

City of Taylorsville
CITY COUNCIL MEETING
Minutes

Wednesday, June 2, 2010
Council Chambers
2600 West Taylorsville Blvd., Room No. 140
Taylorsville, Utah 84118

BRIEFING SESSION

Attendance:

Mayor Russ Wall

Council Members:

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

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
Keith Snarr, Economic Development Director

BRIEFING SESSION

1. Review Administrative Report

18:01:45 Chairman Morris Pratt conducted the Briefing Session, which convened at 6:01 p.m. City Recorder Cheryl Peacock Cottle conducted a Roll Call, wherein all Council Members were present.

2. Review Agenda

The agenda for the City Council Meeting was reviewed. A correction to the minutes from May 12, 2010 was noted. Chairman Pratt stated that he would like more time to review the City Council Meeting Minutes from May 19, 2010.

Chairman Pratt noted that he has a personal planning matter scheduled for tonight's meeting and will leave the room during that discussion, under Agenda Item 5.1. It was noted that Vice-Chairman Rechtenbach will conduct the meeting in Chairman Pratt's absence.

18:09:41 Chairman Pratt reviewed the Calendar of Upcoming Events and noted that the Taylorsville Exchange Club will be rededicating the Freedom Shrine on June 16, 2010 at 7:30 a.m. He invited all those interested to attend that event at the Bridgeside Park located at 4500 South and the Jordan River.

3. Closed Session

18:10:11 Council Member Jerry Rechtenbach **MOVED** to adjourn the Briefing Session and convene a Closed Session to discuss the sale and purchase of real property at 6:10 p.m. Council Member Bud Catlin **SECONDED** the motion. Chairman Morris Pratt called for discussion on the motion. There being none, he called for a roll-call vote. The vote was as follows: Rechtenbach-yes, Johnson-yes, Catlin-yes, Barbour-yes, and Pratt-yes. **All members of the City Council voted and the motion carried by a unanimous vote.**

CLOSED SESSION

Those in attendance at this Closed Session were: Council Members Barbour, Catlin, Johnson, Pratt, and Rechtenbach. Also present were Mayor Wall, City Administrator John Inch Morgan, City Attorney John Brems, Economic Development Director Keith Snarr, Grants Manager Donald Adams, and City Recorder Cheryl Peacock Cottle.

Minutes for the Closed Session were taken and are now on file as a Protected Record.

Council Member Bud Catlin **MOVED** to adjourn the Closed Session at 6:56 p.m. and convene the regular City Council Meeting. Council Member Dama Barbour **SECONDED** the motion. Chairman Morris Pratt called for discussion on the motion. There being none, he called for a roll-call vote. The vote was as follows: Rechtenbach-yes, Johnson-yes, Catlin-yes, Barbour-yes, and Pratt-yes. **All members of the City Council present voted and the motion carried by a unanimous vote.**

REGULAR MEETING

Attendance:

Mayor Russ Wall

Council Members:

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

City Staff:

John Inch Morgan, City Administrator
John Brems, City Attorney
Mark McGrath, Community Development Director
Del Craig, 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
Gerry Orr, Senior Account
Patrick Tomasino, Building Official
Jean Ashby, Administrative Assistant
MarRae Boyer, Receptionist
Elaine Waegner, Volunteer Events Coordinator
Patricia Kimbrough, Executive Assistant
Penny Knight, Business License Clerk
Robin Kishiyama, Human Resources
Brandy Stephens, Administrative Assistant
Shaun Fausett, Police Detective
Lisa Schwartz, Emergency Response Coordinator
Rosie Rivera, Police Lieutenant
Shell Summers, Court Clerk
Doug Barney, Police Officer
Dan Udall, City Planner
Donald Adams, Grants Manager
Scott Miller, Police Officer
Shannon Bennett, Police Officer
Mike Judd, Police Officer

Citizens: Todd Sutton, John Gidney, Lynn Handy, Gordon Wolf, Raili Jacquet, Kelly Davis, Maddy Duke, Steve Ashby, Jay Ziolkowski, Harlan Christmas, Todd Nunley, Kelly Lund, Sharon Wall, Les Matsumura, Darwin Cottle, Joan Thalman, Doug Arnesen, Valerie Meldrum, Don Watts, Carol Arnesen, Kris Petersen, Anna Boynton, Maria Maggallanes, Mathew Pham, John Zitting and Members of Scout Troop 771, Dale Larson, Kathy Newmeyer, Barry Phillips and Members of Scout Troop 491, Dan Floyd, Mark Bond, Garl Fink, Georgina Martinez, Israel Grossman, Michelle Peters, Matthew Cunningham, Sara Taylor, Monica Snchez, Ken Acker, Donna Pittman, Aubrey Thomson, Kristen Brunson, Larry Bodine, Todd Nunley and Members of Scout Troop 6934, Riley Heywood, James Croolston, Wes Fulton, Robynn Fulton, Donna Drecksel, Karla Rush, Elise LaJeunesse

1. WELCOME, INTRODUCTION AND PRELIMINARY MATTERS

18:58:42 Chairman Morris Pratt called the meeting to order at 6:58 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
- Maddy Duke, Youth Council Member

18:59:13 Youth Council Member Maddy Duke directed the Pledge of Allegiance.

1.2 Reverence – Matthew Cunningham, Youth Council (Opening Ceremonies For June 16, 2010 to be arranged by Council Member Rechtenbach)

18:59:56 Youth Council Member Matthew Cunningham offered the Reverence.

19:00:56 Chairman Pratt recognized members of Scout Troops 491 and 771 in attendance.

1.3 Citizen Comments

19:02:25 Chairman Morris Pratt reviewed the Citizen Comment Procedures for the audience. He then called for any citizen comments.

19:02:57 Taylorsville resident Don Watts spoke against a property tax increase.

19:05:46 Chairman Pratt clarified that the current tentative budget does not include a tax increase, although that does not mean an increase won't be reinstated.

19:06:11 Taylorsville Officer Shannon Bennett stated that he is speaking on behalf of the Taylorsville Fraternal Order of Police (FOP) and represents the majority of police officers in the

City. Officer Bennett commented on proposed changes to benefits and asked that current benefits not be changed. He stated that the FOP feels that the City should cover the entire increase in premiums. He cited an issue with deductibles and max out of pocket expenses being reset every six months. He addressed 401k benefits and the issue of "double dipping," which currently pertains to 13 Taylorsville Police officers. He noted that those officers were recruited on the premise that they would receive that benefit and contribution and made long-term retirement plans accordingly. Officer Bennett said that these officers would not have left previous employment if they had not been ensured of this benefit. He said that any change in contribution now may be illegal and create a pay inequity. Officer Bennett distributed a handout of his comments in their entirety to the Council.

19:13:24 Council Member Catlin called for clarification on deductibles re-setting every six months. City Administrator John Inch Morgan explained that the medical insurance policies and deductibles run on a calendar year from January through December, but insurance policies are renegotiated on the fiscal year in conjunction with the budget.

Council Member Catlin suggested changing the dates for contracting the insurance policy to July through June. Mr. Morgan stated that Select Health only offers a calendar year premium and an 18-month premium/history would be cost prohibitive.

19:15:39 Donna Drecksel stated that she lives on 2200 West, directly across from the new baseball fields. She cited safety concerns in the area and called for increased traffic lights, speed bumps, etc. She asked for information about the City's General Plan and expressed concern that citizens are being punished in the name of growth and progress.

19:18:26 Chairman Pratt noted that Administration is currently taking steps to address safety issues in the 2200 West area.

19:19:39 Mr. Morgan asked City Engineer John Taylor to speak to Ms. Drecksel directly. It was relayed that signs are scheduled to be posted in the area by the end of the week.

19:20:02 Douglas Arnesen stated that he feels figures published in the Valley Journal are misleading. He spoke against a property tax increase and inquired about the City's plans for economic development.

19:22:49 Anna Boynton spoke against raising property taxes. She cited the downturn in economy for Taylorsville businesses and said that many residents are not in a position to pay right now. She asked that City officials be wise in utilizing tax money.

19:24:57 Todd Sutton, of the Utah Public Employees Association (UPEA), stated that he is representing a group of Taylorsville employees in attendance and also 85 members of the

association who are Taylorsville residents. Mr. Sutton spoke in support of the tentative budget and maintaining services. He said that he would like to correct the public record regarding the notion that City employees are driving a tax increase. He also clarified that the City of Taylorsville is further ahead than the City of West Jordan in managing its personnel resources. Mr. Sutton said that Taylorsville government should be credited for effectively managing taxpayer dollars. He cited numbers indicating that Taylorsville has the second fewest employees per 1000 residents when compared to other cities. Mr. Sutton suggested that economic times have necessitated a tax increase and not a ballooning city workforce. He suggested that asking City employees to take a cut in wages seems disproportionate to the overall budget. He asked that the City maintain its current workforce to help grow the city as it heads out from under the recession.

19:29:38 Taylorsville resident Rob Beasley stated that he is an accountant for Salt Lake County and addressed the proposed FY 2010-2011 Taylorsville budget. He cited a decline in tax percentage in relation to property values since 2003. Mr. Beasley cited pay cuts in City departments, except City Council wages. He also asked that non-essential categories, i.e. Citizen Committees and City events be examined for cuts. He cited other increases in the budget to parks and land, utilities and maintenance repairs, and the capital fund. Mr. Beasley questioned the effectiveness of the Economic Development Department.

19:33:00 Chairman Pratt noted a correction to salary information relayed by Mr. Beasley and stated for the record that no salaries have been cut at the present time.

19:33:45 Taylorsville Officer Douglas Barney reported that he is recovering from his illness. He stated that he wanted to publicly thank the Mayor and his co-workers for their support during a difficult time. He also recognized Human Resources Specialist Robin Kishiyama for her help in coordinating his benefits. Officer Barney stated that he can't wait to get back to his patrol car. He thanked the FOP and City Employees for their time and donations on his behalf.

19:38:01 Joan Thalman stated that she is one of the 85 members of UPEA who lives in Taylorsville. She stated that she feels it is wrong to cut positions in Taylorsville. She noted that she is currently serving on the Taylorsville LARP Committee and cited a need for more building inspectors and code enforcement personnel. She expressed a desire for Taylorsville to become a "Tree City" and plant trees in parking strips. Ms. Thalman said that Taylorsville is one of the leanest-run cities on the Wasatch Front.

19:40:23 There were no additional citizen comments, and Chairman Pratt closed the citizen comment period.

19:40:29 Council Member Rechtenbach encouraged citizens to stay for the entire City Council Meeting in order to listen to additional budget discussions.

19:41:30 Chairman Pratt called for any questions on the Administrative Report, and there were none.

1.4 Mayor's Report

19:41:45 Mayor Russ Wall stated that he will defer to the report on the International Council of Shopping Centers (ICSC) Conference.

2. APPOINTMENTS

2.1 Michelle Peters, Economic Development Committee – *Chairman Pratt*

19:42:09 Chairman Pratt recognized Michelle Peters and nominated her to serve on the Economic Development Committee.

19:42:23 Council Member Jerry Rechtenbach **MOVED** to appoint Michelle Peters as a member of the Economic Development Committee. Council Member Dama Barbour **SECONDED** the motion. Chairman Pratt called for discussion on the motion. There being none, he called for a vote. The vote was as follows: Rechtenbach-yes, Johnson-yes, Catlin-excused, Barbour-yes, and Pratt-yes. **All City Council members voted in favor and the motion passed unanimously.**

2.2 Jonas Lether as Chairman of the Ordinance Review Committee – *Chairman Pratt*

Chairman Pratt nominated Jonas Lether to serve as Chair of the Ordinance Review Committee.

19:43:06 Council Member Larry Johnson **MOVED** to appoint Jonas Lether as Chairman of the Ordinance Review Committee. Council Member Dama Barbour **SECONDED** the motion. Chairman Pratt called for discussion on the motion. There being none, he called for a vote. The vote was as follows: Rechtenbach-yes, Johnson-yes, Catlin-yes, Barbour-yes, and Pratt-yes. **All City Council members voted in favor and the motion passed unanimously.**

3. REPORTS

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

19:44:00 Youth Council Chair Maria Magallanes reported on recent activities and upcoming events for the Taylorsville Youth Council. She stated that Youth Council Members are currently preparing to participate in the Taylorsville Dayzz event, including the Lions Club breakfast and the parade.

3.2 Quarterly Report, West Valley Animal Control – Kelly Davis

19:44:51 Kelly Davis, of West Valley Animal Control, reported on animal control services in Taylorsville during the previous quarter. He referenced volunteer resources that are utilized at the Animal Shelter and cited cost savings of approximately \$20,000 to the City through volunteer efforts. Mr. Davis commended Taylorsville citizens for their volunteer efforts. He stated that there is always need for additional volunteers and reviewed the application process. Mr. Davis agreed to provide volunteer applications for the City's use.

19:47:32 Mr. Davis referenced a new portion of graphs contained in his report which illustrates comparisons with quarters in the previous year. He noted that license sales for animals have increased in Taylorsville, while calls for service have gone down.

19:48:34 Mr. Davis called for questions from Council Members, and there were none.

3.3 Quarterly Report, UFA – Jay Ziolkowski, Battalion Chief

19:48:49 UFA Battalion Chief Jay Ziolkowski reported on fire services provided in Taylorsville during the 2009-2010 third quarter.

19:49:13 Chief Ziolkowski called for questions from the Council, and there were none.

19:49:35 Council Member Johnson reported on his recent participation in Fire School 101. Chief Ziolkowski agreed to provide pictures of Mr. Johnson's training in his next quarterly report. He commented on the general rule regarding "two in-two out."

19:51:49 Chief Ziolkowski stated that there are no unusual statistics reflected in this quarterly report. He made a clarification on reporting issues for "sick person calls," as related to the H1N1 flu virus scare. He relayed that the UFA has been very active in community services and enjoyed participating in the *Spirit Magazine*.

19:52:39 Chief Ziolkowski cited notable calls on the strip mall at 4850 South Redwood Road. He referenced current budget considerations and the commitment to implement a 4% decrease. He discussed "value added" programs that may have to be reconsidered. As Parade Coordinator, Chief Ziolkowski invited everyone to support the Taylorsville Dayzz Parade.

19:53:52 Chief Ziolkowski asked to be excused from the meeting at this time to attend to a family matter.

3.4 Quarterly Report, Taylorsville Police Department – Chief Craig

19:56:26 Taylorsville Police Chief Del Craig reported on activities in the City Police Department during the previous quarter.

19:56:40 Chief Craig reported on a homicide that occurred recently along the Jordan River Parkway. He clarified that the act was not random, but was related to a drug transaction. He relayed that one suspect is now in custody and two more should soon be apprehended.

19:57:07 Chief Craig reported on efforts to curtail graffiti. He cited a recent increase in graffiti within the City. He referenced the implementation of the Street Crimes Two-Person Unit and stated that those activities have been very successful.

19:57:20 Council Member Johnson inquired about safety issues at the intersection of 5400 South and 2700 West and the timing of that particular traffic light.

19:57:57 City Engineer John Taylor clarified that timing on the light was previously adjusted for left hand turns. Chief Craig and Mr. Taylor agreed to follow up on possible adjustments needed to the red light timing.

19:58:37 Council Member Rechtenbach inquired about the number of police officers who are assigned on duty at any one time. Chief Craig confirmed that there is a minimum staffing requirement of four officers at one time. Council Member Rechtenbach cited a recent incident that involved several officers. Chief Craig made clarification on police resources and described procedures for the management of incidents.

3.5 ICSC Report – Keith Snarr & Don Adams

20:01:33 Economic Development Director Keith Snarr reported on the International Council of Shopping Centers Conference (ICSC) attended recently by representatives from Taylorsville. He stated that attendance was down at this year's conference. Mr. Snarr relayed that he was unable to attend the conference this year, but thanked Mayor Wall, Council Members Rechtenbach and Barbour, Don Adams, and Jean Ashby for their participation and for help in preparing for the event.

20:01:08 Grants Manager Donald Adams distributed a handout to the Council summarizing meetings held at the ICSC.

20:02:25 Mr. Snarr referenced productive meetings that Taylorsville held at the conference. He asked Mr. Adams to summarize the results of the conference.

20:02:58 Mr. Adams described key meetings held during the conference with Associated Foods and others. He said that Developers Diversified Realty (DDR) is still seeking to secure an anchor tenant. Mr. Adams said that some restaurants are concerned about liquor license restrictions in Utah. He indicated that he will follow legislation on this matter.

20:04:15 Mr. Adams said that there is currently no interest in locating a Winco or Costco in Taylorsville. He stated that discussions at the conference were more positive than anticipated given the current economic climate.

20:04:45 Council Member Rechtenbach discussed economic development concerns and cited the City's reluctance to take progressive action. He said that economic development comes with a price and Taylorsville must be willing to leave its comfort zone and spend money in order to move forward. Council Member Rechtenbach commented on the failing storm drain system that the City inherited from the County and the related fee that had to be implemented.

20:08:31 Mr. Adams indicated that a \$10 million fund would be a good investment to get economic development going in Taylorsville. He cited the advantage of current low costs. He said that other cities are investing substantially more than Taylorsville, but are generating significantly more revenue.

20:10:25 Mr. Snarr noted that a meeting with a drive-through restaurant is scheduled for June 3, 2010 and five sites in Taylorsville will be examined. He said that the City has also received notice that it is in a favorable position with a major financial institution for location at the building vacated by G.E. Capital Financial in the Sorensen Research Park. He indicated that the City is currently working on incentives through the Economic Development Corporation of Utah and the Governor's Office of Economic Development. Mr. Snarr relayed that American Express recently hired 164 employees and has now grown their business to over 2000 employees, making them Taylorsville's largest employer.

20:11:17 Council Member Barbour said that citizens must be willing to invest in the City or it will continue to deteriorate and property values will decrease.

20:12:58 Mr. Adams referenced the desire of businesses to locate in communities with a good track record for investing in economic development.

20:13:10 Council Member Johnson inquired about any discussion with businesses regarding public safety in the City. Mr. Snarr stated that incentives, site location, market area, and demographics are the top priorities to businesses, rather than law enforcement concerns.

20:14:08 Mayor Wall stated that businesses are definitely looking for participation from communities.

4. CONSENT AGENDA

4.1 Minutes – CCWS 05-12-10 and RCCM 05-19-10

20:14:50 Chairman Pratt noted a correction needed to the minutes of May 12, 2010. He stated that he would like more time to review the minutes from the May 19, 2010 City Council Meeting.

20:15:40 Council Member Jerry Rechtenbach **MOVED** to approve the minutes from May 12, 2010, with the correction noted. Council Member Bud Catlin **SECONDED** the motion. Chairman Pratt called for discussion on the motion. There being none, he called for a roll call vote. The vote was as follows: Rechtenbach-yes, Johnson-yes, Catlin-yes, Barbour-yes, and Pratt-yes. **All City Council members voted in favor and the motion passed unanimously.**

5. PLANNING MATTERS

5.1 Public Hearing – 6:30 p.m. – To Receive Public Comment for Proposed General Land Use Plan Amendments and Zoning Map Amendments on 1.76 Acres of Property Located at 2961 West 4700 South

20:16:58 Council Chair Morris Pratt recused himself regarding this matter and left the room at 8:17 p.m.

20:17:09 Community Development Director Mark McGrath combined presentation on Items 5.1.1 and 5.1.2, as they concern the same property for a General Plan Amendment and Rezoning. Mr. McGrath illustrated the subject property on the existing General Plan Map and the Vicinity Map. He noted that the current map calls for medium density residential and relayed that there is no development proposal for this application. Mr. McGrath said that the current zoning on the property is A-2. He indicated that the applicant is requesting that the property be rezoned for marketing purposes prior to selling the property.

20:19:39 Mr. McGrath explained that medium density residential is 8-10 units per acre, i.e. townhomes, duplexes, etc. He confirmed that notices have been sent to residents within 400 feet of the property and that the application was approved by the Taylorsville Planning Commission.

20:20:28 Mr. McGrath illustrated the property on an aerial map and noted that it fronts onto 4700 South and is surrounded by single family dwellings.

20:21:06 Mr. McGrath said that the applicant is essentially asking for both a General Plan Amendment and a Zoning Amendment from a Medium Density Residential designation to Medium Density Mixed Use.

20:21:44 Mr. McGrath gave clarification on units allowed under a mixed use, which would permit up to 5 units per acre, or up to 9 units per acre with a conditional use. He said that the MD-1 designation is the lowest intensity commercial use in Taylorsville, i.e. an antique shop, art gallery, bakery, beauty shop, etc.

20:24:18 Mr. McGrath stated that the Planning Commission unanimously recommended approval on both applications.

20:24:43 Vice-Chairman Jerry Rechtenbach opened the public hearing on this matter and called for citizen comments.

20:25:13 There were no comments, and Vice-Chairman Rechtenbach declared the public hearing closed.

20:25:26 Mr. McGrath confirmed that this particular parcel has not been before the Council previously.

5.1.1 Ordinance No. 10-14 – Amendment to the General Land Use Plan from Medium Density Residential to Medium Density Mixed Use on 1.76 Acres of Property Located at 2961 West 4700 South – *Mark McGrath*

20:25:46 Council Member Dama Barbour **MOVED** to adopt Ordinance No. 10-14 – Amendment to the General Land Use Plan from Medium Density Residential to Medium Density Mixed Use on 1.76 Acres of Property Located at 2961 West 4700 South. Council Member Larry Johnson **SECONDED** the motion. Vice-Chairman Rechtenbach called for discussion on the motion. There being none, he called for a roll call vote. The vote was as follows: Rechtenbach-yes, Johnson-yes, Catlin-yes, Barbour-yes, and Pratt-abstain. **All City Council members present voted in favor and the motion passed unanimously.**

5.1.2 Ordinance No. 10-15 – Amendment to the Zoning Map from A-2 to MD-1 on 1.76 Acres of Property Located at 2961 West 4700 South – *Mark McGrath*

20:27:04 Council Member Larry Johnson **MOVED** to adopt Ordinance No. 10-15 – Amendment to the Zoning Map from A-2 to MD-1 on 1.76 Acres of Property Located at 2961 West 4700 South. Council Member Bud Catlin **SECONDED** the motion. Vice-Chairman Rechtenbach called for discussion on the motion. There being none, he called for a roll call vote. The vote was as follows: Rechtenbach-yes, Johnson-yes, Catlin-yes, Barbour-yes, and Pratt-abstain. **All City Council members present voted in favor and the motion passed unanimously.**

5.2 Public Hearing – 6:30 p.m. – To Receive Public Comment for Proposed General Land Use Plan Amendments and Zoning Map Amendments on 1.80 Acres of Property Located at 6235 South Redwood Road and 1648 West 6235 South

20:28:31 Community Development Director Mark McGrath stated that he will combine his presentation on Items 5.2.1 and 5.2.2 for applications on the same property at 6325 South Redwood Road regarding a General Plan amendment and a zoning amendment. He illustrated the subject property on a Land Use Map, a Vicinity Map, and a Zoning Map. He reviewed the current zoning for the subject property.

20:30:30 Mr. McGrath illustrated the property belonging to Redwood Recycling and two adjacent properties via an aerial photo. He described the application submitted by Redwood Recycling, which is driven by the ongoing road construction for the 6200 South Redwood Road Intersection Improvement Project. Mr. McGrath showed the proposal on a site plan and illustrated the impact of the new left hand turn lane being implemented. He said that Redwood Recycling is purchasing the two adjacent properties and is seeking permission from the City to move their primary access to the ingress/egress previously used by Two Ton Plumbing.

20:32:46 Council Member Rechtenbach inquired about access for the nearby dental office. Mr. McGrath indicated that not all details have been finalized, but access will be tied in for office buildings on the south. He stated that safety will be greatly enhanced through the access changes and traffic will now be able to use the signalized intersection.

20:35:12 Mr. McGrath clarified that landscaping will be moved to outside of the improved fence and Redwood Recycling will be responsible for landscape maintenance.

20:36:01 Mr. McGrath cited an improved buffer between the facility and the neighborhood through this proposal.

20:36:24 Mr. McGrath relayed that Staff supports the proposal and that the Planning Commission approved the application in a 6 to 1 vote.

20:36:48 Mark Bond, of Redwood Recycling, thanked City Staff for their assistance with this proposal. He said that the application is being driven by the intersection project. He relayed that Redwood Recycling desires to improve its property and still allow adequate access. Mr. Bond indicated that if the proposal is not approved, access to the business will be very limited.

20:38:28 Council Member Rechtenbach relayed considerable concern from constituents about piles of debris, etc. around the Redwood Recycling business.

20:39:14 Mr. Bond addressed the allegations and said he was aware of past problems. He said that the business currently holds a state permit and regular inspections are, therefore, required and conducted. Mr. Bond noted that he has only owned the business for the last six years, but has made great strides in cleaning up the property since that time. He relayed that large mounds of cans are no longer kept at the facility.

20:41:14 Mr. Johnson cited the need to maintain the property well.

20:41:51 Mr. Bond clarified that UDOT did cut a power line that affected the business's electricity recently.

20:42:16 Chairman Pratt opened the public hearing on this matter and called for citizen comments.

20:42:22 There were no comments, and Chairman Pratt declared the public hearing closed.

5.2.1 Ordinance No. 10-16 – Amendment to the General Land Use Plan from Professional Office to Business Park on 1.80 Acres of Property Located at 6325 South Redwood Road and 1648 West 6235 South – Mark McGrath

20:42:36 Council Member Jerry Rechtenbach **MOVED** to adopt Ordinance No. 10-16 – Amendment to the General Land Use Plan from Professional Office to Business Park on 1.80 Acres of Property Located at 6325 South Redwood Road and 1648 West 6235 South. Council Member Bud Catlin **SECONDED** the motion. Chairman Pratt called for discussion on the motion. There being none, he called for a roll call vote. The vote was as follows: Rechtenbach-yes, Johnson-yes, Catlin-yes, Barbour-yes, and Pratt-yes. **All City Council members voted in favor and the motion passed unanimously.**

5.2.2 Ordinance No. 10-17 – Amendment to the Zoning Map from MD-1/zc and C-3 to M-1/zc on 1.80 Acres of Property Located at 6325 South Redwood Road and 1648 West 6235 South – Mark McGrath

20:43:39 Council Member Larry Johnson **MOVED** to adopt Ordinance No. 10-17 – Amendment to the Zoning Map from MD-1/zc and C-3 to M-1/zc on 1.80 Acres of Property Located at 6235 South Redwood Road and 1648 West 6235 South. Council Member Jerry Rechtenbach **SECONDED** the motion with a correction noted to the address. Chairman Pratt called for discussion on the motion. He referenced zoning conditions that have been crossed out. Mr. McGrath confirmed that those conditions that are crossed out are excluded. There being no further discussion, Chairman Pratt called for a roll call vote. The vote was as follows:

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

20:46:11 Mayor Wall thanked the owners of Redwood Recycling for cooperating with the City and with UDOT in regard to the 6200 South Intersection Improvement Project.

6. FINANCIAL MATTERS

6.1 ***Public Hearing – 6:30 p.m. – To Receive Public Comment on the Final Amendment to the 2009-2010 Fiscal Year – John Inch Morgan***

City Administrator John Inch Morgan asked Chief of Finance Scott Harrington to make preliminary comments regarding the final amendment to the FY 2009-2010 Budget. Mr. Harrington confirmed that Column 5 in the Budget is the change recommended by Administration and Column 7 represents the actual final change to the Budget.

20:48:05 Chairman Pratt asked Council Coordinator Jessica Springer to forward the FY 2009-2010 Final Budget Amendments to members of the Budget Committee.

20:48:40 Mr. Harrington highlighted changes to the final amendments in the 2009-2010 Budget. He cited a current decrease in revenues of \$103,000, and a corresponding decrease in expenses of \$103,028.

20:48:50 Mr. Harrington addressed questions and made clarification on budget lines reflecting the final totals for revenue and expenses. It was confirmed that a net of \$43,000 is going into capital funds.

20:50:29 Revenue projects were discussed. Mr. Harrington referenced recently received sales tax data. Clarification was made on accounting procedures for final revenue and expenses.

20:52:27 Mr. Harrington noted that the cutoff date for issuing Purchase Orders was May 31, 2010 and all major purchases have been completed. He relayed that some necessary expenses will come forth in June, but said the majority of expenses are nearly finalized. Mr. Harrington cited tax revenue that will still be applied to the 2009-2010 Budget.

20:53:14 Mr. Morgan clarified that he anticipates additional under-spending of the expenditure budget.

20:53:52 Questions were addressed regarding adjustments for recognizing personal property taxes. Mr. Harrington gave explanation on the reduction of \$100,000 to business licenses. He

noted that revenue from the Good Landlord Program has not come in as quickly as originally anticipated, but said that revenue will increase for the next fiscal year.

20:55:49 Chairman Pratt noted that Court fines and forfeitures have increased by \$196,000 as a result of recent collection efforts.

Mr. Harrington cited a piece of City property that may be purchased by UDOT and would increase revenue in fixed assets by \$45,000. Mr. Morgan referenced a reduction due to a contract on the City Center Property that was terminated.

20:56:56 Mr. Harrington made explanation on adjustments made as a result of police grants. A reduction in the UFA contract was noted.

20:58:15 Chairman Pratt opened the public hearing on this matter and called for citizen comments.

20:58:47 There were no comments, and Chairman Pratt declared the public hearing closed

20:59:06 Discussion ensued regarding the question of whether to adopt budgets by resolution rather than ordinance. City Attorney John Brems gave input and said that the statute allows for either. He stated that the difference between the two would be the language. Mr. Brems further explained that ordinances are generally considered legislative-type authority and resolutions are more of an administrative matter. He also noted that an ordinance may not be amended by a resolution, but only by another ordinance.

21:00:59 The potential for conflict between a budget ordinance and another ordinance or law was addressed.

21:02:29 Council Member Rechtenbach expressed his concern about an adopted budget amending a previous ordinance. Mr. Brems confirmed that if the budget is adopted by resolution, concern could be eliminated since a resolution cannot amend a previous ordinance.

21:03:46 Chairman Pratt suggested stating in the budget resolution that no other ordinances are modified in any way. Mr. Brems agreed that could be done.

21:17:55 Chairman Pratt relayed opinion from the Utah League of Cities and Towns Attorney that it may be appropriate to adopt a budget by way of resolution.

21:04:49 Council Member Catlin agreed that the preferable way for adopting the budget is through a resolution to avoid the argument of whether one ordinance trumps another. He stated opinion that he does not believe one ordinance trumps a previous one. Mr. Catlin questioned Mr.

Brems about his opinion on the CBIZ ordinance. Mr. Brems clarified that the ordinance was applicable, but had been amended. Mr. Brems stated his position that the Council had carefully considered the budget ordinance before adopting it.

21:06:05 Council Member Rechtenbach cited concern about an ordinance being changed unintentionally. He noted that it is not the City Council's job to manage salaries and grades, but it is the responsibility of Department Heads, the Financial Officer, and the Human Resource Director to make sure those stay within the ordinance.

21:08:53 Mr. Brems agreed that additional information should have been disclosed.

21:09:44 Chairman Pratt stated that he and Council Member Rechtenbach will attend a meeting on June 4, 2010 that should answer some questions and render additional opinion on the matter.

21:10:26 Mr. Brems recommended that final amendments to the 2009-2010 Budget should be adopted by ordinance in order to stay consistent, but suggested that the 2010-2011 Budget could be adopted by resolution, with any changes effected by resolution at later dates.

21:10:58 Mr. Pratt noted that there has already been a tentative budget adopted by ordinance and clarified that he had already withdrawn his support of that ordinance.

21:11:20 Council Member Barbour called for input from the City Attorney on remedies to the budget issues, so that the Council can move forward.

21:22:07 Chairman Pratt said that he has proposed a remedy and his previous recommendation was that Ordinance 06-32 be reinstated and deemed to be in effect.

21:13:19 City Recorder Cheryl Peacock Cottle clarified that the Tentative Budget for FY 2010-2011 was previously adopted by resolution. It was agreed, therefore, that it would be appropriate to adopt the final budget for FY 2010-2011 by resolution.

21:14:39 Mayor Wall explained that when he became aware of policy and procedural issues, he did an investigation. He stated that he is unable to move forward with any remedies until conclusion is reached on where authority lies. He said that Administration is presently waiting for the City Council to obtain opinion from another attorney. The Mayor said that he has received opinion from two attorneys and is yet to hear from the third one before a resolution can be reached and further action taken.

21:15:44 Chairman Pratt asked about the identity of the second attorney referenced and the Mayor disclosed that he had received a verbal legal opinion from David Church. Mr. Pratt noted that he placed a call and spoke to Mr. Church, but did not receive a subsequent return call.

21:16:33 Council Member Catlin said that policies and procedures do not trump ordinances. He suggested that Mr. Morgan had previously lobbied for a salary study in order to obtain boundaries for job classifications and salary schedules.

21:17:06 Mr. Morgan stated that he was not lobbying hard for the study, but since money had been expended for the study, setting ranges did help Administration in setting classifications, reclassifications, tasking, and re-tasking, etc.

21:17:44 Council Member Barbour stated for the record that she also spoke to Attorney David Church.

21:18:20 Council Member Rechtenbach said that he thought he had requested the City Attorney to be prepared to present proper remedies to the solution. He cited the Council's fiduciary responsibility and desire to ensure that there is no breach of ordinance. He asked for clarification on the City Attorney's written opinion regarding potential over-payments.

21:20:16 Mr. Brems clarified that his opinion is that the CBIZ Ordinance, to the extent that it has not been amended, is in full force and effect; but, that the specific line items in the budget as adopted by ordinance amended specific line items of the CBIZ Ordinance. He noted that he has also specifically identified some excess payments that were made.

21:25:01 Council Member Catlin stated that if there are significant changes in the budget, there should be disclosure. Mr. Brems said that he assumes that the budget was reviewed and thoughtfully adopted by the Council; however, he noted that he has identified a weakness in the tentative budget and believes that changes should have been disclosed.

21:21:53 Chairman Pratt noted that, as the City Attorney, Mr. Brems represents both the City Council and the City Administration. Chairman Pratt said that it would be appropriate for Mr. Brems to provide remedies.

21:22:56 Mayor Wall said that Administration has worked on remedies, but has asked that those not be presented until after the other legal opinion has been rendered. He said that the third opinion may have additional impact on the remedies to the issue. The Mayor Wall agreed that there are problems realized with at least two instances when employees were paid over and above their job description and pay ranges. He indicated that he cannot reasonably set discipline when there is still a fundamental disagreement on authority.

21:24:07 Chairman Pratt said that it appears that Mr. Brems is representing the Administration in this matter, but the Council also has a right advice and opinion from Mr. Brems and should be included in discussions on remedies.

21:24:22 The Mayor clarified that Mr. Brems has not yet rendered any remedies and has not been asked for any by Administration.

21:24:26 Chairman Pratt said that the Council would like Mr. Brems to present remedies. Council Member Barbour stated that Mr. Brems works for taxpayers and suggested that money may be saved by utilizing the City Attorney and the attorney representing the Utah League of Cities of Town (ULCT). Ms. Barbour cited her desire to move through the issues as quickly and painlessly as possible.

21:25:59 Chairman Pratt clarified that Mr. Church is counsel for the ULCT.

21:26:43 Mr. Brems stated that he will have a range of remedies prepared by Monday, June 7, 2010.

21:27:14 Chairman Pratt asked Council Coordinator Jessica Springer to put discussion regarding remedies on the June 9, 2010 Work Session Agenda.

21:27:21 Chairman Pratt confirmed that he and Mr. Rechtenbach will still be meeting with the additional attorney this week. Council Member Johnson agreed that was advisable.

6.2 Public Hearing – 6:30 p.m. – To Receive Public Comment on the Tentative Budget for the 2010-2011 Fiscal Year – *John Inch Morgan*

21:27:52 City Administrator John Inch Morgan cited a number of changes in the most recent version of the tentative budget. He noted that revenues are down from last year by 1.6% and expenditures are down by 2.1% in the General Fund itself.

21:28:14 Mr. Morgan confirmed that Budget Version 3.1 is being considered.

21:28:25 Chairman Pratt opened the public hearing on this matter and called for citizen comments.

21:28:41 Taylorsville Police Officer Scott Miller spoke regarding pay and benefits. He specifically addressed concerns regarding the equivalent contribution to the Retirement System. He gave clarification on retirement contributions.

21:31:35 Chairman Pratt stated that Mr. Morgan has provided a memorandum to clarify the changes to the retirement contributions.

21:31:58 Officer Miller asked that the dozen Taylorsville employees affected by the changes be treated fairly and similarly.

21:33:03 Budget Committee Member Lynn Handy recognized difficult challenges during this budget season. He cited the importance of economic development. Mr. Handy encouraged the Council to make investment in the City. He complimented Grants Manager Don Adams on his previous presentation on a proposed economic development incentives program and urged the Council to interject an amount in this year's budget that will make a difference in that regard.

21:35:39 Chairman Pratt referenced some modifications that need to be made to the Citizen Comment Form.

21:35:56 Taylorsville employee Gerry Orr stated that she has been a Taylorsville resident for 33 years. She said that, although she resides in District 5, she has an opinion contrary to the Council Member representing that district. Ms. Orr cited her desire for a dynamic, prosperous city and does not want influences from the Kearns area encroaching into her neighborhood. She stated that she is willing to pay a tax increase of \$50 per year, as there has only been one for Taylorsville during the last 13 years. She noted that property taxes are a deduction on federal taxes and are an investment she can make in the City. Ms. Orr said that the Administration has presented a balanced budget and they should be allowed to do their job with oversight from the City Council.

21:38:02 Taylorsville resident Lisa Schwartz described her previous involvement as a community volunteer and as a representative for her neighborhood. She cited her desire to address unfair perceptions that may be circulating regarding excess spending or government that is too big. Ms. Schwartz noted that she became an employee of the City approximately 18 months ago and shared her perspective that City Administration is managing resources well and that the City has a high-quality, hardworking Staff. She said that the City is at a crossroads and citizens must make an investment to maintain high quality of life.

21:41:51 Jean Ashby read a letter from Lyle Hansen, Taylorsville Public Works Inspector. Mr. Hansen described his unique perspective in his role of managing and overseeing most of the work that occurs within the City right-of-way, infrastructure maintenance and upgrades. He also cited his responsibilities for the concrete replacement program and for storm drain improvements and upgrades. Mr. Hansen noted that when the difficult decision to assess a storm drain fee was made a few years ago, it was not a popular one. He stated, however, that he has now had the benefit of seeing positive results that have come from that decision. He relayed that residents often express gratitude for those necessary services that have been funded and provided through the assessment.

21:45:01 Lynn Handy asked to speak on behalf of former Council Member Les Matsumura. Chairman Pratt stated that if Mr. Matsumura wants to speak he may come and do so, but noted that Mr. Handy's comment time was expired. Mr. Handy passed on regards from Mr. Matsumura and relayed his support for economic development.

21:45:27 Steve Ashby, lifetime resident of Taylorville, spoke as an advocate for a tax increase. He noted that he has been a City volunteer for several years and willingly donates hundreds of hours per year to the City, which results in a savings to the City. He said that he is chagrined when he hears hesitation to implement a minimal tax increase that would go so far to maintain the City. Mr. Ashby expressed concern regarding a comment recently made in a Council Meeting regarding the ability of Taylorsville employees to find other jobs if salaries and benefits should be decreased. He said that he does not like to see employees devalued in this manner. He thanked Council Member Barbour for taking time to respond to the letter he submitted to members of the City Council. Mr. Ashby offered support for the proposed tax increase of \$24 per year for his home and which he would consider an investment.

21:47:45 Council Coordinator Jessica Springer read a statement from Shirley Sutton wherein she expressed that it is hard to justify a tax increase in these economic times. She cited her satisfaction with services provided by the City of Taylorsville. She said that if the only budget solution is to layoff current employees and try to run the City with less personnel, then the price is too high. Ms. Sutton noted that Taylorsville has fewer employees than other cities and has always balanced the budget. She requested that taxes be raised and employees be kept.

21:50:31 Ms. Springer read a statement from lifelong Taylorsville resident Kelly Lund. Mr. Lund said that the quality of life in Taylorsville is now changing, crime is on the rise, neighborhoods are deteriorating and businesses are failing. He cited a general lack of vision and leadership with very little new growth. Mr. Lund indicated that the City cannot expect to maintain quality of life and provide quality services with a minimal budget and said that a minor tax increase is a better alternative than cutting jobs, wages, and services. He called for forward thinking and focused leadership to invest in the future of the City.

21:51:14 Ms. Springer read a description of a voicemail from a citizen named Dale. She relayed that in his message Dale suggests the elimination of Taylorsville Dayzz, or going to an every other year event, elimination of capital improvements like pedestrian bridges at schools, selling City land, eliminating glossy mailers and magnetic phone number lists, changing the neighborhood dumpster program to every two years, stop providing trees for schools, stop funding assistance for the Easter Egg Hunt and stop funding for the I-215 Interchange. He stated that these items appear to be "wants" rather than "needs" for the City.

21:52:38 Ms. Springer reported on responses received as a result of the letter that the City Council mailed to residents. She stated that 31 responses have been received since the mailing by e-mail and fax; of those, 19 responses were in favor of a tax increase and those against a tax increase numbered 12. Chairman Pratt noted that the summary of responses will be updated as they are received.

21:52:58 Chairman Pratt submitted a petition containing 28 signatures that he received from citizens who are opposed to a property tax increase after reviewing the tentative 2010-2011 City budget.

21:53:24 Officer Miller distributed a petition to the Council representing input from approximately 30 members of the Taylorsville Police Department.

21:53:57 There were no additional comments, and Chairman Pratt declared the public hearing closed.

21:54:06 Chairman Pratt noted that statutory requirements have been met for allowing public comment on the proposed 2010-2011 budget, but relayed that further budget discussions will be held during the next two City Council Meetings. He said that members of the Budget Committee will present their comments at the June 9, 2010 Meeting.

21:55:17 Council Member Johnson stated that he has never heard any suggestions about employee layoffs and has not even considered that option.

21:56:35 Chairman Pratt explained that an immediate decision must be made about employee benefits so that the open enrollment period can be held.

21:56:40 Mr. Harrington summarized three health insurance options, as previously provided to the Council. He described the first option, with a 12% increase to the City, an increase in co-pay amounts, and maintaining a \$500 deductible. Mr. Harrington reviewed additional options to increase co-payments and deductibles.

21:58:24 Mr. Morgan confirmed that with the third option, individuals would be required to meet a \$1000 deductible for calendar year 2010.

22:00:56 Mr. Harrington gave explanation regarding the current split in City/employee contributions. He referenced costs for the current 90/10 split and for an 80/20 split across the board. He noted that Select Med coverage is the benchmark amount.

22:03:16 Mr. Harrington reviewed the budget impact under different insurance options.

22:06:20 Council Member Rechtenbach called for clarification on calculations for insurance costs, and Mr. Harrington made explanation.

22:12:16 Chairman Pratt stated that he is not in favor of both increasing deductibles and changing the split to 80/20.

22:13:20 After further discussion and polling the Council, the consensus was to go with the second option and an 80/20 split. Mr. Morgan stated that adjustments will be made accordingly in the next version of the budget to reflect an approximate \$72,000 savings to the City.

22:19:49 The Council agreed to leave dental and vision benefit and contribution amounts as they stand currently.

22:21:35 Council Member Johnson asked the Council to consider reducing the allocation for lobbyists. It was determined that further discussion regarding costs for lobbyists will be held during the Work Session on June 9, 2010.

22:23:33 Mr. Morgan discussed recent changes to the retirement system and reviewed exhibits illustrating contributions and rates. It was noted that the new retirement plan will be effective July 1, 2010. Mr. Morgan agreed to provide additional information to the Council on costs to the City for retirement benefits on the 13 employees who are considered "double dippers."

22:33:04 Chairman Pratt stated that he is inclined to honor the existing plan/contributions for the 13 affected employees, but suggested that any new hires after July 1, 2010 be handled differently under the Utah Retirement System.

22:33:38 It was determined that discussion regarding retirements benefits will continue at the Work Session Meeting on June 9, 2010, followed by budget discussion for the Police Department, the Community Development Department, and the Economic Development Department.

7. OTHER MATTERS

7.1 **Ordinance No. 10-08 – Amending and Restating Chapter 14.60 of the Taylorsville Code of Ordinances with Respect to the Naming of Public Places – John Brems**

22:35:46 City Attorney John Brems presented the subject ordinance, in compare format, for consideration. He stated that it has been reviewed by the Ordinance Review Committee.

22:36:37 Recommended changes to the ordinance were described.

22:38:02 Mayor Wall referenced an incident when a public place was named and said that the existing ordinance is cumbersome.

22:39:55 Discussion was held regarding the potential of appointing the Council Member from the district of the public place to be named to the Naming Committee. Mayor Wall reviewed reasons it may not be practical to limit appointments to a particular Council Member.

22:41:43 Council Member Jerry Rechtenbach **MOVED** to adopt Ordinance No. 10-08 – Amending and Restating Chapter 14.60 of the Taylorsville Code of Ordinances with Respect to the Naming of Public Places. Council Member Bud Catlin **SECONDED** the motion. Chairman Pratt called for discussion on the motion. There being none, he called for a roll call vote. The vote was as follows: Rechtenbach-yes, Johnson-yes, Catlin-yes, Barbour-yes, and Pratt-yes. **All City Council members voted in favor and the motion passed unanimously.**

8. NEW ITEMS FOR SUBSEQUENT CONSIDERATION (No Action)

Council Member Johnson inquired about donations for the Veterans Memorial. Mayor Wall indicated that donations are not being received as expected, but said it was hoped to interest more businesses later in the year. The Mayor confirmed that a booth regarding the Veterans Memorial will be set up at the Taylorsville Dayzz event.

9. NOTICE OF FUTURE PUBLIC MEETINGS (NEXT MEETING)

22:43:46

- 9.1 City Council Work Session – Wednesday, June 9, 2010 – 6:00 p.m.
- 9.2 City Council Briefing Session – Wednesday, June 16, 2010 – 6:00 p.m.
- 9.3 City Council Meeting – Wednesday, June 16, 2010 – 6:30 p.m.
- 9.4 City Council Briefing Session – Wednesday, July 7, 2010 – 6:00 p.m.
- 9.5 City Council Meeting – Wednesday, July 7, 2010 – 6:30 p.m.

10. CALENDAR OF UPCOMING EVENTS

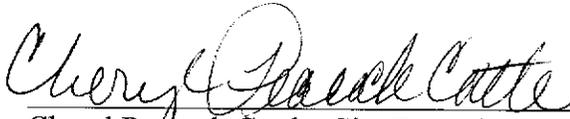
22:44:31

- 10.1 Taylorsville Arts Council's Presentation of *The King and I* – Thursday, June 10, 11, 12, 2010 – 7:30 p.m. – at Eisenhower Junior High School, 4351 S. Redwood Road. Tickets will be \$7 each or a family rate of thirty dollars (up to six people)
- 10.2 Taylorsville Dayzz Carnival Opens – Thursday, June 24, 2010, 4:00 to 11:00 p.m. – Valley Regional Park, 5100 S. 2700 W. – Opening night only, each ride will be \$1

22:44:42 Chairman Pratt issued a reminder regarding the rededication of the Freedom Shrine at Bridgeside Park on June 16, 2010.

11. ADJOURNMENT

22:45:04 Council Member Larry Johnson **MOVED** to adjourn the City Council Meeting. Council Member Bud Catlin **SECONDED** the motion. Chairman Pratt called for discussion. There being none, he called for a vote. The vote was as follows: Rechtenbach-yes, Johnson-yes, Catlin-yes, Barbour-yes, and Pratt-yes. **All City Council members voted in favor and the motion passed unanimously.** The meeting was adjourned at 10:45 p.m.



Cheryl Peacock Cottle, City Recorder

Minutes approved: CC 07-07-10

Minutes Prepared by: Cheryl Peacock Cottle, City Recorder