

CITY COUNCIL WORK SESSION
Tuesday, October 15, 2019 6:00 p.m.
Community Recreation Center
10640 N Clubhouse Drive, Cedar Hills, Utah

Present: Jenney Rees, Mayor, Presiding
Councilmembers: Denise Andersen, Ben Bailey, Ben Ellsworth, Brian Miller,
Mike Geddes (6:10 p.m.)
Chandler Goodwin, City Manager
Charl Louw, Finance Director
Greg Gordon, Recreation Director
Jeff Maag, Public Works Director
Colleen Mulvey, City Recorder

This work session meeting of the City Council of the City of Cedar Hills, having been properly noticed, was called to order at 6:03 p.m. by Mayor Rees.

1. Discussion on RFQs for Legal Services

Chandler Goodwin, City Manager, stated that they had received seven responses to the RFQ for Legal Services, and those bids had been given to the Council for their review. He noted that some of the bids were based on a monthly retainer, and some based on an hourly rate. The bid from Kirton McConkie included a potential annual increase. When selecting a firm, the Council should consider experience as well as cost.

Mr. Goodwin reported that one of the firms reached out to the City and expressed concerns with the process that they went through last time they responded to an RFQ from the Cedar Hills. They were apprehensive about the face-to-face interview where other firms could be present during their presentation. Last time, the interviews took place in a public meeting, but the City Council could choose to interview the firms in a different forum, such as a phone call. Mr. Goodwin said that he would prefer to narrow the candidates down to four or five for interviews. He asked the Council how they wanted to proceed.

Mayor Rees agreed with narrowing the candidates down to four. They could request that other firms leave the room as a professional courtesy, but they couldn't require that because it was a public meeting. The firm that reached out to the City indicated they weren't interested if the interviews were during a public meeting.

C. Andersen wondered how other cities conducted these types of interviews. Mr. Goodwin stated that the Council wasn't required to conduct interviews at all. They could make their decision based on the bid information before them now. He gave the option of selecting a subcommittee to conduct individual interviews and then present their findings to the Council. The subcommittee would consist of two Council Members, the Mayor, and Mr. Goodwin.

C. Geddes arrived 6:10 p.m.

C. Ellsworth liked the suggestion of forming a subcommittee. C. Andersen agreed.

Mayor Rees asked who would be interested in being on the subcommittee. The subcommittee members would need to have a flexible schedule and be able to devote a lot of time to the interviews.

C. Miller and C. Andersen expressed interest in participating in the subcommittee. C. Geddes would be available to fill in if one of the other Council Members wasn't available. Mr. Goodwin said that he would be the one scheduling the interviews.

Mr. Goodwin noted that last time they went through this process; the City was facing a lot of major issues. Since then, most of those issues had been resolved.

C. Andersen said that Kirton McConkie had a lot of experience, but the City simply couldn't afford them.

Mr. Goodwin went through each of the bids and noted their experience level and the cost. Kirton McConkie had the strongest experience with municipalities, and a very high cost. Jones Waldo had moderate experience and a high cost. Harward & Associates had moderate experience and a moderate cost. Hayes Godfrey & Bell had limited experience and a competitive cost. Strong & Hanni had limited experience and moderate cost. Cowdell Woolley had strong experience and moderate cost. Bennett Tueller Johnson & Deere (BTJD) had strong experience and high cost.

Mayor Rees noted that Kirton McConkie, Cowdell Woolley, and BTJD had municipal experience, but they had also worked with service districts and the County. They had a lot of experience with public entities in general.

C. Miller said that Strong & Hanni was a well-known firm, but the attorney indicated on the bid was not experienced with municipal law, which wasn't ideal. He knew the attorney indicated on the bid for Jones Waldo and said that she had been working with American Fork on their broadband project. He would feel comfortable with this firm and attorney.

Mayor Rees suggested that they narrow the bids down to BTJD, Cowdell & Woolley, Kirton McConkie, and Jones Waldo.

There was further discussion regarding the firms and the attorneys that would be working with the City. The Council discussed the work that Kirton McConkie had done in the past.

Mayor Rees said that they had been fortunate to have good legal counsel with Joel Wright. The bigger question was what the City could afford to do right now. They always had the option of giving this project to a City Attorney and hire a separate litigation attorney. That has been done in the past. Mr. Goodwin noted that any contract they enter into would be non-exclusive.

The conversation turned back to the four firms they would like to interview. C. Andersen asked which of the bids were hourly and which were based on a retainer. Mr. Goodwin said that Kirton McConkie, Jones Waldo, and Cowdell & Woolley were based on a retainer. Mayor Rees instructed staff to contact the four firms discussed to set up interviews with the subcommittee.

2. Discussion on Tobacco Specialty Shops

Mr. Goodwin explained that the Utah Department of Health issued an emergency ruling regarding flavored vape oils, and it gave all vendors six days to pull vaping supplies off the shelves. City Code Section 10-5-39 contained language relating to tobacco specialty stores, and Mayor Rees expressed a desire to tighten up this code in response to the emergency ruling. This item would go to the Planning Commission this month for a recommendation.

Mayor Rees said that the State ruling only allows flavored vape oil to be sold in tobacco specialty shops. She recommended that the City Code be amended to state that the City would not issue business licenses to tobacco specialty stores. Businesses would still be allowed to sell other tobacco products.

Mr. Goodwin noted that the Code did require 600 feet between tobacco sales and residential homes.

3. Review/Action on Approving the Cedar Canyon Subdivision Plat

Mr. Goodwin stated that the developer of Cedar Canyon wanted to record the mylar plat showing lots with addresses and easements. They were not entering into a durability bond yet, but they had documentation regarding their bond applications. They would also be bidding for sidewalks and streetlights. Staff anticipated receiving those bonds in the next few months. A recorded plat would allow the developer to start getting building permits for the homes.

C. Geddes asked if the developer had originally opted not to post a bond, and Mr. Goodwin confirmed. He stated that Public Works Assistant Director, Kevin Anderson had visited the site today and created a punch list. The developer had already worked out an agreement with Pleasant Grove Irrigation Company regarding the retention basin.

Jeff Maag, Public Works Director, added that they were still waiting for approval from the State Division of Water for the culinary waterlines. The tests were successful, so that approval should be coming shortly.

C. Andersen asked if 4800 West would be opened up, and Mr. Goodwin answered affirmatively. He explained that the road was privately owned, but it would become public once the plat was approved. The barriers would be coming down and the road would be opened. Mr. Maag noted that one of the punch list items was the installation of stop signs on 4800 West before it opened up to Cedar Hills Drive.

ADJOURNMENT

This meeting was adjourned 6:42 pm on a motion by C. Ellsworth, seconded by C. Miller, and unanimously approved.

Approved by Council:
November 19, 2019

/s/ Colleen A. Mulvey, MMC
City Recorder