

City of Taylorsville
CITY COUNCIL MEETING
Minutes

Wednesday, February 2, 2011
Council Chambers
2600 West Taylorsville Blvd., Room No. 140
Taylorsville, Utah 84118

BRIEFING SESSION

Attendance:

Council Members:

Council Chairman Jerry Rechtenbach
Vice-Chairman Larry Johnson
Council Member Dama Barbour
Council Member Bud Catlin
Council Member Morris Pratt

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
John Taylor, City Engineer
Scott Harrington, Chief of Finance
Donald Adams, Grants Manager
Wayne Dial, Assistant Chief of Police

Excused: Mayor Russ Wall

Others: Kristen Brunson, Kristie Overson,

BRIEFING SESSION

1. Review Administrative Report

18:02:35 Chairman Rechtenbach conducted the Briefing Session, which convened at 6:02 p.m. City Recorder Cheryl Peacock Cottle conducted a Roll Call, wherein all Council Members were present. Chairman Rechtenbach called for questions on the Administrative Report. He inquired about the Request for Proposals (RFP) that has gone out for tires, and City Administrator John Inch Morgan indicated that the closing date for that RFP is in February. Council Member Dama Barbour commended City employee Lisa Schwartz for her recent presentation on emergency

preparation. Mr. Morgan gave additional explanation on the emergency preparedness presentation that was provided. He noted that Ms. Schwartz does a great job for the City of Taylorsville.

2. Review Agenda

18:04:53 The agenda for the City Council Meeting was reviewed.

18:06:11 City Administrator John Inch Morgan relayed that he and Finance Director Scott Harrington are currently putting together financial information from the Court to be presented at next week's meeting.

18:06:55 Chairman Rechtenbach inquired about data on the Court Reports and year-to-date revenue versus monthly expenses.

18:08:01 Mr. Harrington indicated that Judge Kwan's report compares budgeted numbers to actual numbers. Chairman Rechtenbach referenced page three of the Court Report. Mr. Harrington stated that he will research data from July through December. He noted that the detailed report he sends out lists the year-to-date figure.

Chairman Rechtenbach wished Council Member Larry Johnson a happy birthday tomorrow.

3. Adjourn

18:13:32 The Briefing Session was adjourned at 6:13 p.m.

REGULAR MEETING

Attendance:

Council Members:

Council Chairman Jerry Rechtenbach
Vice-Chairman Larry Johnson
Council Member Dama Barbour
Council Member Bud Catlin
Council Member Morris Pratt

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
Keith Snarr, Economic Development Director
Donald Adams, Grants Manager
Michael Kwan, Judge
Patrick Tomasino, Building Official
Marsha Thomas, Judge

Excused: Mayor Russ Wall, Community Development Director Mark McGrath,

Citizens: Kelly Davis, Jay Ziolkowski, Maria Magallanes, Kristen Brunson, Krisitie Overson, Jay Ziolkowski, Kelly Davis, Pam Roberts, Rhetta McIff, Brett McIff, Gina Martinez, Raily Jacquet, Jack Lucas, John Gidney, Reagan Gabbitas, Cindy Jewkes, Caleb Jewkes, Chris Merrill, Bob Elzinga, Jim Jenkins, Monica Sanchez, Abby Black, Kim Forsyth, Andy Ho, Janae Fairbourn, Spencer Braithwaite, Amy Braithwaite, Dave Ballon, Dale Kehl, Members of Scout Troops 1040 and 491.

1. WELCOME, INTRODUCTION AND PRELIMINARY MATTERS

18:30:31 Chairman Jerry Rechtenbach called the meeting to order at 6:30 p.m. and welcomed those in attendance. City Recorder Cheryl Peacock Cottle conducted a Roll Call, wherein all Council Members were present.

1.1 Pledge of Allegiance – Opening Ceremonies – Youth Council Member Gina Martinez

18:31:00 Youth Council Member Gina Martinez directed the Pledge of Allegiance.

1.2 Reverence – Youth Council Chair Maria Magallanes (Opening Ceremonies For February 16, 2011 to be arranged by Council Member Pratt)

18:31:46 Youth Council Member Maria Magallanes offered the Reverence.

18:32:29 Chairman Rechtenbach recognized members of Scout Troop 1040 and Scout Troop 491 in attendance.

18:33:47 City Recorder Cheryl Peacock Cottle introduced her counter-part from the Taylorsville Youth Council, Youth Council Recorder Kristen Brunson, who was in attendance. Council Member Larry Johnson introduced Reagan Gabbitas, his Youth Council counter-part.

1.3 Citizen Comments

18:34:49 Chairman Jerry Rechtenbach reviewed the Citizen Comment Procedures for the audience. He then called for any citizen comments.

18:36:01 There were no citizen comments, and Chairman Rechtenbach closed the citizen comment period.

18:36:13 Chairman Rechtenbach noted that the Mayor is excused from tonight's meeting.

1.4 Mayor's Report

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

2. APPOINTMENTS

2.1 Pam Roberts, Green Committee – *Chairman Rechtenbach*

Chairman Rechtenbach recognized Pam Roberts and nominated her to serve as a member of the Green Committee.

18:37:03 Council Member Morris Pratt **MOVED** to appoint Pam Roberts as a member of the Taylorsville Green Committee. Council Member Dama Barbour **SECONDED** the motion. Chairman Rechtenbach called for discussion on the motion. There being none, he called for a vote. The vote was as follows: Pratt-yes, Catlin-yes, Barbour-yes, Rechtenbach-yes, and Johnson-yes. **All City Council members voted in favor and the motion passed unanimously.**

3. REPORTS

3.1 Youth Council – *Maria Magallanes, Youth Council Chair*

18:37:46 Youth Council Chair Maria Magallanes reported on recent activities of the Taylorsville Youth Council. She cited the Utah State University Youth Council Conference in March and stated that the Youth Council is currently working on displays for that conference. She relayed that the theme chosen for this year's conference is "Leading by Example – Positive Attitudes." Ms. Magallanes cited a tour of the State Capitol, which is scheduled for Youth Council Members later in the month. She also wished Council Members Catlin and Johnson a happy birthday on behalf of the Youth Council.

3.2 Justice Court – Judge Michael Kwan

18:48:12 Judge Michael Kwan reported on activities in the Taylorsville Municipal Justice Court. He reviewed the Court Report, as provided in Council packets.

18:49:07 The Judge reviewed statistics for traffic case filings, criminal case filings, and small claims filings. He indicated that Small Claims has increased by approximately 300% as a result of the exclusive jurisdiction requirements that were implemented in September, 2010. Judge Kwan confirmed that the maximum amount set for Small Claims is now \$10,000. He indicated that the higher allowable amount has influenced the types of claims seen in Small Claims Court.

18:50:41 Judge Kwan reviewed revenues and expenses for the month of December, 2010 and year-to-date totals for FY 2011.

18:51:16 Council Member Bud Catlin questioned whether Small Claims filings are paying their way or are contributing to the deficit in the Court. Judge Kwan said that filing fees were increased last year and new legislation relating to Small Claims is currently being considered. He cited concern regarding the effect of potential changes on Justice Courts. He stated that he does not believe there is a deficit resulting from small claims, as no new employees have been added and filing fees have increased.

18:53:42 Judge Kwan relayed that the total number of clerks in the Taylorsville Justice Court is 12. He indicated that West Valley City has approximately 32 clerks. He agreed to bring back additional information on other courts, if desired.

18:54:37 Council Member Catlin stated that he would like numbers provided on clerks and caseload relating to small claims filings. Judge Kwan noted that the costs for bailiffs should also be calculated.

18:55:34 The Judge noted that none of the 12 clerks in the court are dedicated to Small Claims full-time. He explained that two clerks primarily work in the courtroom for Small Claims. He indicated that there is one clerk and a backup trained and that efforts are made to avoid paying overtime. He reviewed the process for handling a small claim filing.

18:57:49 Council Member Barbour asked what the City's option is, if a deficit is found, due to small claims cases. The Judge said that the only option would be to contact legislators, because filing fees are set by statute.

18:57:59 Judge Kwan said that he will follow information on potential legislation for Small Claims, once it is released.

18:58:45 Council Member Pratt noted that Mr. Harrington provided a scenario last month that indicated the Small Claims Court was paying for itself.

18:59:08 Mr. Harrington said that, although the Small Claims Court was discussed, an in-depth analysis has not been performed.

18:59:29 Council Member Pratt clarified that the City does not have a choice whether or not to do small claims. He also noted that fees will increase, as limits are graduated.

18:59:45 Judge Kwan affirmed that he will follow any legislation and update the Council as information is received.

19:00:00 The Judge reviewed statistics for case filings and case dispositions. He reviewed data on traffic, criminal, and small claims cases. He covered projections on case filings and dispositions.

19:04:50 Council Member Johnson asked for clarification on mediation agreements in Small Claims Court, and Judge Kwan explained that when the terms of the agreement are fulfilled, the small claims case is closed.

19:05:53 Judge Kwan gave explanation regarding revenues that were down in December, 2010. He said that this may be a reflection on the economy and also the holiday season, because people are electing to buy gifts rather than pay fines.

19:06:40 The Judge reviewed comparisons on 2010 revenues versus 2011, and noted that revenue is up this year. He cited a decrease in expenses from the prior month.

19:09:21 Judge Kwan reviewed revenues over a six-month period and expenses per case disposed.

19:09:33 Judge Kwan called for questions.

19:10:06 Council Member Pratt expressed concern with three line items under expenses on the Court Financial Statement, i.e. capitol equipment, office expense, and interpreter expense.

19:10:48 Judge Kwan explained that there is a grant that offsets capitol equipment. He noted that a lot of the office expense is for one-time costs of necessary computer replacements. He relayed that tighter controls are being implemented on the use of interpreters. The Judge clarified that the issue is not with interpreter rates, which are set by the Court Rules, but rather with competition against other courts in the valley. It was noted that budget lines may have to be adjusted within the Court Budget.

19:13:27 Council Member Barbour noted that during his earlier presentation, Judge Kwan thanked the City Council for allowing temporary employees in the Court. She stated, however, that the authority for that decision was not held by the City Council, but rather by Administration.

19:14:18 Council Member Johnson asked about any ability to tack on additional fees for interpreters in Small Claims Court. Judge Kwan and Judge Thomas clarified that interpreters are not provided for civil cases, other than interpreters for the deaf. Judge Kwan said that there is no flexibility on fees that are based on statute.

19:15:38 Judge Kwan gave additional clarification on interpreter rates.

19:16:27 Judge Kwan relayed that four temporary employees have been working in the court for approximately two weeks. He indicated that it is too early to measure additional revenue, but performance standards have been set. He said that meeting those standards would result in the review of 400 cases per week.

19:17:23 Council Member Johnson asked about the average amount for Small Claims filings. Judge Kwan agreed to gather data and provide it to the Council.

19:18:34 Judge Kwan said that he has asked Financial Compliance Supervisor Jamie Brooks to gather additional information on filing fees.

19:18:59 Council Member Catlin inquired whether the temporary employees hired in the Court will require a budget adjustment.

19:19:36 City Administrator John Inch Morgan indicated that an adjustment will be made by resolution. Judge Kwan said that the adjustment is within the Court budget, but to be consistent with prior practices, Mr. Morgan wanted to bring a resolution before the Council.

19:20:23 Council Member Catlin asked whether Administration was on board with the adjustment, and Mr. Morgan answered in the affirmative.

19:20:33 Mr. Morgan said that, although he has heard it's not required, in order to keep records straight, budget adjustments should be reflected in the adopted budget.

19:20:05 Chairman Rechtenbach clarified that when discussion to bring on temporary employees was brought for Council approval, Council reaction was that because the changes were being made within the departmental budget, Council approval was not needed. He indicated that moving line items within the department is between the department and Administration.

19:20:31 Mr. Morgan said that changes made will be reflected in the budget adjustments for Council adoption.

19:20:48 Council Member Pratt inquired about a resolution for adjustments within departments.

19:20:59 Mr. Morgan said he anticipates that during mid-year budget discussions, the Council will adopt a budget resolution to be consistent with the resolution adopted last June.

19:21:21 Mr. Morgan agreed that the Mayor can do internal adjustments and said that those adjustments will be reflected in the lines adopted in a budget amendment.

19:21:40 Chairman Rechtenbach clarified that this issue is not something the Council has approved or disapproved because it is not in their jurisdiction to do so.

19:22:00 Council Member Catlin asked whether the Mayor agreed to the departmental budget adjustment, and Mr. Morgan answered that he did not.

19:22:09 Judge Kwan said that this is new information to him and relayed that he sent an e-mail to Administration.

19:22:24 Mr. Morgan said that the Mayor has indicated that it is not within his purview to make budget line adjustments from one line to another in the Court's Budget. He said that the Mayor does have authority to approve such changes in other departments, i.e. Economic Development.

19:22:57 Mr. Morgan referenced prior discussion regarding whether the Court budget changes should come to the Council as a resolution or whether the Judge can make changes that will be reflected in the budget at mid-year.

19:23:28 Judge Kwan and Chairman Rechtenbach expressed confusion.

19:23:15 The Judge inquired whether he now has authority to move money within the Court budget.

19:23:23 Chairman Rechtenbach asked City Attorney John Brems to provide input.

19:23:24 Mr. Brems said that when Judge Kwan came to the Council, he was told that the Council was not going to open the budget to make a change to the Court budget. Mr. Brems said that he believes Judge Kwan came to the Council because the Mayor indicated that he was not going to make a change within the budget.

19:23:41 Chairman Rechtenbach asked City Recorder Cheryl Peacock Cottle to read the minutes from the January 19, 2011 City Council Meeting when this matter was discussed.

19:26:05 Council Member Barbour said that she has read the minutes, but felt additional clarification was needed since the Council was thanked for something with which it had no involvement. She suggested that this discussion needs to go back to Administration.

19:24:30 Chairman Rechtenbach reviewed the timeline of discussion on the matter of the Court hiring additional temporary employees. He said that the Council determined Judge Kwan did not need Council approval to spend the Court Budget; however, he believed that moving line items within the budget did need Administration approval.

19:25:13 Chairman Rechtenbach indicated that he is troubled because, if Administrative approval has not happened, Court employees may already be working outside of approval.

19:25:42 Judge Kwan relayed that he came to the Council two months ago and presented the potential of hiring extra temporary employees; at that time the Council suggested that he did not need Council approval and asked that Administration review all the numbers. The Judge said that numbers were reviewed in the office of Mr. Morgan and determination was made that it would not need Council approval because it was just moving money within the Court's Budget. Judge Kwan said that he was told to send a request to the Mayor, which he then did. He said that the answer he received from the Mayor was addressed to Mr. Morgan and copied to him with direction to place the matter on the Council Agenda for January 19, 2011. The Judge said that the issue was not on the January 19th Agenda, but was discussed under Other Matters. The Judge said that he inquired whether he needed to go through the recruitment process and received instruction that he did not since the employees would be specialized and temporary in nature.

19:27:33 The City Recorder noted that discussion regarding the hiring of temporary Court employees was held during the January 19, 2011 Briefing Session and also the January 19, 2011 Regular Meeting. She was asked to read the excerpt from discussion during the Regular Council Meeting and did so, as follows:

“Judge Michael Kwan stated that it has been determined that four temporary employees could be hired without any additional appropriations to the Court Budget. He said that only a transfer within the Court's budget would be required. The Judge said that he has requested the budget transfer from the Mayor, and the Mayor has asked that the Council be notified. Judge Kwan indicated that once he receives the Council's approval, he will begin recruiting immediately. Chairman Rechtenbach stated that he understands that the Court does not need Council approval to shuffle the Court budget around without any new allocations. He noted that the temporary employees will be utilized for two months and then an assessment on effectiveness will be performed and reported to the Council.”

19:31:51 Council Member Pratt noted that the two or three meeting discussions regarding the hiring of temporary Court personnel have been held when the Mayor has been absent. He suggested that further discussion be postponed until all the parties are present. He referenced a problem with communication between the City Council and the Judge and Administration and the Judge. Mr. Pratt said it was previously made clear that adjustments must be made between Administration and the Court.

19:32:32 Judge Kwan said that he understands the Mayor's point of view and is happy to provide a memo from himself regarding the movement of money. He cited concern and confusion because four temporary employees are currently already working. The Judge indicated that based on what he previously heard, and in speaking to the City Administrator, he believed he had direction to move forward.

19:33:41 Mr. Brems said that it is clear to him that the issue is between the Judge and the Mayor, and reiterated that the Council has already made its position clear on this matter.

3.3 Quarterly Report, West Valley Animal Services – *Kelly Davis*

18:39:13 Kelly Davis, of West Valley Animal Services, reported on animal services provided in Taylorsville. He relayed that no "Priority One" calls were received during the last two months, which is good news. Mr. Davis discussed the animal licensing program in Taylorsville and reviewed statistics. He said that approximately 2700 animal licenses are currently maintained in Taylorsville. He indicated that 100 new licenses were issued over the last quarter and reported that the cat population in Taylorsville is increasing.

18:42:07 Council Member Johnson inquired about the ten animal attacks that were reported in September, 2010. Mr. Davis indicated that he is unsure why there were such a high number of attacks that month.

18:42:45 Mr. Davis described the successful volunteer program at the animal shelter and relayed that volunteers are highly valued.

18:43:53 Mr. Davis reported that the Animal Shelter will conduct a fundraiser at the Valley Fair Mall on February 14, 2011. He stated that Taylorsville citizens are invited and announcements about the event will be placed on the Taylorsville City website.

18:44:54 Chairman Rechtenbach inquired about volunteer outreach. Mr. Davis indicated that volunteer recruitment is conducted via websites, signage at the shelters, through schools, and by word of mouth.

18:45:33 Chairman Rechtenbach inquired about euthanasia statistics. Mr. Davis relayed that euthanasia of adoptable animals is currently at approximately 4%, but the goal is zero. He said that major controversy regarding euthanasia seems to have died down as a result of facility tours and education.

3.4 Quarterly Report, Unified Fire Authority – Jay Ziolkowski

19:36:02 Battalion Chief Jay Ziolkowski reported on fire services in Taylorsville. He thanked Kelly Davis with Animal Services for coordinating efforts on an emergency plan.

19:36:11 Chief Ziolkowski noted a correction on Page 3 of his report. He clarified that UFA responds to over 26,000 calls on an annual basis and that approximately 4,800, or 18%, of those calls come from Taylorsville.

19:36:52 The Chief reported that the last quarter was significant for community service. He referenced pictures contained in his report and said the highlight event was the Veterans Day Celebration held in Taylorsville.

19:37:19 Chief Ziolkowski relayed that a breakdown of hours will be included in the next quarterly report. He called for any questions from the Council.

19:38:26 Council Member Johnson inquired about any problems with close calls on the sides of highways. The Chief indicated that this safety issue is always a concern. He cited problems with negotiating emergency vehicles through traffic and said that many drivers forget that the law requires them to pull to the right and stop when an emergency vehicle approaches.

4. CONSENT AGENDA

4.1 Minutes – RCCM 01-19-11

19:39:39 Council Member Larry Johnson **MOVED** to adopt the Consent Agenda. Council Member Bud Catlin **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-yes, Barbour-yes, Rechtenbach-yes, and Johnson-yes. **All City Council members voted in favor and the motion passed unanimously.**

5. PLANNING MATTERS

There were no planning matters.

6. FINANCIAL MATTERS

6.1 Discussion Regarding the Mid-Year Budget Adjustments Schedule and Setting a Date for a Public Hearing to Discuss Traffic School Fees – John Inch Morgan

19:40:19 City Administrator John Inch Morgan distributed a memo he prepared outlining the intent of the mid-year budget adjustment process. He asked for Council approval to set a public hearing on February 16, 2011 to open the budget. He indicated that the needed adjustments to the budget are minimal so far. He referenced \$80,000 of the CDBG Budget for the Historic Trail that must be reallocated.

19:41:59 It was confirmed that Administration is currently working on a December Financial Statement.

19:42:17 Mr. Morgan relayed that he will have a packet of documents for next week's Work Session, including a narrative and highlighted fields on the budget spreadsheet. It was determined that a Public Hearing on the Budget will be noticed for February 16, 2011.

19:43:29 Council Member Johnson inquired about a hearing to discuss an adjustment to the Traffic School fee. It was confirmed that the hearing for that matter will also be held in two weeks, on February 16, 2011.

7. OTHER MATTERS

7.1 Discussion Regarding the Green Committee – Chairman Rechtenbach

19:43:52 Grants Manager Donald Adams reported that the Green Committee has decided to meet on the third Thursday of each month at 6:30 p.m. in Room 204 of the Taylorsville City Center.

19:44:36 Discussion was held regarding the assignment of a Council Advisor to the Green Committee. It was determined that Council Member Morris Pratt will serve as advisor to that committee. Clarification was given that the Green Committee will vote to select a Chair during its February meeting.

Chairman Rechtenbach called for discussion regarding Council attendance at the Mid-Year ULCT Conference on April 13 – 15, 2011. He indicated that a block of rooms is being held at the Dixie Center in St. George.

19:47:12 Council Members Rechtenbach, Johnson, Barbour, and Catlin stated that they will be attending the ULCT Conference. Council Member Pratt said that he will need to check his calendar before making a commitment. Council Coordinator Jessica Springer agreed to reserve the needed hotel rooms for Council Members. Council Member Johnson suggested that hotel room rates in St. George be researched to determine whether a cheaper rate is available.

19:49:02 Council Member Morris Pratt requested that Administration bring forth discussion on the Drug Court Certification at next week's City Council Meeting.

19:49:35 Chairman Rechtenbach relayed that he will be out of town next week. He asked Vice-Chairman Johnson to conduct the Council Work Session on February 9, 2011 in his absence.

8. NEW ITEMS FOR SUBSEQUENT CONSIDERATION (No Action)

There were no new items for subsequent consideration.

9. NOTICE OF FUTURE PUBLIC MEETINGS (NEXT MEETING)

19:49:59

- 9.1 City Council Work Session – Wednesday, February 9, 2011 – 6:00 p.m.
- 9.2 City Council Briefing Session – Wednesday, February 16, 2011 – 6:00 p.m.
- 9.3 City Council Meeting – Wednesday, February 16, 2011 – 6:30 p.m.
- 9.4 City Council Briefing Session – Wednesday, March 2, 2011 – 6:00 p.m.
- 9.5 City Council Meeting – Wednesday, March 2, 2011 – 6:30 p.m.
- 9.6 City Council Work Session – Wednesday, March 9, 2011 – 6:00 p.m.

10. CALENDAR OF UPCOMING EVENTS

19:50:39

- 10.1 Annual Taylorsville Art Show – Friday, February 26, 2011, Noon to 8:00 p.m. and Saturday, February 26, 2011, 10:00 a.m. to 2:00 p.m. Hosted by the Taylorsville Arts Council. Entries can be submitted Tuesday and Wednesday, February 22nd and 23rd from 3:00 p.m. to 8:00 p.m. Contact Joan White at 801-265-8478 for more information.

John Gidney confirmed that entries for the Art Show may only be submitted on February 22 and 23, 2011 and not before. He indicated that judging will take place on February 24, 2011.

- 10.2 Taylorsville Symphony and SLCC Orchestra Concert – Friday, February 25, 2011 – 7:30 p.m. – Eisenhower Junior High Auditorium. Donations are appreciated.

11. ADJOURNMENT

19:51:44 Council Member Morris Pratt **MOVED** to adjourn the City Council Meeting. Council Member Larry Johnson **SECONDED** the motion. Chairman Rechtenbach called for discussion. There being none, he called for a vote. The vote was as follows: Pratt-yes, Catlin-yes, Barbour-yes, Rechtenbach-yes, and Johnson-yes. **All City Council members voted in favor and the motion passed unanimously.** The meeting was adjourned at 7:52 p.m.



Cheryl Peacock Cottle, City Recorder

Minutes approved: CC 02-16-11

Minutes Prepared by: Cheryl Peacock Cottle, City Recorder