

CITY COUNCIL MEETING
Tuesday, January 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, Stephanie Martinez, Marisa Wright, Jim Perry, Scott Jackman
Konrad Hildebrandt, City Manager
Kim Holindrake, City Recorder
Eric Johnson, City Counsel
Courtney Hammond, City Meeting Transcriber
Lt. Sam Liddiard, Police Department
Others: Cliff Chandler, Charles Walker, Joe Walker, Harlow Clark (Timpanogos Times), Brent Uibel, Greg Walkinghorse (Waste Management), Diane Kirk

COUNCIL MEETING

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

Invocation given by C. Jackman

Pledge of Allegiance led by C. Kirk

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

No comments.

CONSENT AGENDA

3. Minutes from the January 4, 2011, Regular City Council Meeting (7:07 p.m.)

MOTION: C. Perry - To approve the consent agenda, the minutes from the January 4, Regular City Council Meeting. Seconded by C. Martinez.

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

Motion passes.

SCHEDULED ITEMS

5. City Manager Report and Discussion (7:08 p.m.)

See handouts.

Presentation:

Greg Walkinghorse of Waste Management presented information on the Waste Management contract. Waste Management is willing to lock in the price for a year if Cedar Hills chooses to renew the contract. He proposed Cedar Hills adopt the recycling opt-out program, which would decrease recycling costs. Waste Management is also willing to revenue share on recyclables. Waste Management would take the first \$100/ton and split anything over that 50/50 with the City.

Council Discussion:

- C. Wright was concerned that with an opt-out program, residents aren't well educated about recycling resulting in contaminated bins and a clogged up system. Mr. Walkinghorse said an education program with magnets and stickers on the cans stating acceptable items and pickup dates can be a part of the program.
 - C. Kirk suggested an incentive, perhaps a free can, the cost of which can be taken from the revenues from selling the recyclables. He also pointed out that the more recyclables the more the City saves on tipping fees at North Point.
 - C. Martinez stated that she would love to see the youth of Cedar Hills involved in the recycling campaign.
 - C. Perry stated that he thought the Waste Management audit program, which involves balloons and a garbage audit, might freak people out; and residents might react more kindly to something like that being conducted by the Boy or Girl Scouts.
4. Review/Action Regarding Property Acquisition for City Offices (7:43 p.m.)

See handouts.

Staff Presentation:

Mayor Richardson stated that in the last meeting, the Council talked about the desire to increase the level of service for public safety. The Council discussed some options for city office space. He reported on space available at Lexington Heights. The build out hasn't started on the available space yet, and they are willing to lease or sell the space at a good rate. Lease rates are more expensive if the goal is to keep it long term. One of the benefits is that there is a market for commercial office space if the space no longer fits the City's needs. The space available at Lexington Heights is slightly smaller in terms of square footage but uses the space more effectively with a conference room and 12 offices. There is also some upstairs space that is available. The Public Safety Building could then be used for public safety, and the proposed Events Center could be the location for public meetings. Retrofitting the Public Safety Building and purchasing/leasing that office space would use about half the money that has been set aside for a city office building. The public safety district is only requesting half of the current building; the main floor can be used for many different purposes depending on the needs of the City.

MOTION: C. Kirk - To open the discussion concerning the command communication center and placement of fire and emergency personnel at this meeting and what was approved by the City Council at the last meeting. Seconded by C. Perry.

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

Motion passes.

Konrad Hildebrandt stated that staff feels that the location at Lexington Heights is a better fit for the community. He would prefer to have both the upstairs and downstairs location at Lexington Heights. The downstairs would be functional but tight. Adding the upstairs area allows staff and departments to spread out.

Council Discussion:

- C. Kirk stated that this move will get the City closer to its plan for the Public Safety Building and improve public safety for the residents, which is top priority. He favors the open cubicle concept with the exception of mangers that may need to close doors. He would like to see some solid figures and proposals as soon as possible.
- C. Perry stated that he thinks this is a great plan. Right now there is extra space available on the second floor at Lexington Heights. It may not be available five years from now when the City may need the space. It is important to look at the available space on the first floor before deciding in order to ensure the space will be adequate. He is not in favor of purchasing an RV Mobile Command Center that will be used infrequently. He is in favor of purchasing rather than leasing the property.
- Mayor Richardson stated that he is only in support of the Mobile Command Center if it can be covered by a grant. He would like to see a motion that authorizes up to a certain amount to buy the space at Lexington Heights.

MOTION: C. Perry - To approve Mayor Richardson to negotiate with Lexington Heights LLC to possibly acquire and/or lease a portion of Lexington Heights office space to be reviewed by Council in executive session, and that we no longer pursue a mobile command center but rather defer to the Mayor and City staff to ensure best use of funds to ensure public safety and permanent presence of public safety personnel, and again to encourage staff to pursue any and all grants available to achieve our objectives. Seconded by C. Martinez.

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

C. Perry excused (8:22 p.m.)

5. City Manager Report and Discussion (Continued) (8:22 p.m.)

- The Fiscal Year 2012 budget process will start on the first meeting in March.
- The Decisions 2011 is under way.
- The Snow removal budget is on target.

MAYOR AND COUNCIL REPORTS

6. Board and Committee Reports (8:26 p.m.)

- C. Martinez reported that the Arbor Day celebration should be fully planned by the end of the month. The Girl Scouts are currently selling cookies.
- C. Kirk reported that the Utah Valley Dispatch Board of Trustees elected to go with the fee schedule of 10%/90%. The Fee Committee will meet to determine which calls will follow the fee schedule and which will be excluded. The attorney explained that the taxing of special service districts fall under the purview of the county commissioners. The county commissioners will validate all currently serving board of trustee members. The Committee will discuss the makeup of the Board at a future meeting. North Point Solid Waste Special Service District will meet on opening closed bids for some culverts on 200 South for the Vineyard Highway. He asked Konrad Hildebrandt to schedule a Traffic Safety and Livability Oversight Committee meeting to look

- into a resident’s request for a stoplight at Canyon Road and Canyon Heights Drive.
- C. Wright attended the Legislative Management Executive Committee meeting. Despite the comments of the residents of District 57 that were present at the meeting, the Committee unanimously supported Representative Dee’s motion stating that Craig Frank does not live within the boundaries of District 57. Representative Frank stated he would be there on Monday.
- C. Richardson reported that in regards to the District 57 issue, the larger issue is that residents need to be able to choose their representation, which has been taken from this District with this decision.

MOTION: C. Wright - To adopt the letter that states following:

The Mayor and City Council of Cedar Hills respectfully notify the Honorable Governor Gary Herbert and our State Legislature of our request as follows:

Whereas, in every election since 2002 all of Cedar Hills, has voted in Legislative District #57, and all such elections have been duly certified by the State of Utah, and

Whereas, Article I, Section 17, of the Utah Constitution reads as follows:

“All elections shall be free, and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.” And

Whereas, the 14th Amendment of the United State Constitution reads as follows:

“No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.” And

Whereas, case law overwhelmingly supports the interpretation of the above two passages as requiring the State of Utah to allow the voters in Cedar Hills to vote for, or against, the elected official who will represent them in the Federal House of Representatives, the Utah State Senate, and the Utah House of Representatives, and

Whereas, the State of Utah will have denied the right to vote to 2,500 residents of Cedar Hills, of which 500 voted in the November 2010 election, unless they are represented by the Federal Congressman, State Senator and State Representative they had a chance to vote for in the November 2010 election, and

Whereas, both the United States’ Constitution and Utah’s Constitution clearly prohibit the State of Utah and Utah County from trying to fix their mistake by taking away the right to vote for our elected officials by simply declaring a new boundary.

Now, therefore, we implore Governor Herbert and the Utah State Legislature to immediately take all necessary legislative action to restore the Constitutional right to vote to all the residents of Cedar Hills, so we are represented by the officials for whom we voted.

Seconded by C. Jackman.

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

EXECUTIVE SESSION

7. Motion to go into Executive Session, Pursuant to Utah State Code 52-4-204 and 52-4-205 (8:54 p.m.)

MOTION: C. Jackman - To go into Executive Session, Pursuant to Utah State Code 52-4-204 and 52-4-205 to discuss the purchase and sale of real property and imminent litigation. Seconded by C. Wright.

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

*** EXECUTIVE SESSION ***

8. Motion to Adjourn Executive Session and Reconvene City Council Meeting (9:41 p.m.)

MOTION: C. Kirk - To Adjourn Executive Session and Reconvene City Council Meeting and to include in that we discussed competency of individual. Seconded by C. Jackman (9:41 p.m.)

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

ADJOURNMENT

9. Adjourn

This meeting was adjourned at 9:41 p.m. on a motion by C. Jackman, seconded by C. Martinez, and unanimously approved.

Approved by Council:
February 15, 2011

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