have met with Spectra Management and they have presented us with a life insurance policy that would supplement the death benefit that Social Security has for all participants which will be funded out of the employer portion of the Social Security that is already budgeted for this year. We also met with the Utah Retirement System (URS) last week and they presented to the employees about the various retirement plans that they offer, which include 401(K), 457, and Roth IRA plans. We gave employees the deadline of today to fill out the paperwork for those plans and had a 100 % take rate; every employee chose to invest the money into a 401(K), 457 or Roth IRA. We have calculated the total Social Security contributions from 2010 to present; we have drafted a letter for current and past employees for their consent to file on their Social Security claims. During this time we have stayed in continual contact with the Social Security Administration in Salt Lake City and been guided through this process by their representative. Mr. Goodwin then asked if there were any questions.

Mayor Gygi stated that he had some concerns early on about whether the staff and their spouses would be fully briefed. He commented that he believes that they

have been and his concerns are met, and whatever staff wants to do he is good with.

Mr. Goodwin stated that in going forward, based on the council's decision, the city will stop paying Social Security immediately, mail out letters to past and current employees for consent to file claims and set up URS accounts for each employee and send out amended W-2s for all affected employees.

C. Jackman stated that staff is very prepared and he is very happy with the way this has gone through and that he fully supports this.

**MOTION: C. Augustus—That the city not enter into a 218 Agreement with the Social Security Administration, effective as of November 19, 2013.** Seconded by C. Jackman. Vote taken by roll call.

Yes	-	C. Augustus	
	-	C. Jackman	
	-	C. Martinez	
	-	C. Rees	
	-	C. Zappala	Motion passes.
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Mayor Gygi stated that C. Martinez indicated earlier that she wanted to go into Executive Session to discuss character and competency. The Mayor asked for a motion.

13. **MOTION: C. Martinez—To go into Executive Session, Pursuant to Utah State Code 52-4-204 and 52-4-205, to discuss the character, professional competence or physical or mental health of an individual.** Seconded by C. Augustus. (8:19 p.m.)

Yes	-	C. Augustus	
		C. Jackman	
		C. Martinez	
		C. Rees	
		C. Zappala	Motion passes.

14. **MOTION: C. Jackman—To Adjourn Executive Session and Reconvene City Council Meeting.** Seconded by C. Zappala. (9:15 p.m.)

Yes	-	C. Augustus	
		C. Jackman	
		C. Martinez	
		C. Rees	
		C. Zappala	Motion passes.

ADJOURNMENT

15. This meeting was adjourned at 9:15 p.m. on a motion by C. Jackman, seconded by C. Zappala and unanimously approved.

Approved by Council:  
December 3, 2013

/s/ Colleen A. Mulvey  
Colleen A. Mulvey, CMC  
City Recorder