

City of Taylorsville
Work Session
Minutes

Wednesday, July 13, 2011
Council Chambers
2600 West Taylorsville Blvd., Room No. 140
Taylorsville, Utah 84129

Attendance:

Mayor Russ Wall

Council Members:

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
Patrick Tomasino, Building Official
Donald Adams, Interim Econ Dev Director
Del Craig, Police Chief

Excused: City Administrator John Inch Morgan

Others: John Gidney, Israel Grossman, Kristie Overson, Laura Lewis, Lynn Handy, Dale Ballou, Ernest Burgess, Blaine Carlton, Aimee Newton,

18:01:57 Chairman Jerry Rechtenbach called the Work Session to order at 6:01 p.m. and welcomed those in attendance. City Recorder Cheryl Peacock Cottle conducted a Roll Call, wherein all Council Members were present.

1. Age Wave Presentation – Mayor Wall

18:19:33 Mayor Russ Wall gave a Power Point presentation entitled, *Age Wave*, regarding how the aging population affects Taylorsville. This presentation was borrowed from the Salt Lake County Aging Services and was given at a Board of Health meeting recently.

Mayor Wall went through the presentation highlighting various statistics, including information regarding the number of average adults whose life expectancy is increasing. It was noted that such older adults are more independent and are staying in their homes for longer periods; however, statistics also show that elderly people do require some type of assistance to remain independent. Mayor Wall cited many aging individuals in Taylorsville and relayed that there are currently overwhelming numbers of “empty nesters,” or people who have lived in their homes for 30+ years. It was reported that the number of school-aged children in the City has decreased. The Mayor suggested that if Taylorsville can provide more options for the older population, either through town homes with less yard maintenance or with senior housing, it will open up some of the larger homes in the area to families and create more of a population balance in the future.

18:29:58 Council Member Morris Pratt referenced housing demographics that were presented to the Council several years ago and noted that Taylorsville was above what was needed with regards to senior housing that is available. He stated his belief that the City could build as much senior housing as possible, and the need would still be there. He said there is definitely a need for balance.

18:32:12 Council Member Larry Johnson stated that a lot of people build their homes with room to eventually be able to take in an elderly relative due to the high cost of care centers.

Mayor Russ Wall concluded by answering the critics who have questioned why Taylorsville is building so much senior housing. He observed that Taylorsville needs to keep on track with the trends, facilitate a balance and look towards the future needs of the City.

2. Discussion Regarding Sales Tax Revenue Bonds
– Laura Lewis, Scott Harrington, John Inch Morgan

18:02:44 Laura Lewis was not yet in attendance, so discussion regarding sales tax revenue bonds was tabled until later in the meeting.

18:32:22 Finance Director Scott Harrington gave a short overview regarding sales tax revenue bonds. He noted that the discussion planned is for review of general concepts only.

18:34:49 Laura Lewis distributed a spreadsheet containing an update of current bond transactions.

18:36:06 Ms. Lewis reminded the Council of the reasons behind the bond. She indicated that the purpose of the bonds is to put together a structure that provides flexibility for the City in regards to Economic Development in various project areas. She explained that, due to State laws, this now has to be done by project area. She relayed that the spreadsheet presented details the proposed use for the funds in the project area of Bangerter Highway and 5400 South. Ms. Lewis cited four series of bonds (A, B and C) including a subset to A, in case of long term bonds on a tax exempt or taxable basis. Ms. Lewis reviewed the spreadsheet in detail.

18:44:52 Council Member Catlin inquired about the impact to the City bonds if Washington falls, which he believes seems highly likely.

18:46:03 Ms. Lewis responded that if Washington does have issues with bonding, the markets will increase interest rates to compensate for those issues. She noted that the nice thing for Taylorsville is that Zions Bank has locked current interest rates in based on the formulas that are being used and irrespective of what happens to the markets.

18:47:07 Council Chairman Jerry Rechtenbach asked about the debt service reserve fund and Ms. Lewis gave clarification.

18:50:49 Blaine Carlton stated that he is from the law firm Ballard Spahr, which serves as bond council for this transaction. Mr. Carlton detailed the different bond series that Ms. Lewis previously referenced. Mr. Carlton referenced the resolution to be presented to the Council for approval on July 20, 2011, which approves the issuance of the series B and C Bonds to be sold to Zions Bank pursuant to a bond purchase agreement. He noted that the final terms for the series A Bonds have not yet been established, so the authorizing resolution also appoints a Pricing Committee. He explained that this should be two or three representatives of the City whose names need to be included in the Resolution. Mr. Carlton relayed that the Pricing Committee would be authorized to approve the final terms of the series A Bonds without the necessity of coming back to the City Council. He cited the time sensitivity related to marketing bonds to get the best rates.

18:59:50 Mayor Russ Wall recommended City Administrator John Inch Morgan, Chief of Finance Scott Harrington and Council Member Morris Pratt for the Pricing Committee. The City Council concurred with the three appointees that were recommended.

3. Discussion Regarding Ordinance 11-09 – Smoking in Parks, Trails and Recreation Facilities – *John Brems*

18:02:15 City Attorney John Brems presented the proposed Smoking Ordinance and outlined the previous concerns the Council had regarding whether the ordinance should be applicable to streets, sidewalks or parking lot areas.

Council Member Bud Catlin asked about the origination of this ordinance. He questioned whether Taylorsville has specifically been having a problem with smoking in public places or if this ordinance is even necessary.

Mayor Russ Wall answered that most of the complaints received in the City regarding smoking come from Taylorsville Dayzz events and from the Dog Park.

Council Member Larry Johnson stated that there should be rights for people and that if there is a no smoking ordinance it should be in the form of restricting smoking so many feet from play grounds. Council Member Johnson observed that these types of ordinances are rarely, if ever, enforced and noted that Taylorsville doesn't have the man power for such ordinance enforcement.

Council Chairman Rechtenbach noted that this is not a primary infraction ordinance, but can be used if an officer happens to observe someone in violation. He explained that officers wouldn't necessarily be going out looking for infractions.

City Attorney John Brems suggested that if the Council would like to narrow this ordinance to sidewalks and streets, for example, they could do so.

Council Member Dama Barbour stated that there has been a smoking issue where the Bass pond is located. She cited her belief that if the City has ordinances they should be enforced and if ordinances cannot be enforced, the City should not adopt them.

Council Member Bud Catlin agreed and stated that the City should not pass ordinances that cannot be enforced. He observed that violations related to handicapped parking are also currently not enforced. He cited ordinances and laws that fall through cracks because police officers have a hard time dealing with them. He suggested that the City should just put a "No Smoking" sign up at Taylorsville Dayzz.

18:09:35 Mayor Russ Wall relayed that at this year's Taylorsville Dayzz event there were citizens who told the Mayor that there were people smoking, so he addressed those individuals directly and informed them it was illegal. He explained that it is illegal by County Ordinance to

smoke in County-owned parks, but not currently in City-owned parks. He noted that if there is no ordinance governing smoking in City parks, no one is able to enforce no smoking.

18:11:21 Council Chairman Jerry Rechtenbach recommended that this ordinance should more clearly define specific areas and specific parks. He suggested having a designated smoking area at each park, with signs located at the parks.

18:12:51 Council Member Morris Pratt suggested reviewing the current County Ordinance and using it for comparison in developing a Taylorsville ordinance.

18:14:17 Council Member Larry Johnson referred to a conversation with Kirk McDougal, who owns the funeral home, regarding smoking during funerals. He relayed that Mr. McDougal stated that most people have indicated smoking hasn't been an issue for them. Council Member Johnson also stated his opinion that the ordinance should include cemeteries.

18:14:55 Council Member Dama Barbour said that the signage would be nice to have, but to have signs, the City would need an Ordinance. She suggested that this issue be explored further to see what can be done.

18:15:17 Council Member Bud Catlin stated that the City can't regulate and tell people how to live. He observed that the City doesn't need an ordinance, but merely signs posting rules regarding smoking, much like a 10:00 pm curfew. He suggested that police officers are not going to be excited about giving a person a citation for smoking. He reiterated that there should not be laws in place that are unenforceable or where there isn't a clear intention of enforcement.

18:16:25 Council Member Larry Johnson suggested that all of the Council's ideas should be written down and taken back to the Ordinance Review Committee for discussion at their next meeting in the fall.

Council Chairman Rechtenbach asked Council Coordinator Jessica Springer to document all of the input from this Council discussion and e-mail the suggestions to Council Member Johnson, as Advisor of the Ordinance Review Committee (ORC), so that he might take them to the next ORC meeting in the fall.

18:18:00 Council Member Barbour asked whether signs can be posted without an ordinance. City Attorney John Brems answered that there must be a mechanism in place to be enforceable.

4. Discussion Regarding the Proposed Land Development Code – *Mark McGrath*

19:03:28 Community Development Director Mark McGrath addressed the Council regarding the Proposed Land Development Code. Mr. McGrath reminded the Council that review of the

proposed code was postponed until after the budget was finalized at the end of June. He reported that currently the Council has reviewed two chapters, with 35 more to be reviewed. Mr. McGrath referenced a schedule he has drafted for reviewing the 35 remaining chapters. Mr. McGrath then reintroduced the project and distributed a copy of the proposed discussion schedule.

Council Member Bud Catlin commented that reviewing the proposed Land Development Code is not his top priority. He said that there is no way to predetermine how busy a Council Meeting agenda might be in the future, so pre-scheduling isn't possible. Council Member Catlin also stated his opinion that scheduling review of four or five chapters of the code in one night is too much, due to the potential for creating longer than necessary meetings.

Council Chairman Jerry Rechtenbach responded that this proposed schedule is just a target and if there are issues that come up on the agenda, the Land Development Code can be postponed. Chairman Rechtenbach also stated that a lot of pressure was put on the Community Development Department to get this code done after years of talking about it, so it does need to flow to the top of the priority list. He observed that this code is dealt with by the community every day and the City cannot keep it in limbo.

19:11:10 Council Member Morris Pratt observed that it is good to have a schedule, as long as everyone is aware that it is not concrete and can be changed if needed.

19:11:35 Mark McGrath stated that the proposed schedule is more like a general guide and there is a certain flexibility available in the schedule. He relayed that the Planning Commission had a similar schedule that was changed often to accommodate other agenda items and issues that came up during the course of the review.

19:11:49 Mayor Russ Wall commented that when the Council was reviewing the General Plan, the process dragged on. He observed that with this Development Code, there was a lot of pressure on the Staff and the Planning Commission to get it done quickly. He stated that, for this reason, the project review should be completed as quickly as possible and not be allowed to languish. The Mayor cited the necessity of a target schedule and completion date.

19:12:38 Council Member Larry Johnson observed that no real problem would be presented if this didn't get completed until December, so if it does need to be postponed during a meeting or two it would not be an issue.

19:12:49 Council Member Dama Barbour commented that the Planning Commission often scheduled extra meetings to get through the code. Council Member Barbour observed that the heavy nights scheduled are for Work Session meetings which is a great time to focus on the code

to get it completed as quickly as possible. She referenced the importance of the code and said it will be helpful to Economic Development.

19:17:46 Mr. McGrath referenced the executive summaries of each chapter given to the Council and explained that they will provide more front-end information as to what the chapter is all about and what it is trying to accomplish, as well as key points of what is being changed from current code and the reasons for the changes. Mr. McGrath suggested that any questions on the upcoming chapters being reviewed be forwarded to him in advance whenever possible, so that preparation can be made to have answers available and help the process go a little quicker during Council Meetings.

Council Member Morris Pratt observed that it may be hard to get questions in advance because the Council doesn't get the packet until late Friday, but he agreed that it would help the process to have questions presented ahead of time.

19:18:36 Council Chairman Jerry Rechtenbach suggested that Mr. McGrath and his staff spend time beforehand proofreading the document, so that not a lot of meeting time is wasted correcting typographical or grammatical errors. He suggested that if there are proofreading errors that have no material relevance to the chapter, the Council not get bogged down in being terribly critical of those little things.

19:19:52 Mark McGrath reviewed the executive summary for Chapter Three.

19:20:40 Council Chairman Jerry Rechtenbach asked about the term length for members of the Planning Commission and whether the alternate can fill a vacant position. Mr. McGrath explained that the duty of the alternate is to actually fill in during absences if a Planning Commission member cannot make it to a particular meeting and not to fill the position long term. He noted that if the alternate doesn't reside in the district of a member who has left the Planning Commission, that individual would not be eligible to fill the seat long term anyway.

19:21:52 Mark McGrath referenced a previous conversation the Council had while reviewing Chapter One regarding Appeals of Interpretation, which stated that any appeal of a determination by Mr. McGrath or an interpretation that an applicant didn't agree with would go to the Planning Commission. He recalled that the Council felt that the final appeal should come before the City Council. He cited Chapter Three, under the Board of Adjustment, Powers and Duties (Section 4, part D), where the code originally intended that the Planning Commission would make an interpretation and if the applicant didn't agree with that it could be appealed to the Board of Adjustment. Mr. McGrath asked the Council if having an appeal go to the Board of Adjustment would work, or if the Council still prefers final appeal to come before the City Council.

19:24:38 Council Chairman Rechtenbach polled the Council, and all members preferred that appeals remain with the Board of Adjustment.

19:25:26 Council Member Larry Johnson referenced Planning Commission members and asked if it is an option to have them remain longer than the four-year term. Mark McGrath answered that there can be an extension of that term if approved by unanimous vote of the City Council. Mr. McGrath agreed to investigate this and ensure that language regarding a possible longer term is included, if it is not already located somewhere else in the code.

19:27:55 Mayor Russ Wall suggested that with some items that have a description, rather than restating identical descriptions, a reference be included so that a change doesn't have to be made in multiple places.

5. Other Matters

19:29:15 Council Member Morris Pratt asked Mayor Wall whether there was any further information available regarding the school that Granite District is planning to build near Taylorsville High School. Mr. Pratt relayed that he has received calls from concerned residents and he doesn't have answers for them. Mayor Wall stated that he will request someone from Granite School District to come to the next Council Meeting and report.

19:31:05 Council Member Larry Johnson inquired about the Samoan Festival with regards to parking and restrooms. Mayor Wall answered that the new parking lot will be finished. He explained that the people in charge of the festival were required to fill out mass gathering permits with the City and with the Health Department which regulate sanitation, food, security, parking, etc. He said that the mass gathering permit requires compliance with all of these regulations.

19:32:52 Council Member Johnson also stated concerns about there being no fence along 5400 South with regards to balls going into the road and also with foot traffic on the new lawn. Donald Adams responded that field dimensions have been examined and Administration is comfortable that there is a low safety risk for regulation cricket and rugby. Mr. Adams relayed that the lawn is firming up nicely and water patterns have been adjusted appropriately.

19:34:37 Mayor Wall noted that it is not always possible to plan for every contingency, but the City will do its best to stay on top of potential issues in regard to the Samoan Festival.

19:35:40 Council Member Larry Johnson stated that there are a lot of "No Parking" signs missing along Canal Road. Mr. Johnson agreed to call John Taylor with more information on where signs are needed.

19:36:33 Council Chairman Rechtenbach referenced an article regarding sanitation that was in the Deseret News and cited some inaccuracies that need to be corrected, as follows: there are 80,000 customers in the Sanitation District throughout the county and the various municipalities; the Sanitation District conducted a poll by questionnaire through mailers, online, and by phone calls with two questions, (1) whether people would like weekly recycling (the blue containers) versus bi-weekly and (2) whether they would be willing to pay an extra \$2 a month fee for this service. The results were that 69% of the people wanted weekly recycling and 61% of the people were willing to pay the extra two dollars. Weekly recycling has already been instituted; but the fee is not yet implemented because it has not yet been ratified by the board. Chairman Rechtenbach noted that, if ratified, this is going to be district wide and individual cities cannot opt out.

19:38:28 Council Member Barbour asked whether the Sanitation District is required to have a Truth and Taxation Hearing regarding the \$2 fee. Chairman Rechtenbach answered that, because this is a fee and not a tax, they are not required to have such a hearing. Chairman Rechtenbach also stated that this fee is a lot like the \$36/year suggested tax increase, wherein it is impossible to get everyone to agree.

19:40:34 Council Member Catlin and Council Member Johnson each stated that they get by fine with the cans that are currently available and are not happy about paying the additional \$24 a year.

19:41:03 Mayor Wall suggested that the \$24/year amount will encourage people to recycle and will offset the increase that the Sanitation District has already incurred from increased tipping fees.

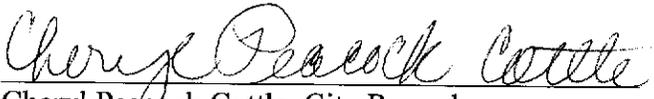
19:41:44 Council Chairman Rechtenbach cited many areas where the Sanitation District has been conserving money so as not to increase fees unless needed. He observed that costs are going up across the board. He noted that the decision has not yet been formally made on the fee and is still in discussion with the Sanitation District.

19:42:22 Mayor Wall added that if the district ratifies this fee, the City has no choice unless it pulls out of the district which would not be a cost effective choice.

19:43:52 Council Chairman Rechtenbach cited the short life of the current landfill space and said studies have shown that by going to weekly recycling, the life of the landfill will be increased by 10 years.

6. Adjournment

19:46:11 Council Member Morris Pratt **MOVED** to adjourn the City Council Work Session. 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-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 7:46 p.m.


Cheryl Peacock Cottle, City Recorder

Minutes approved: CC 08-17-11

Minutes Prepared by: Cheryl Peacock Cottle, City Recorder and Jessica Springer, Deputy Recorder