

City of Taylorsville
CITY COUNCIL MEETING
Minutes

Wednesday, July 20, 2011
Council Chambers
2600 West Taylorsville Blvd., Room No. 140
Taylorsville, Utah 84129

BRIEFING SESSION

Attendance:

Council Members:

Council Chairman Jerry Rechtenbach
Council Member Morris Pratt
Council Member Dama Barbour

City Staff:

John Inch Morgan, City Administrator
John Brems, City Attorney
Cheryl Peacock Cottle, City Recorder
Jessica Springer, Council Coordinator
Mark McGrath, Community Development Director

Excused: Mayor Russ Wall, Council Member Bud Catlin, Council Member Larry Johnson

Others: Kristie Overson, Glenn Burgess, Charlie Bernstein

BRIEFING SESSION

1. Review Administrative Report

Chairman Rechtenbach conducted the Briefing Session, which convened at 6:00 p.m. City Recorder Cheryl Peacock Cottle conducted a Roll Call, wherein Council Members Barbour, Pratt, and Rechtenbach were present. It was noted that Mayor Russ Wall and Council Members Catlin and Johnson were excused from the meeting. Chairman Rechtenbach called for questions on the Administrative Report for Community Development, and Council Member Pratt inquired about the appeal issue on the agenda. Community Development Director Mark McGrath confirmed that the Planning Commission denied the subject appeal. He agreed to follow up on

another enforcement issue, per Chairman Rechtenbach's request. Mr. McGrath gave clarification on the definition of a home occupation and on business license requirements.

2. Review Agenda

18:05:13 The agenda for the City Council Meeting was reviewed. Community Development Director Mark McGrath gave explanation on planning matters on the agenda and outlined the definition of an awning structure. Mr. McGrath also reviewed the history regarding the appeal on an animal Hobby Permit. Council Member Pratt inquired about the report from Animal Services and Council Member Barbour relayed information she received during a discussion with Animal Services and with neighbors. She cited concerns that neighbors have expressed over the animals in question.

18:14:42 City Administrator John Inch Morgan noted that some new information was received regarding discrepancies contained in the RDA documents. Chairman Rechtenbach noted that the bonding issues scheduled for the RDA Meeting will be postponed to allow time for review of the new documents received.

3. Adjourn

18:15:41 The Briefing Session was adjourned at 6:15 p.m.

REGULAR MEETING

Attendance:

Council Members:

Council Chairman Jerry Rechtenbach
Council Member Morris Pratt
Council Member Dama Barbour

City Staff:

John Inch Morgan, City Administrator
John Brems, City Attorney
Mark McGrath, Community Development Director
Wayne Dial, Assistant Chief of Police
Cheryl Peacock Cottle, City Recorder
Jessica Springer, Council Coordinator
John Taylor, City Engineer
Scott Harrington, Chief of Finance
Donald Adams, Interim Economic Dev. Director
Patrick Tomasino, Building Official

Excused: Mayor Russ Wall, Council Member Bud Catlin, Council Member Larry Johnson

Citizens: John Gidney, Kristie Overson, Charlie Bernstein, Ernest Burgess, Marsha Rosati-Dykes, Jay Ziolkowski, Israel Grossman, Riley Cooper, Cathy McKittrick, Dave Ballou, Aimee Newton, Jessica Smith, Debbie Baty, Robert Baty, Pamela Darby, Kathy Withers, Tyler Smith, Chanbopha Tek, Kay Burrows, Amy Fiscus, Zack Christensen, Jill Christensen

1. WELCOME, INTRODUCTION AND PRELIMINARY MATTERS

18:31:12 Chairman Jerry Rechtenbach called the meeting to order at 6:31 p.m. and welcomed those in attendance. City Recorder Cheryl Peacock Cottle conducted a Roll Call, wherein all Council Members were present except Council Members Catlin and Johnson. It was noted that Mayor Russ Wall and Council Members Catlin and Johnson were excused from the meeting.

1.1 Opening Ceremonies – Pledge of Allegiance – Council Member Pratt

18:31:35 Council Member Morris Pratt directed the Pledge of Allegiance.

1.2 Reverence – Council Member Pratt (Opening Ceremonies For August 3, 2011 to be arranged by Youth Council)

18:32:40 Council Member Pratt offered the Reverence.

1.3 Citizen Comments

18:34:30 Chairman Jerry Rechtenbach reviewed the Citizen Comment Procedures for the audience. He then called for any citizen comments.

18:37:04 There were no citizen comments, and Chairman Rechtenbach closed the citizen comment period.

18:37:25 Chairman Rechtenbach recognized a boy scout in attendance from Troop 929.

1.4 Mayor's Report

There was no Mayor's Report given, as Mayor Wall was excused from the meeting.

2. APPOINTMENTS

There were no appointments.

3. REPORTS

There were no reports.

4. CONSENT AGENDA

4.1 Minutes –SSCM 06-08-11 & RCCM 07-06-11

18:38:10 Council Member Morris Pratt **MOVED** to adopt the Consent Agenda. Council Member Dama Barbour **SECONDED** the motion. Chairman Rechtenbach called for discussion on the motion. There being none, he called for a roll call vote. The vote was as follows: Pratt-yes, Catlin-excused, Barbour-yes, Rechtenbach-yes, and Johnson-excused. **All City Council members present voted in favor and the motion passed unanimously.**

5. PLANNING MATTERS

5.1 Public Hearing – 6:30 p.m. – To Receive Public Comment on a Proposed Text Amendment to Section 13.10.050-A of the Zoning Ordinance Regarding Open Sided (3 Sides) Structures to a Home – *Mark McGrath*

18:38:55 Community Development Director Mark McGrath presented a proposed zoning ordinance regarding a text amendment to Section 13.10.050-A concerning the addition of awnings to homes. He relayed the current setback standards pertaining to awnings (15 feet) and cited the Staff's and the Taylorsville Planning Commission's recommendations to adjust the setback standard to five feet. He clarified that the proposal is to allow structures that are open on all sides other than the side attached the home to within five feet of the residence.

18:43:08 Chairman Rechtenbach opened the public hearing on this matter and called for citizen comments.

18:43:34 There were no comments and Chairman Rechtenbach declared the public hearing closed.

5.1.1 Ordinance No. 11-07 – Amendment to Section 13.10.050-A of the Zoning Ordinance Regarding Open Sided (3 Sides) Structures to a Home

18:43:46 Council Member Dama Barbour **MOVED** to adopt Ordinance No. 11-7 – Amendment to Section 13.10.050-A of the Zoning Ordinance Regarding Open Sided (3 Sides) Structures to a Home. Council Member Morris Pratt **SECONDED** the motion. Chairman Rechtenbach called for discussion on the motion. There being none, he called for a roll call vote. The vote was as

follows: Pratt-yes, Catlin-excused, Barbour-yes, Rechtenbach-yes, and Johnson-excused.
All City Council members presented voted in favor and the motion passed unanimously.

**5.2 Request for an Appeal of a Conditional Use Permit Denial for an Animal Hobby Permit on Property Located at 5794 South Carranza Drive
– Mark McGrath**

18:44:12 Community Development Director Mark McGrath gave history on an application that was recently before the Planning Commission for a Animal Hobby Permit to allow four dogs on the applicant's property. He relayed that neighbors were contacted and a number of letters were received from neighbors regarding odor, care, and noise issues at the property. Mr. McGrath stated that the Planning Commission denied the application for the Animal Hobby Permit and the applicant has subsequently appealed that decision. He explained that, according to City ordinance, the issue before the City Council is a decision whether to hear the appeal, remand the matter back to the Planning Commission, or uphold the Planning Commission's decision to deny the permit.

18:48:02 Mr. McGrath cited a letter received from the applicant's mother, Sheila Parker, and distributed such to the City Council.

18:48:49 Mr. McGrath explained that an initial complaint was made to West Valley Animal Services regarding the number of dogs on the property. He stated that a subsequent complaint was received regarding barking whereupon an Animal Control Officer went to the property, but did not witness any barking.

18:50:33 Applicant Jessica Smith relayed her desire to keep her four dogs and said her property has been in compliance every time an officer has come to the property. She said that her family holds a U.S.D.A. license and relayed that she is a Veterinary Technician. She stated that she takes excellent care of her animals. Ms. Smith distributed pictures of her property to the City Council. She said that her dogs do not bark for long periods of time and cited other dogs in the neighborhood who do bark excessively.

18:55:45 The applicant's husband, Tyler Smith, commented on the welfare of the animals and relayed that their animals are very healthy and well cared for.

18:56:35 Chairman Rechtenbach invited neighbors to comment.

18:57:06 Debbie Baty, a neighbor of Jessica Smith's, described where her residence is in relation to the applicant. She described her concerns regarding the dogs and cold conditions dating back to January, 2011. She reviewed the history of calls she made to West Valley Animal Services and documentation she kept regarding barking incidents.

19:03:20 Kathy Withers said that she is a backyard neighbor Jessica's. She said that, although she doesn't own a dog personally, all of the neighbors around her do. She stated that there has never been a problem with dogs in the area until recently when Jessica's dogs came to the neighborhood. She cited concerns with extensive odor and excessive noise. She indicated that the odor and barking interferes with social occasions and relayed that the current situation is unbearable. Ms. Withers relayed comments she has received from other neighbors. She expressed hope that the situation can be resolved. She stated that the neighborhood has never had these types of problems in 33 years.

19:11:20 Robert Baty said that he does yard work at his home and relayed problems with odor coming from the applicant's property. He expressed his personal opinion that the yards are not of adequate size in his neighborhood to support four animals.

19:13:00 Pamela Darby said that she lives across the street from the applicant and formerly lived in Ms. Smith's home. She cited problems with the neighbor's dogs when she lived at that property. She said that she and her children visit with Ms. Smith's dogs and have never experienced a problem. She observed that there are other dogs in the neighborhood that do bark. Ms. Darby said she believes Ms. Smith should be approved for her Hobby Permit, as she has a great understanding of animals and takes good care of them.

19:16:58 Mr. Smith said that the main complainant is following a double standard because the two boxers she owns also bark.

19:19:05 Ms. Baty clarified that she only owns one dog and it is scared to go outside because of Ms. Smith's animals.

19:19:27 Mr. Pratt inquired whether the dogs are currently licensed and whether individuals who seek licenses are provided with ordinances related to animals.

19:19:56 Ms. Smith confirmed that all four dogs are currently licensed with Taylorsville. Mr. McGrath said that is not the way the process should work with Animal Control. He affirmed that when a conditional use permit is issued, it is reviewable upon legitimate complaint.

19:22:50 Ms. Barbour said that she is an animal lover, but is concerned about the odor related to four dogs. She stated that she is torn over this situation.

19:23:36 Chairman Rechtenbach stated that he has some personal biases and does not believe a residential home should be allowed to have four large dogs. He said that denying the permit will limit the dogs to two, but may not alleviate the odor or the barking. He suggested that the matter be remanded back to the Planning Commission, so that they may be provided additional documentation and input from the neighbors.

19:26:36 Council Member Pratt said he believes the Planning Commission's decision would probably be the same even with any additional documentation provided. He agreed with either upholding the Planning Commission's initial decision or remanding the matter back to the Planning Commission.

19:28:23 Council Member Barbour said she believes the matter is just being prolonged. Chairman reiterated the Council's choice to uphold the Planning Commission decision, remand it back to them, or have the Council hear an appeal. Council Members Barbour and Pratt voted to uphold the Planning Commission's decision. Chairman Rechtenbach reported that the Council has voted by a two-to-one vote to uphold the Planning Commission's decision to deny the application for an Animal Hobby Permit.

Chairman Rechtenbach asked Mr. McGrath to meet outside the Council Chambers and discuss future options with the applicant.

5.3 Discussion Regarding the Proposed *Land Development Code* – *Mark McGrath*

19:33:52 During the brief absence of Community Development Director Mark McGrath, Interim Economic Development Director Donald Adams presented Chapters 4, 5, and 6 of the Proposed Land Development Code.

19:32:03 Mr. Adams outlined Chapter 4, which contains the definitions and brief descriptions of the new zoning districts. He noted that these are substantially different from the current code, are more inclusive, and allow for greater flexibility in carrying out economic development goals. He summarized by relaying that the single family residential districts parallel existing densities closely, but noted that some different multi-family districts have been created.

19:32:59 Mr. Adams observed that commercial districts are now more broad-based and more area-specific in the new code.

19:33:21 Chairman Rechtenbach cited some overlap on the table outlining districts and Mr. Adams gave clarification on differences between districts. Mr. Adams agreed to provide definitions for all districts.

19:34:56 Mr. Adams gave explanation on agricultural-type designations. He noted that agricultural zones are covered within the single-family zones and not in Chapter 4.

19:35:59 Mr. Adams cited locations and boundaries of the districts that now correlate with the General Plan. He noted that a new transit corridor district has been added to allow for mass transit.

19:36:27 Council Member Pratt inquired why agricultural designations end at 5000 South and Mr. Adams cited the regional commercial zone and office environment that begins further south. He noted homes in the area that will most likely not develop as commercial.

19:37:39 Mr. Adams confirmed that there is potential for historic preservation overlay in all zones. He relayed that there is a chapter specific to historic preservation in the new code.

19:38:45 Chairman Rechtenbach inquired about the applicability of zoning districts on Page 4 and noted that Sections D and E seem very similar. Mr. Adams gave explanation on differences between the Limited Commercial District and the Neighborhood Commercial District. He cited the need to make a gentle transition in commercial areas.

19:41:26 Chairman Rechtenbach cited a typographical area in Paragraph E. He also noted a sentence on Page 6 that needs to be crossed out. Mr. Adams agreed to make the corrections.

19:43:01 Mr. Adams outlined differences between a Research and Development District and an Industrial District.

19:44:33 Mr. McGrath suggested moving the Introductory Section 11 to the beginning of Chapter 4. He affirmed that the districts without definitions will be defined, as well.

19:46:48 Mr. McGrath reviewed Chapter 5, which allows for amendments to the Development Code and the Zoning Map and describes the process for doing so. He noted that the processes outlined in this chapter correlate directly with State Code. Mr. McGrath noted one primary difference to the current process. He cited the ability in the current code to place zoning conditions and explained that the proposed code is a little more general when it states that the City Council may adopt or amend "any regulation of or within the zoning district." He suggested that the Council may want to consider retaining the more specific language, as found in the current code.

19:48:54 Council Member Barbour said she feels strongly that the specific language in regard to zoning conditions should be retained and Mr. McGrath agreed that is probably a good idea. The consensus of the Council was to leave in the current more specific language regarding "conditions."

19:50:28 Chairman Rechtenbach inquired about Paragraph A under Amendments to the Zoning Map. Mr. McGrath noted that the language therein may be antiquated, as the City Recorder now has access to all City Records through GIS Systems, etc. He agreed to update the language after checking state law.

19:53:04 Chairman Rechtenbach referenced Paragraph B and questioned whether corrections made by the Director to the Zoning Map also need to come before the City Council. Mr. McGrath indicated this language is only addressing small technical drafting errors that need to be corrected to match the intent of amendments already made by the Council. Mr. Adams gave additional explanation. Chairman Rechtenbach said that if there is any correction made, it should always come back before the Council. It was agreed to make that change to the language for any corrections to zoning maps to come back to the City Council.

19:56:29 Mr. McGrath reviewed Chapter 6, which is very similar to Chapter 5 except it deals with the General Plan as opposed to zoning ordinances and zoning maps. He indicated that this chapter identifies processes that are based on the State's enabling laws.

19:57:19 Mr. McGrath noted that this chapter states that the General Plan is an "advisory" document and specifically states that all public uses must conform to the current General Plan. He relayed that the chapter also provides language regarding the dedication of land for roads and parks in order to be consistent with current laws concerning property exactions.

19:58:35 Council Member Barbour inquired whether there is an official City trails map that ties in with County trails. Mr. McGrath relayed that there is a map in the General Plan that needs to be updated soon.

19:59:25 Chairman Rechtenbach cited Paragraph J on page 1 and asked for the definition of an "affected entity." Mr. McGrath noted that this is language taken directly from the State Code. City Attorney John Brems said that this is a defined term and cited examples, i.e. Taylorsville Bennion Improvement District, School District, Mosquito Abatement Districts, etc.

6. FINANCIAL MATTERS

6.1 **Resolution No. 11-21 – Accepting a Grant from the U.S. Department of Justice Programs in the Amount of \$41,988 for Police Software and Equipment Update – Chief Del Craig**

20:01:23 Assistant Chief Wayne Dial presented the resolution to accept a JAG Grant from the U.S. Government for law enforcement equipment. He noted that a portion of the grant will be used to purchase a software program called Telestaff, which is a time-keeping record. He relayed that the software will help cut down on administrative time and will feed into the payroll system. He noted that the remainder of the grant will be used to purchase a police cruiser to update the fleet. Chief Dial indicated that the grant is not enough to outfit the cruiser and additional funds will be needed from the budget to do so.

20:02:32 Council Member Pratt inquired whether ongoing maintenance of the new software program will be required each year. Chief Dial said that ongoing maintenance will be required, but he is unsure of the amount for such. Council Member Pratt noted the need to budget for the annual maintenance. Chief Dial indicated that the maintenance amount will be minimal.

20:03:18 Council Member Morris Pratt **MOVED** to adopt Resolution 11-21 – Accepting a Grant from the U.S. Department of Justice Programs in the Amount of \$41,988 for Police Software and Equipment Update. Council Member Dama Barbour **SECONDED** the motion. Chairman Rechtenbach called for discussion on the motion. There being none, he called for a roll call vote. The vote was as follows: Pratt-yes, Catlin-excused, Barbour-yes, Rechtenbach-yes, and Johnson-excused. **All City Council members present voted in favor and the motion passed unanimously.**

7. OTHER MATTERS

20:03:59 There were no other matters.

8. NEW ITEMS FOR SUBSEQUENT CONSIDERATION (No Action)

20:04:03 There were no new items for subsequent consideration.

9. NOTICE OF FUTURE PUBLIC MEETINGS (NEXT MEETING)

20:04:08

- 9.1 RDA Meeting – Wednesday, July 20, 2011 – 7:00 p.m.
- 9.2 City Council Briefing Session – Wednesday, August 3, 2011 – 6:00 p.m.
- 9.3 City Council Meeting – Wednesday, August 3, 2011 – 6:30 p.m.
- 9.4 City Council Work Session – Wednesday, August 10, 2011 – 6:00 p.m.
- 9.5 City Council Briefing Session – Wednesday, August 17, 2011 – 6:00 p.m.
- 9.6 City Council Meeting – Wednesday, August 17, 2011 – 6:30 p.m.

10. CALENDAR OF UPCOMING EVENTS

10.1 Community Yard Sale – Saturday, August 27, 2011 – 8:00 a.m. to 1:00 p.m. – Hosted by the Taylorsville Youth Council, reserve your spot today. Spaces are \$35 for a parking spot size area. Contact Jessica at 801-963-5400 or jspringer@taylorsvilleut.gov for more information.

11. ADJOURNMENT

20:05:14 Council Member Morris Pratt **MOVED** to adjourn the City Council Meeting. Council Member Dama Barbour **SECONDED** the motion. Chairman Rechtenbach called for discussion.

There being none, he called for a vote. The vote was as follows: Pratt-yes, Catlin-excused, Barbour-yes, Rechtenbach-yes, and Johnson-excused. **All City Council members voted in favor and the motion passed unanimously.** The meeting was adjourned at 8:05 p.m.



Cheryl Peacock Cottle, City Recorder

Minutes approved: CC 08-17-11

Minutes Prepared by: Cheryl Peacock Cottle, City Recorder