

CITY COUNCIL MEETING

Tuesday, September 2, 2014 7:00 p.m.
Community Recreation Center
10640 N Clubhouse Drive, Cedar Hills, UT

Present: Mayor Gary Gygi, Presiding
Council Members: Trent Augustus, Rob Crawley, Mike Geddes, Jenney Rees,
David Zappala
David Bunker, City Manager
Chandler Goodwin, Assistant City Manager
Charl Louw, Finance Director
Jeff Maag, Public Works Director
Greg Gordon, Recreation Director
Courtney Hammond, Transcriptionist
Others: Eric Johnson, Mark Edminster, Jonathan Ward, Emily Cox, Ken Cromar,
Charelle Hagan, Eric Richardson, Cedar Hills Youth City Council, Principal
Bromley, Jerianne Conroy

COUNCIL MEETING

1. This meeting of the City Council of the City of Cedar Hills, having been properly noticed, was called to order at 7:08 p.m. by Mayor Gygi.

Invocation given by C. Zappala

Pledge of Allegiance led by C. Rees

2. Approval of Meeting’s Agenda

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

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

3. Public Comment

Principal Bromley: Principal Bromley and the assistant principals thanked the City of Cedar Hills for their service to the student body. Their theme for the year is Lone Peak High School—Where Student success Is a Team Effort. They thanked the city for being a part of the team.

REPORTS/PRESENTATIONS/RECOGNITIONS

4. Youth City Council Presentation—Committee Update, Introduction of New Members, Appointment of YCC Mayor

Kyle Schvaneveldt (YCC Mayor) and the members of the YCC introduced themselves to the City Council. Their plans for the year include a November Food Drive, serving dinner at a homeless shelter, a day of service around Cedar Hills, a day at the Charleston Assisted Living Facility, a fundraiser for cancer, and kind “heart attack” notes in February.

MOTION: C. Rees—To appoint Kyle Schvaneveldt as the Youth City Council mayor for the year. Seconded by C. Crawley.

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

5. Review/Action on Adopting a Resolution Recognizing Cedar Hills Champion, Jerianne Conroy

Mayor Gygi recognized Jerianne Conroy as a Cedar Hills Champion for her role in chairing the Family Festival Committee for the last two years.

Jerianne Conroy thanked the city and for all the people who helped make the Family Festival a success.

MOTION: C. Rees—To approve Resolution No. 09-02-2014A, a resolution recognizing Jerianne Conroy as a Cedar Hills Champion for her outstanding commitment to excellence, for her hard work and dedication, her enthusiasm and for her leadership and success as Chairperson of the Family Festival Committee. Seconded by C. Augustus.

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

CONSENT AGENDA

6. Minutes from the August 5, 2014 and August 19, 2014 City Council Meetings

MOTION: C. Zappala—To approve the minutes from the August 5, 2014 and August 19, 2014 City Council Meetings. Seconded by C. Rees.

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

CITY REPORTS AND BUSINESS

7. City Manager

AT the Timpanogos Special Service District (TSSD) meeting the board approved an adjustment to the impact fee charged for connections to the TSSD treatment plant. It will decrease to \$2,475 from \$2,563.

The North Utah County Water Conservancy District will be doing some dam projects coming up. The Silver Lake Flat dam project will begin next year in 2015. In 2016 they will work on Tibble Fork, Battle Creek, Dry Creek and others.

Pressurized irrigation water consumption last week was close to 20 million gallons. The state-recommended usage in September will drop to about 16 million gallons. Residents can cutback to watering lawns once every 6 days according to state recommendations.

Flag football starts next week.

The annual golf superintendent tournament was held at the Cedar Hills golf course. Participants said that the course was fantastic.

The event room is very utilized. About 75% of the events held in the facility are charged. The other events are for Lone Peak meetings, City Council meetings, Planning Commission meetings, Eagle Scout award ceremonies and the like.

8. Mayor and Council

C. Zappala: Utah Valley Dispatch is moving forward with building its new facility. Cedar Hills' cost for the new facility will be \$62,000.

C. Rees: YCC is up and running. Keith Irwin is chairing the Family Festival Committee. There is a tentative agreement with the carnival company for the first week in June.

Mayor Gygi: The Lone Peak Public Safety District meeting is on September 18th. The Finance Committee discussed the bond refunding issue in their most recent meeting.

C. Crawley: The Beautification Recreation Park and Trails Committee met and reviewed how to improve the breakfast for next year. There are times when the mayor and city council don't agree. After the last City Council meeting he talked to the mayor about his own interpretations of the results of Decisions Survey. There have been further disagreements. The mayor has since held meetings with other city councilmembers calling C. Crawley "rogue." The mayor does great things. He feels that communication can improve, especially when there are disagreements.

C Augustus: The Finance Committee met. He attended the Planning Commission meeting where they discussed the Wilson-Geddes subdivision conceptual plan. They also reviewed section one of the Design Guidelines revision.

C. Geddes: He was unable to attend the Planning Commission meeting.

SCHEDULED ITEMS

9. Review/Action on a Resolution to Approve the Notice of Intent to Issue Refunding Bonds for the 2006 Utility Revenue Bonds with the Maximum Amount of \$5,250,000, with a Maximum Interest Rate of 5.25 Percent; for a Maximum of 20 Years; with a Maximum Discount of Three Percent; Providing for the Running of a Contest Period; and Related Matters

Charl Louw stated that the parameters resolution provides enough flexibility for the city to get the best yield. The resolution doesn't obligate the city, but needs to be passed if the refunding is to be done.

C. Rees stated that whenever it is possible for the city to save money, she feels that it is something worth doing.

C. Zappala stated that this looks like it will save the city significant money, anywhere between \$220,000 and \$350,000.

MOTION: C. Augustus—To approve Resolution No. 09-02-2014B, a resolution approving the Notice of Intent to issue Refunding Bonds for the 2006 Utility Revenue Bonds with the Maximum Amount of \$5,250,000, with a Maximum Interest Rate of 5.25 Percent; for a Maximum of 20 Years; with a Maximum Discount of Three Percent; Providing for the Running of a Contest Period; and Related Matters as submitted by staff and other necessary individuals. Seconded by C. Crawley. Vote taken by roll call.

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

Charl Louw stated that both companies have different approaches and different expertise. Zion's Bank does competitive bids, while Lewis Young Robertson and Burningham (LYRB) specialize in negotiated bids and direct sales. Last time the city did a competitive bid, the city didn't save as much as anticipated because the market had just changed. When he worked for Salt Lake County, they did competitive bids all the time, but it was a much bigger city with a AAA rating. His preference would be to get this done quickly. There are services outside bond issuance that each company is willing to do without charge. Zion's Bank wanted bond insurance, while LYRB wanted to let the underwriter determine whether bond insurance is needed. He recommends Zion's Bank if the city decides to do a competitive bid and LYRB for a negotiated bid or direct sale. He is comfortable staying with LYRB assuming the calendar can change to accommodate the city. He did feel like Zion's Bank deserved a chance to present.

Eric Johnson would recommend choosing an advisor that will consider all forms. The determination of type of sale should come later in the process. He has worked with both firms extensively for many years. They will come in with the same interests rates.

C. Augustus stated that he doesn't see a huge difference or advantage between the two. However, the city has a good relationship and history with LYRB, and they came in with an initial offer that was lower.

The council recommended using Lewis Young Robertson and Burningham as the financial advisors on this bond refunding.

10. Review/Action on Authorizing the Mayor to sign a Notice of Approval of Exchange of Title for Property owned by Cory L. Griffiths and Jill B. Griffiths

Chandler Goodwin stated that the Griffiths own two adjacent properties. They want to take about 11,000 square feet from one lot and combine it with the other lot. It does not create a buildable lot, and cannot be subdivided.

C Geddes stated that it creates an odd shaped lot, but doesn't impose any hardship on the city.

C. Augustus stated that there are plenty of odd shaped lots in the city. He lives in the subdivision and sees no good or bad.

C. Zappala stated that he sees no reason not to let them do this with their property

MOTION: C. Rees—To approve Special Warranty Deed and Exchange of Title of Lot 9 “The Cedars at Cedar Hills, Plat F to Lot 48, “The Cedars at Cedar Hills, Plat D.”

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

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

11. Review/Action on a Resolution Creating Citizens Advisory Committee to Make Recommendations on Updating the General Plan

Chandler Goodwin stated that this resolution creates the citizens advisory committee discussed last week. The plan is to get a group of citizens together to update the General Plan. Ken Young, Planning Director for Pleasant Grove and Cedar Hills resident agreed to be a part of the committee as did Planning Commissioners Craig Clement and David Driggs.

Mayor Gygi asked for City Council volunteers. Daniel Zappala, Mike Geddes, Rob Crawley and Trent Augustus volunteered. Mayor Gygi will take it under advisement.

MOTION: C. Zappala—To approve Resolution No. 09-02-201C, a resolution creating a Cedar Hills General Plan Citizens Advisory Committee.

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

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

12. Discussion on SR-146/Canyon Road

C. Augustus stated that there have been several discussions between various individuals on this issue and he wants a clarification of who has spoken to whom and what has been proposed.

Mayor Gygi stated that he has met with the county commissioners and UDOT. He is not opposed to bringing councilmembers to the meetings. There is no proposal; other than Mayor Gygi has said many times that Cedar Hills should not own the road. He was open to the city having maintenance duties, but the city council said no, so he took that off the table. David Bunker has been instructed to submit a report stating that Cedar Hills wants no financial obligation to the road. Ultimately the decision maker is the director of UDOT.

C. Crawley stated that this kept coming up as an issue because there were proposals where the city had financial or maintenance obligations. He questioned whether the council's opposition to any financial obligations were emphatically stated to UDOT and the county. He has spoken to Mr. Shellenberger of UDOT, who said that UDOT had interest in the road. He also spoke to Commissioner Whitney who said that his impression was that Mayor Gygi wanted to have some ownership in the road.

C. Zappala stated that he has felt that the mayor has done a good job keeping the city council updated on conversations. He would hope that city can look at UDOT's budget. He would like the state to own the road.

C. Geddes stated that he has felt that the mayor kept council informed. He is concerned that Mayor Gygi and C. Crawley seem to talk to different people and get different answers. He is unclear who the decision makers are.

C. Rees stated that UDOT is a large organization. Part of the miscommunication seems to be different people from the city talking to different people with UDOT.

13. Discussion on the Duties of the Mayor and the Duties of the City Manager

C. Augustus stated that he feels that over the last year or so, the council has struggled. As soon as Mayor Gygi transferred from councilmember to mayor, things have changed. One of the biggest changes seems to be between the way that the mayor, city manager and council work together. The current system doesn't seem to be working and is affecting the residents. He wants to have the discussion in an open meeting. C. Zappala, C. Augustus and the city manager met last week and discussed many of these issues. He has also talked to C. Crawley about concerns. The problems seem to stem from the mayor.

Eric Johnson stated that the role of the city attorney is to tell the council the scope of their powers. As long as they are acting within their scope of powers, they use their political prerogative to act as they choose. There is no set of rules or laws that can make the mayor and city council get along. There is a division of duties, but the division is not mutually exclusive, though it does have some checks and balances. There is a distinct result of increased overlap of

duties: it increases the ability to do good by working in harmony, and it increases the chance for conflict by stepping on each other. To work together well, councilmembers and the mayor need to assess where the scope of their powers are and step back a little from the full scope. Where the city code is inconsistent with state code, state code prevails. If there are inconsistencies between city and state code, it should be read in a way to bring them in harmony. In the minutes of 2001 when the responsibility of city manager were expanded it states that the city manager works under the supervision of the mayor. Section 1-5-3 expressly directs that the mayor shall perform all duties as prescribed by law. For these reasons, he does not read the responsibilities of the city manager as stripping the mayor of powers. When powers were extended to the city manager, it is not clear that the city council was intending to modify the powers and duties of the mayor. There is ambiguity, but ambiguity means that the intent to strip the powers of the mayor is not clear. The city can only be governed through the city council. He recommends that the city council work to have a good relationship.

C. Zappala stated that state law 10-3b-104, Powers and Duties of the Mayor says that the power of duties are subject to the current ordinances as of May 2008. Cedar Hills' code delegates a broad array of duties to the city manager, under the supervision of the mayor. The disagreements have been over managerial policy. Figuring out how to manage the relationship is key.

C. Augustus stated that the mayor has asked for face-to-face meetings, which he doesn't prefer because it leaves no record. The mayor has said that the city budget is the mayor's budget and that all city employees report to the mayor. City code states that the city manager is the administrative officer for the city. His biggest issue is that the council is a six member council. Right now he feels like the culture is that there is the mayor and then everyone else, and when someone is not onboard with the mayor, he's out. The city manager has come to members of council with grievances.

Mayor Gygi stated that the duties of the mayor, city manager and council have been discussed four times. Every time Mr. Johnson has said the same thing. Every time a city has a new mayor, he or she will do things differently. There needs to be some give and take. Over the last year and a half, he has asked to meet with C. Augustus a dozen times. He has never been taken up on that offer. There are two sides to every issue. The mayor has administrative responsibilities. The council has legislative responsibilities. The mayor does not discuss by email because it is an ineffective method of communication. He feels it is the mayor's budget up until the point it is adopted, at which point it becomes the city budget. He feels that his supervisory role with staff is minimal, and that has been badly misrepresented.

C. Crawley stated that he would like the mayor to really listen to others views. Currently, it seems that his mind is made up and he is unwilling to consider other viewpoints.

C. Rees stated that she is not too worried about what the budget is called. The process is stated in code, and it's followed, so it doesn't matter what it's called. The grievance process that was passed in 2012 is not being followed. Instead some are bypassing the process and having personal meetings, taking sides, etc.

14. **MOTION: C. Zappala—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 and mental health of an individual.** Seconded by C. Rees.

AMEND MOTION: C. Zappala—To include pending litigation. Seconded by C. Rees.

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

EXECUTIVE SESSION (9:23 p.m.)

MOTION: C. Zappala—To adjourn Executive Session and Reconvene City Council Meeting Seconded by C. Geddes. (11:02 p.m.)

ADJOURNMENT

15. This meeting was adjourned at 11:02 p.m. on a motion by C. Zappala, seconded by C. Geddes and unanimously approved.

Approved by Council:
September 16, 2014

/s/ Colleen A. Mulvey, CMC
City Recorder