

**CITY COUNCIL MEETING**

Tuesday, September 8, 2015 7:00 p.m.

Community Recreation Center

10640 N Clubhouse Drive, Cedar Hills, Utah

Present: Mayor Gary Gygi, Presiding  
Council Members: Trent Augustus, Rob Crawley, Mike Geddes, Jenney Rees, Daniel Zappala  
David Bunker, City Manager  
Chandler Goodwin, Assistant City Manager  
Charl Louw, Finance Director  
Colleen Mulvey, City Recorder  
Greg Gordon, Recreation Director  
Jeff Maag, Public Works Director  
David Shaw, City Counsel  
Courtney Hammond, Transcriptionist  
Others: Lt. Sam Liddiard, Craig Clement, Glenn Dodge, Angela Johnson, Brian Miller, Jerry Dearinger, Mark Edminster, Jonathan Ward, Ken Cromar, Marshall Shore, Cameron Burr, Brandon Johnson

COUNCIL MEETING

1. This meeting of the City Council of the City of Cedar Hills, having been properly noticed, was called to order 7:00 p.m. by Mayor Gygi.

Invocation given by Mayor Gygi

Pledge of Allegiance led by Chandler Goodwin

2. Approval of Meeting’s Agenda

MOTION C. Rees—To approve agenda as is. Seconded by C. Augustus.

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

3. Public Comments

No comments.

**PUBLIC HEARING**

4. Amendment to the Fiscal Year 2016 Budget

No comments.

5. Adjusting the Common Boundary between the City of Cedar Hills and Pleasant Grove City (Wilson and Day Properties)

No comments.

CONSENT AGENDA

6. Appointment of Elizabeth Paul and Greg Gordon to the Cultural Arts Citizens Advisory Committee
7. Minutes from the July 21, 2015 and the August 4, 2015 City Council Meetings, the August 13, 2015 and the August 20, 2015 Special City Council Meetings

**MOTION: C. Zappala—To approve the consent agenda.** Seconded by C. Geddes.

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

CITY REPORTS AND BUSINESS

8. City Manager

Soccer and tot soccer have started.

Team flag football registration has closed.

Mulan practices have started. That play will be performed this fall.

Youth City Council has started with great participation.

9. Mayor and Council

C. Geddes: The Utah Valley Dispatch building bids came back over budget by \$1.5 million. Negotiations were held with the low bidder and \$1 million was able to be trimmed. There will be no financial affect for the city.

Mayor Gygi: The county auditor has decided to allow the vote by mail cities to combine their information with the county's ballot. The costs will be shared. The local option will be on the ballot this fall. He had originally wanted it on next fall's ballot. He is now satisfied there will be adequate discussion on the topic.

C. Crawley: The Golf Course Finance Committee has met and continues to learn about the course's financial obligations.

C. Rees: She would like council input on the State of the City report.

SCHEDULED ITEMS

10. Review/Action on a Resolution Authorizing the Issuance and Sale of Excise Tax Revenue Refunding Bonds

Charl Louw stated that Zions Bank approached the city about potential savings by refunding the Excise Tax Revenue Bonds.

Jonathan Ward, from Zions Public Finance presented on a potential refund. The city is in a low interest rate environment. If the city refunds, it could potentially lock itself out of the prepayment

for 10 years, though direct purchase may allow for greater latitude. According to his analysis, direct purchase with JP Morgan Chase would be the best option for the city with the most significant savings. Once the city has an opportunity to lock in a rate with direct purchase, the city would know what kind of savings it would see. The city could then to decide to lock in the rate or not.

Mayor Gygi would like to table this item so that the city and staff can delve into this in more depth.

C. Geddes stated that a change in the interest rates would affect the city's savings. He sees no harm in moving ahead with the authorization if the council can halt the process at any point.

C. Rees stated that one advantage of waiting is that the resolution in the packet is half blank with the exhibits missing. She would like to see those before approving anything.

Mark Edminster of Lewis Young Robertson and Burningham stated that nothing in a parameters resolution obligates the city. Most bond refundings are done for savings. He has looked at this bond for refunding potential for years. At the last bond refunding he recommended going down both paths (public markets and direct purchase) and got the best deal from JP Morgan Chase. He doesn't feel that JP Morgan Chase has been proven to be the best deal yet. He would pursue more bids. Lewis Clark will always be able to get a bid from one more bank than Zions, because Lewis Clark can get a bid from Zions. He believes the best strategy is to start the process, but wait on acting because he feels the negative arbitrage is higher than the savings. Within a few months there will be a better understanding of the interest rate environment. The closer the city can get to the call date, the better the savings.

Charl Louw stated that he would like to lock in a rate now. He doesn't see anyone beating JP Morgan Chase. They are able to give the city a great rate because the city has an account with them.

C. Crawley stated that he leans toward locking in rates now with Zions Bank because they approached the city. He thinks that the market may be getting volatile.

**MOTION: C. Crawley—To approve Resolution No. 09-08-2015A, a resolution authorizing the issuance of up to \$1.9 million of excise tax revenue refunding bonds; and related matters, giving the city council the authority to give a final approval in 4 weeks when we meet as a city council on a final plan and that we go with Zions Bank.** Seconded by C. Geddes.

Mayor Gygi stated that he doesn't have a problem with the motion other than choosing a financial advisor at this point. He doesn't see the rush. This won't be done before the federal government meets. He doesn't think that the city should necessarily choose the advisor that approached the city first, but the one that serves the city best.

C. Crawley stated that he doesn't think the city can get all the information needed without choosing a financial advisor. The numbers presented by Zions were better with bigger savings.

David Shaw stated that he would like to hear from Brandon Johnson about how the city can approve a parameters resolutions document without fully seeing the documents. The city has seen none of the exhibits to the resolution. They should be there at the time of approval.

Brandon Johnson stated that the documents are approved in substantially final form, but can be adjusted. Most of the covenants are already in the general indenture. Typically the documents are not sent out in advance.

Charl Louw stated that he likes both Jonathan Ward and Mark Edminster. Mr. Ward has done a lot of work and was proactive for the city without reaping the rewards. In this case he would choose Zions. He does not think it is necessary to wait four weeks.

**AMEND MOTION: C. Crawley—To take out the time restriction of four weeks.** Seconded by C. Geddes.

C. Rees stated that she would like to see the same process as in the past, which is authorizing staff rather than bringing it back to the council for final approval.

C. Zappala stated that he would also like to authorize staff. The only reason to rush this is to capture savings. He would prefer the resolution to set a specific dollar savings or percentage savings.

David Shaw stated that he is satisfied as long as he gets a final review.

Mayor Gygi stated that he does not want the firm chosen, and feels that requiring council approval will compromise the ability to get the best rate.

C. Crawley stated that he feels that the city council should have the final say in any matter of this import.

C. Geddes stated that this proposal was not done in a vacuum. Charl Louw is a financial expert, and he trusts him.

Vote taken by roll call.	Yes	-	C. Augustus	
			C. Crawley	
			C. Geddes	
	No	-	C. Rees	
			C. Zappala	Motion passes.

**11. Review/Action on the Canvass of the Election Returns for the Recount of the 2015 Municipal Primary Election**

Colleen Mulvey stated that candidate Curt Crosby called for a recount. On September 3rd the recount was conducted. The first 5 candidates stayed in the same position. There is now an exact tie between candidates Brian Miller and Craig Clement. State law says that in this situation, the

decision will need to be determined by lot. The decision was made to use cards. Each candidate was assigned a card. The cards were then shuffled. County Commissioner Lee chose one card at random. The winning candidate was Brian Miller.

The Council, with the exception of Mike Geddes and Jenney Rees who are on the ballot, canvassed the recount.

**MOTION: C. Augustus--To certify the recount that was performed by staff for the City of Cedar Hills and certify that Jenney Rees, Paul Sorenson, Angela C. C. Johnson, Brian Miller, Mike Geddes and Ben Bailey are the candidates that will go into the General Election.** Seconded by C. Crawley

**AMEND MOTION: C. Zappala—To specify that the General Election is on November 3, 2015.** Accepted by C. Augustus and C. Crawley.

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

12. Review/Action on Adoption of an Ordinance Adjusting the Common Boundary between the City of Cedar Hills and Pleasant Grove City (Wilson and Day Properties)

Chandler Goodwin stated that this is the same amendment that was discussed last month. An accompanying ordinance is required. Pleasant Grove is also considering this ordinance.

**MOTION: C. Zappala—To Ordinance No. 09-08-2015A, an ordinance adjusting the common municipal boundary between the City of Cedar Hills and Pleasant Grove City.** Seconded by C. Geddes. Vote taken by roll call.

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

13. Review/Action on Awarding a Contract for the Community Recreation Center Concessions

Greg Gordon stated that Mr. Burr has met with the golf and events staff. He has also presented the menu. He has stated that catering is not restricted to the presented menu. Staff is on board as the preferred vendor for golf and events.

C. Rees stated that there is a chance that with the minimum cost, the city will be subsidizing the grill.

C. Zappala stated that he doesn't feel that \$1,200 is truly the cost of running the grill. Some of the things rolled into it are things the city is paying anyway, grill or no grill, such as utilities.

C. Crawley stated that if projections are met the city would be making \$2,800/month. He likes the structure of the contract.

**MOTION: C. Zappala—To approve a concessions contract agreement with Cameron Burr, subject to legal review.** Seconded by C. Geddes.

C. Crawley stated that the city should nail down a few terms, such as how much of Mr. Burr's pay is part of the expenses, which could lead to reduced income.

David Shaw stated that he should look at the contract. He would recommend that the city's share be renegotiated as a percentage of gross. That would obviously change the percentages, but addresses those issues.

**AMEND MOTION: C. Zappala—that the terms of contract will be adjusted to reflect percentage of gross rather than net, and those terms will be negotiated between Mr. Bunker and Mr. Burr with advice and review from Mr. Shaw.** Seconded by C. Geddes. Vote taken by roll call.

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

14. Review/Action on Adoption of a Resolution Supporting the HB362 (2015) Authorized 0.25% Local Option General Sales Tax Dedicated to Transportation

County Commissioner Bill Lee stated that this item is on the ballot. This is a tax increase. This talks about transportation needs, including roads, yet a disproportionate amount (40%) goes to Utah Transit Authority (UTA). He thinks there is a priority problem in this county with the amount of money going to UTA. Many more people use roads than buses. He would like to see this done right. He urged voting against this resolution. None of the increase would go to Bus Rapid Transit. He is in favor of rebuilding Canyon Road, though he is speaking for himself, not for the county commissioners. The county only rebuilds to county standards, and that is likely not what the city wants.

C. Rees stated that she doesn't have any faith that the county would use any money for Cedar Hills if it were to get control of those funds. Commissioner Ellertson has stated that he will not fund any roads in Cedar Hills.

Mayor Gygi stated that Commissioner Lee is asking him to believe that something good will happen a second time in the state legislature, when it took a long time for this to get anywhere the first time. He is hesitant to think there will be a better option. Public transportation needs to be part of this solution.

C. Crawley stated that he doesn't want a tax increase.

C. Augustus stated that the easiest way to get money is through a tax increase. He would rather see budgetary cuts and a more efficient use of money for road projects. The sales tax would be better used by giving it to local municipalities for their roads. Just because it is the only option, doesn't mean that it is a good option.

C. Zappala stated this is the best option that has been on the table for 18 years. Giving the money to local municipalities would not allow them to use the money for state and county roads in their area. He is excited about this option that would give 40% to transportations and finding solutions rather than just building more roads.

**MOTION: C. Zappala—To approve Resolution 09-08-2015C, a resolution supporting the HB362 (2015) Authorized 0.25% Local Option Generated Sales Tax Dedicated to Transportation, Encouraging Utah County to Submit the Proposal to Voters in November 2015, and Encouraging Voters to Support the Proposal.** Seconded by C. Rees. Vote taken by roll call.

Yes	-	C. Zappala	
		C. Rees	
No	-	C. Geddes	
		C. Augustus	
		C. Crawley	Motion fails.

**15. Review/Action on Adoption of an Ordinance Amending Title 9, Chapter 1, Article C, Relating to the Board of Adjustment**

Chandler Goodwin stated that there are two changes in the mode of appointment and organization of the Board of Adjustment, including removing the ex officio member and that the appeal authority takes affect the date that the written decision is made rather than at the meeting.

**MOTION: C. Zappala—To table until legal review.** Seconded by C. Augustus.

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

**16. Review/Action on Approval of Vista Room Resident Rates**

Greg Gordon stated that he met with C. Rees, C. Geddes, Mayor Gygi, David Bunker and Events Coordinator, Natalie Scott to discuss Vista Room rates. Staff's proposal has been \$100/hour. The costs are about \$125/hour. The survey results suggested that would be a fair rate.

C. Zappala stated that he is concerned with the way the poll was done. He would suggest making the rate available to residents at \$20/hour.

C. Rees stated that she would look at \$20/hour for half the room on Monday and Tuesday nights. With those rates the city would get more resident interest for things such as a book club. This is in an effort to make it more of a community center.

C. Augusts stated that he would like to continue sending out the coupon but not letting it be combined with any other offer.

C. Geddes stated that if there is a \$20 rate, no set up or clean up should be included.

Mayor Gygi stated that he did not find the results from the survey helpful. He suggested setting it at \$20/hour for six months as a trial.

C. Zappala stated that he would like to make the language easily understood. The rates need to be on the Vista Room page.

**MOTION: C. Zappala-To approve the Community Center usage rate schedule with several modifications: Charge \$20 per hour for Mondays and Tuesdays with that rate applied to the different halves of the room; have these rates in effect on a trial basis for 6 months; direct staff to use feedback from Joe Felon to calculate what this is doing to our bottom line.** Seconded by C. Augustus.

**AMEND MOTION: C. Augustus—To have the city attorney review this.** Accepted by C. Zappala

**AMEND MOTION: C. Zappala—To have staff show the effect of the change on a monetary basis.** Seconded by C. Augustus

Greg Gordon stated that at this rate there will be no staff set up or clean up.

C. Crawley stated that he thinks the rate is a little low, and that the room will be over booked. There may need to be an additional staff person hired.

**AMEND MOTION: C. Zappala—To add that no coupons apply.** Seconded by C. Augustus

**AMEND MOTION: C. Zappala—To add that there is no set up or clean up.** Seconded by C. Augustus.

Greg Gordon asked that committees try to use those same days for meetings.

Vote taken by roll call.

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

17. Discussion on the Redesign of the Roundabout located on Cedar Hills Drive

Chandler Goodwin stated that the Beautification, Recreation, Parks and Trails Committee have discussed the roundabout for several months. This proposal includes raising the ground in the middle and using a landscape architect. To proceed forward, a \$1,000 budget amendment would need to be made to allow for a landscape architect bid.

Boyd Wilkins stated that the roundabout design includes a west to east water features with trees and up lighting. There will be variety with perennial and annuals. Initial talks with a landscape architect and nursery suggested a cost of around \$75,000. To get a concrete number a plan is needed.

C. Rees stated that Diane Farr gave classes at the recreation center, and has said that she would donate her services to this project. There are two parks on the capital projects plan. She doesn't want to spend money on unusable space before finishing the parks.

C. Augustus stated that if the city is spending money on a bid, the council should also set a budget for the project.

C. Geddes stated that the council needs to come up with a direction. If the council thinks there is no money for it, then that should be decided and the Beautification, Recreation, Parks and Trails Committee doesn't need to waste their time on it.

18. Review/Action on a Resolution Adopting Fiscal Year 2016 Budget Amendments

Charl Louw stated that there are a few budget proposal amendments. Most are offsetting revenues, including some reimbursements by the developer of the Lakeshore Trails Subdivision development; a \$175,000 transfer from general to the capital projects fund; additional \$8000 in revenues and costs for golf concessions. He would like to table the bond adjustment. There is also a change to the Bayhill Park budget based on option C.

C. Zappala stated that if the landscape architect isn't funded, he would like Beautification, Recreation, Parks and Trails Committee to look at the parks master plan.

**MOTION: C. Augustus—To adopt Resolution 09-08-2015C, a resolution adopting the amended 2015-2016 Fiscal Year Budget for the City of Cedar Hills, Utah with the following changes: that we strike paragraph 4 all wording related to the bond and bond refunding excise taxes; and that we strike \$1,000 for landscape architecture plans.** Seconded by C. Crawley. Vote taken by roll call.

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

19. Discussion on Adopting a Policy on Authorized Communication with the City Attorney

David Bunker stated that in this policy on communication with the city attorney, the council should consider communications between the mayor and council and the city attorney, staff and the city attorney, and residents and the city attorney. Mayor and city council should have access to city attorney for appropriate advice. Staff contact with the city attorney goes through the city manager. If residents need to access city attorney it should go through the mayor and council.

C. Zappala stated that his primary concern is that the current contract covers 20 hours, and the council has wanted to go directly to the attorney. He would recommend renegotiating the contract for unlimited hours. He would recommend that any time council or staff contacts legal counsel, the response be given to everybody.

C. Rees clarified that unlimited hours would mean unlimited administrative hours and not litigation. There are some items that the council has not viewed as litigation in the past.

David Shaw stated that there are two numbers. One is for administrative matters; the other is for litigation matters. The only time he would not want to share advice given to one member of the city council is if it concerns the legality of something s/he intends to propose. The original proposal is all inclusive with the exception of litigation, issues of financing, lobbying or direct out of pocket expenses.

C. Geddes stated that some of the things that have been sent for review didn't seem to need it.

ADJOURNMENT

20. This meeting was adjourned at 10:19 p.m. on a motion by C. Rees, seconded by C. Augustus and unanimously approved.

Approved by Council:  
October 20, 2015

/s/ Colleen A. Mulvey, MMC  
City Recorder