

CITY COUNCIL MEETING AND PUBLIC HEARINGS

Tuesday, May 01, 2012 7:00 p.m.

Community Recreation Center

10640 N Club House Drive, Cedar Hills, Utah

Present: Mayor Eric Richardson, Presiding
Council Members: Gary Gygi, Scott Jackman, Stephanie Martinez, Jenney Rees, Trent Augustus
David Bunker, City Engineer
Greg Robinson, Assistant City Manager
Rebecca Tehero, Finance Director
Chandler Goodwin, Assistant Finance Director
Eric Johnson, City Counsel
Jim Madsen, Director of Golf
Courtney Hammond, City Meeting Transcriber
Others: Sam Liddiard, Marshall Shore, Paul Sorenson, David Jardine, Brandon Dyre, Marisa Wright, Ken Kirk, Diane Kirk, Sarah Brimhall, Virginia Rosenthal, Scott Stone

COUNCIL MEETING

1. This meeting of the City Council of the City of Cedar Hills, Utah, having been properly noticed, was called to order at 7:18 p.m. by Mayor Richardson.

Invocation given by C. Augustus

2. Public Comment (7:20 p.m.)
Virginia Rosenthal: Ms. Rosenthal lives next to Mesquite Soccer Fields. Her lot backs up to the port-a-potties. She has had stinky socks, toilet paper, soda cans, food, condoms, trespassers, etc. on her lot as well as hearing the conversations and smells from the bathrooms. She is asking that the bathrooms be moved, possibly along Cottonwood or next to the pavilion.
Marisa Wright: Ms. Wright thanked the council for making hard decisions to make the city better. She thinks there are more people in the city that appreciate the Council than criticize the council.
Paul Sorenson: Mr. Sorenson stated that the September 2011 newsletter indicated some positive cash flow statements about the golf course. He would like those statements to be corrected. There is a committee that has been formed to look at the golf course financials. He feels the citizens of the city need to understand what is really happening with total operational expenses. He wants all expenses that involve the golf course to be listed, including water and rent for golf cart storage. He would also like to see the cost of depreciation included in the operations. He also wants the subsidies from property taxes and loans to cover losses included in the financials.

CONSENT AGENDA

3. Minutes from the April 3, 2012, City Council Meeting and Public Hearings (7:32 p.m.)
4. Ordinance Setting the Location of City Council Meetings (7:32 p.m.)

MOTION: C. Augustus—To approve the consent agenda and the minutes from the April 3, 2012, City Council Meeting and Public Hearings and the Ordinance Setting the Location of City Council Meetings. Seconded by C. Martinez.

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

CITY REPORTS

5. City Manager (7:33 p.m.)
No report.

6. Mayor and Council (7:33 p.m.)
C. Augustus: The Planning Commission talked about approval for the Harts Gas Station.
C. Martinez: The grand opening of the Community Recreation Center is on Saturday from 10:00 a.m. to 2:00 p.m. with activities throughout the day. The recreation classes will begin on May 15.
C. Jackman: The LPPSD has begun work on the budget and talked about ways to cut costs. The Finance Committee met and talked about a study that was done on utility rates.
C. Gygi: The Finance Committee also briefly talked about the possibility of refinancing bonds.

SCHEDULED ITEMS AND PUBLIC HEARINGS

7. Review/Action on City Manager Performance and Contract (7:39 p.m.)

MOTION: C. Martinez—To table this item. Seconded by C. Augustus.

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

8. Public Hearing/Review/Action on the Preliminary Plan for Bridgestone, Plat C, Located at Approximately 9601 North and 4500 West (7:39 p.m.)

Staff Discussion:

Mayor Richardson stated that there have been some changes to the zoning ordinance that will allow this project to proceed.

Greg Robinson stated that Perry Homes is proposing two 8-plexes, though the total density has not changed. The proposal is for a 4-foot walk; the city requires a 6-foot sidewalk. Parking cannot be included in the city right-of-way. Staff recommended that if the materials are changed, the materials need to be upgraded to meet what is currently in Bridgestone. Because of the change in code, there needs to be a specific finding that the development meets the new legislative action.

Brandon Dyer of Perry Homes stated that the plan for exterior materials is a combination of brick, stucco and Hardi-board. The price-point has not yet been established, though he expects somewhere around \$200,000 for 1400-1600 square feet.

Council Discussion:

Mayor Richardson stated that his preference is to see all brick and Hardi-board.

MOTION: C. Jackman—That we grant preliminary of Bridgestone, Plat C subject to: an approval of exterior material that's like other buildings, verification of water rights, final engineering, final drainage, verification recording of amended PUD HOA CC&Rs, postal easement verification, a final plat suitable for recording shall be submitted and reviewed by the city engineer, that the sidewalk in front is a minimum six feet and is in front of the parking stalls, and final landscaping plan review and that we grant a one-time variance based on the finding of fact that the development meets section 10-6b-5b, that it is appropriate for the proper development of the lot and that such an increase will not result in the establishment of a hazardous condition. Seconded by C. Gygi.

Yes - C. Augustus
C. Gygi
C. Jackman
C. Martinez
C. Rees

Motion passes.

9. Review/Action on the Final Plan for Rhinehart Oil Gas and Convenience Store Located at Approximately 10018 North and 4800 West (7:49 p.m.)

Staff Presentation:

Greg Robinson stated that there are a few minor issues that need to be addressed. The monument signage is a little larger than the recommended sign, but staff feels it is appropriate. The canopy signage is mandated by Phillips 66, with signage on three sides. They will be bricking the columns of the canopy. The concrete under the canopy will be unstamped, colored concrete. There is an outdoor seating/dining area for customers. The Planning Commission recommended sound level changes that coincide with the original staff recommendations for Walmart 75, 65 and 55 dBA. He feels that the new levels are consistent with this site and zoning.

David Jardine stated that there are some outdoor sale areas for ice, propane and firewood. They would like to do a groundbreaking ceremony in the next few weeks, as soon as they can get the necessary permit.

C. Augustus stated that he is concerned with the site lines for a 10' x 10' monument size at the corner. David Bunker stated that a 45 degree site triangle is required. If it doesn't meet that requirement it will need to be moved to the south.

MOTION C. Jackman—To approve the final site for the Rhinehart Oil site plan located at approximately 10018 N 4800 W, subject to the traffic report being reviewed by the city engineer,

participation in any additional traffic mitigation measures that may be needed at the time, final engineering, execution of a development agreement prior to commencement of construction, final approval of drainage plan, conveyance of water rights per city policy, signage is appropriate and complies with the spirit and intent of the commercial design guidelines and sign ordinance, and adjusted sound levels of L1 of 75, L10 of 65 and L90 of 55 and nighttime sound levels of 55.

Seconded by C. Augustus.

Yes - C. Augustus
C. Gygi
C. Jackman
C. Martinez
C. Rees

Motion passes.

10. Review/Action to Adopt the Preliminary Fiscal Year 2013 Budget (July 1, 2012 to June 30, 2013) (8:07 p.m.)

Staff Presentation:

Rebecca Tehero stated that the only change to the general fund was an addition of \$5000 for communications. The water and sewer fund correlates to the utility study that was reviewed in the work session. The largest change to the Community Recreation Fund budget was the change from purchasing 10 carts to leasing 10 carts. The revenues from the grill are projected to be sufficient for one full time employee and \$30,000 for part time labor.

Jim Madsen stated that many of the golf course funds were projected to be much greater than what the course is seeing, although it is a phenomenal year with seven straight months of growth. The revenue budget is based on historical data. He took the best year of what was actually attained and added 12% for each of the categories in golf revenue.

Council Discussion:

C. Gygi stated that he feels like the goals for the golf course should be less lofty and more realistic. He doesn't want the golf course to overpromise.

C. Rees stated she would like the golf course fund, and the budget, in general, to be as realistic as possible.

C. Jackman stated that he would prefer to see expectations to be exceeded. The golf course should have higher goals than what is budgeted, but the budget should be realistic.

Mayor Richardson asked that staff be ready with recommendations for the events fund in an upcoming work session, with information about the snack shack.

MOTION: C. Jackman—Year after year, day after day, our beloved benevolent beings of the legislature have maintained meaningless statutes, in this case mandating tonight that the City Council adopt a completely nonbinding preliminary budget in advance of passing an actual budget, and in this case prior to full figures being available from the county assessor's office. Nevertheless, wishing to be in complete compliance with even poorly written laws, that even the

benevolent legislature isn't willing to follow, I move we approve the nonbinding preliminary budget for the fiscal year 2013, and again publically invite esteemed public servants, the legislature, to attend more municipal meetings so they can better understand how the municipal government functions. Seconded by C. Martinez.

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

11. Discussion on a Civic Center Preliminary Study and Analysis (8:25 p.m.)

MOTION: C. Martinez—To continue at a later date the discussion of the Civic Center Preliminary Study and Analysis. Seconded by C. Rees.

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

12. Review/Action on Completion of the Community Recreation Center Basement (8:25 p.m.)

Staff Presentation:

Greg Robinson stated that the square footage in the basement is 3774. The cost of finishing the space is anticipated to be \$40-\$45 per square foot. The funds will come from recreation impact fees. There can be a lot of programming done in the basement without the equipment. If the Council wants to phase the finishing of the basement, the equipment can wait. The Council approved \$20,000 in CARE tax revenue for the programs that will start upstairs.

Rebecca Tehero stated that there is anticipated to be roughly \$150,000 left in the recreation impact fees funds after all the invoices are paid on the Community Recreation Center. If the cost of finishing the basement exceeds that amount, there are other sources of funds, including unrestricted funds or CARE tax funds.

David Bunker stated that to get a full set of plans to effectively bid the project will cost \$5000-\$10,000.

Council Discussion:

Mayor Richardson stated that he feels strongly that finishing the basement to provide a strong recreation program is the right path. He would like staff to continue with bids and sourcing to find out exact costs. The Blue Ribbon Committee made recommendations on how to best use the building for recreation. There wasn't a lot of consensus on the committee. Ultimately, the committee recommendations exceeded the money available.

C. Rees stated that she doesn't have a problem with using unrestricted funds, but would like to know exactly what it will cost and where the money is coming from.

C. Augustus recommended sending out square footage and plans to contractors that can then give a range of estimates.

C. Jackman stated that while the plans and estimates are being put together, someone should be working on a proposal for paying for the project.

Resident Marshall Shore stated that first the Council needs to get feedback to know what it wants to build in the basement. A design-build bid may be a good way to get estimates.

Mayor Richardson assigned C. Augustus to work with David Bunker on the design of the basement, C. Martinez to work on equipment, C. Gygi and C. Jackman to work on financing, and C. Rees to work on communication.

13. Review/Action on Appointments (8:47 p.m.)

Mayor Richardson stated that some valuable employees have left the city. He expressed his appreciation for their valuable service.

MOTION: C. Jackman—To accept the resignation and separation agreement of our city manager, chief building and zoning officer and city recorder, and thank them for the great service they have given. Seconded by C. Gygi.

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

EXECUTIVE SESSION

14. Motion to go into Executive Session, Pursuant to Utah State Code 52-4-204 and 52-4-205 (8:49pm)

MOTION: C. Jackman—To go into Executive Session, Pursuant to Utah State Code 52-4-204 and 52-4-205 to discuss pending litigation and competence of an individual. Seconded by C. Rees

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

15. Motion to go into Executive Session, Pursuant to Utah State Code 52-4-204 and 52-4-205 (10:10pm)

MOTION: C. Jackman – To adjourn Executive Session and reconvene City Council Meeting.

Seconded by C. Gygi

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

13. Review/Action on Appointments (10:10 p.m.)

Mayor Richardson suggested appointing Nick Ivins to the Parks, Trails and Recreation Committee and Sophia Lallatin and Natalie Scott to the Beautification Committee. These are ad-hoc committees that don't require a formal motion by the City Council. In addition, Mayor Richardson suggested appointed David Bunker as the City Treasurer.

MOTION: C. Jackman – To appoint David Bunker as the City Treasurer. Seconded by C.

Augustus.

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

16. Adjourn

This meeting was adjourned at 10:12 p.m. on a motion by C. Augustus, seconded by C. Rees, and unanimously approved.

Approved by Council:
June 19, 2012

/s/Gretchen F. Gordon
Gretchen F. Gordon, Deputy City Recorder