

City of Taylorsville
CITY COUNCIL MEETING
Minutes

Wednesday, July 21, 2010
Council Chambers
2600 West Taylorsville Blvd., Room No. 140
Taylorsville, Utah 84118

BRIEFING SESSION

Attendance:

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
Michael Kwan, Judge

Excused: Mayor Russ Wall

BRIEFING SESSION

1. Review Administrative Report

Chairman Morris Pratt conducted the Briefing Session, which convened at 6:04 p.m. City Recorder Cheryl Peacock Cottle conducted a Roll Call, wherein all Council Members were present. Chairman Pratt called for questions on the Administrative Report for the Community Development Department. Discussion was held regarding the Good Landlord Program. Chairman Pratt inquired about the percentage of people who have responded. Community Development Director Mark McGrath reported that response has not been received from the majority of people who received notification. He said it has been determined that approximately 10% of the people who were contacted do not actually have rental properties. Mr. McGrath

estimated that about 30% of Taylorsville landlords have responded, but said more are coming in each day. Council Member Johnson asked for clarification on numbers of landlords participating in the Good Landlord Program. Mr. McGrath said that approximately 60% are taking part and 100% of the multi-family building landlords have enrolled in the program.

18:09:10 Mr. Johnson cited several complaints he has received from landlords. Mr. McGrath indicated that some of the language in the fee schedule will be clarified, and suggested any additional amendments needed to the ordinance may be addressed at that time.

18:10:16 Chairman Pratt noted that there is really no savings to landlords of single family residences. Mr. McGrath affirmed that the City has not had response from the majority of single family rental owners, and stated that a follow up mailing may be done.

2. Review Agenda

The agenda for the City Council Meeting was reviewed. It was noted that Mayor Wall is excused, and City Administrator John Inch Morgan will report on his behalf.

3. Adjourn

The Briefing Session was adjourned at 6:17 p.m.

REGULAR MEETING

Attendance:

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
Michael Kwan, Judge
Marsha Thomas, Judge
Jean Ashby, Administrative Assistant
Lisa Schwartz, Emergency Response Coordinator

Excused: Mayor Russ Wall

Citizens: Jay Ziolkowski, Ted Jensen, Dean Paynter, Members of Scout Troop 1779, Dan Fazzini, Harlan Christmas, Rhetta McIff

1. WELCOME, INTRODUCTION AND PRELIMINARY MATTERS

18:35:27 Chairman Morris Pratt called the meeting to order at 6:35 p.m. and welcomed those in attendance. City Recorder Cheryl Peacock Cottle conducted a Roll Call, wherein all Council Members were present. It was noted that Mayor Wall was excused.

1.1 Pledge of Allegiance – Opening Ceremonies – Council Member Barbour

18:36:11 Council Member Dama Barbour directed the Pledge of Allegiance.

1.2 Reverence – Council Member Barbour (Opening Ceremonies For August 4, 2010 to be arranged by Youth Council)

18:37:32 UFA Battalion Chief Jay Ziolkowski offered the Reverence.

1.3 Citizen Comments

18:37:40 Chairman Morris Pratt reviewed the Citizen Comment Procedures for the audience. He then called for any citizen comments.

18:38:36 There were no citizen comments, and Chairman Pratt closed the citizen comment period.

1.4 Mayor's Report

18:38:51 City Administrator John Inch Morgan asked that Mayor Wall be excused. Mr. Morgan indicated that the City is the recent recipient of a \$250,000 grant appropriation from the federal government, as part of earmarks obtained through the efforts of Senators Hatch and Bennett. He said that Grants Manager Donald Adams worked with the Taylorsville Police Department to secure these funds. Mr. Morgan distributed documentation on the grant. He relayed that the initial request was for \$500,000 and said that the City just received notice of the \$250,000 award for Police Technology. He noted that the funds must be used for specific types of police items.

1.5 Recognition of the Best of Taylorsville Home & Business Beautification Awards – Rhetta McIff, LARP Chair

18:40:29 Larp Chair Rhetta McIff presented the *Best of Taylorsville Home & Business Beautification Award* to George and Holly Aun. She relayed that Mr. and Mrs. Aun are her neighbors. She described the beautiful yard that they work hard to maintain.

18:40:48 Ms. McIff gave explanation on how nominations for the *Best of Taylorsville Award* are received. She presented Mr. and Mrs. Aun with a basket provided by Great Harvest Bread. She thanked Great Harvest for their continued support of the *Best of Taylorsville Award Program*.

18:44:04 Council Member Barbour recognized members of Scout Troop 1779 in attendance.

2. APPOINTMENTS

2.1 Re-Appoint Ted Jensen to the Planning Commission – Chairman Pratt

18:45:12 Chairman Pratt recognized Ted Jensen and nominated him for reappointment to the Taylorsville Planning Commission.

18:45:18 Council Member Jerry Rechtenbach **MOVED** to approve the appointment of Ted Jensen to the Planning Commission. Council Member Bud Catlin **SECONDED** the motion. Chairman Pratt called for discussion on the motion. There being none, he called for a vote. The vote was as follows: Barbour-yes, Pratt-yes, Rechtenbach-yes, Johnson-yes, and Catlin-yes, Barbour-yes, and Johnson-yes. **All City Council members voted in favor and the motion passed unanimously.**

2.2 Re-Appoint Ernest Burgess to the Planning Commission – Chairman Pratt

18:45:48 Chairman Pratt nominated Ernest Burgess for reappointment to the Taylorsville Planning Commission.

18:45:48 Council Member Bud Catlin **MOVED** to approve the appointment of Ernest Burgess to the Planning Commission. 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: Barbour-yes, Pratt-yes, Rechtenbach-yes, Johnson-yes, and Catlin-yes, Barbour-yes, and Johnson-yes. **All City Council members voted in favor and the motion passed unanimously.**

3. REPORTS

3.1 Justice Court – *Judge Michael Kwan*

18:48:36 Chairman Pratt recognized Judge Michael Kwan and Judge Marsha Thomas, who were in attendance.

18:49:20 Judge Kwan reported on recent functions of the Taylorsville Municipal Court. He said that things are getting better, but there is still more to do. He relayed that 12,906 cases were filed in FY 2010 and 12,647 cases were disposed. He noted that 259 cases will be carried over to FY 2011. The Judge relayed that CORIS reports total revenue in FY 2010 to be \$2,324,735. He referenced a discrepancy between Caselle and CORIS reports. He indicated that Court expenses through July 12, 2010 were \$2,063,607.

18:48:47 Judge Kwan addressed questions regarding cases that are carried over. He indicated that the number varies from year to year. He confirmed that the revenue difference between CORIS and Caselle is \$407,930.64. He cited different types of reports that are run monthly.

18:49:54 Chief of Finance Scott Harrington affirmed that the report provided is the Cash Report. Judge Kwan indicated that he tends to give more credence to Cash Reports than to computer-generated reports. He clarified that the City uses Caselle, but the Court is mandated by the State to use CORIS. The Judge relayed that Mr. Harrington, Jamie Brooks, and Gerry Orr are working to determine a basis for the discrepancy.

18:53:27 Judge Kwan reported on the progress of the Court Reorganization. He noted that the Financial Compliance Team is working on the Financial Action Plan, Case Managers are in place, Judicial Assistants are in training, and the Court Services Team is reviewing duties and beginning transition. The Judge relayed that he intends to have Court Supervisors report regularly at Council Meetings over the next few months.

18:54:16 Judge Kwan reported that the new Court hours are now in effect and noted that Taylorsville exceeds the State standard by being open 44 hours per week. He said that the Court is working with prosecution teams to ease transition. He reported that a \$7,500 grant has been awarded to be used toward an x-ray machine.

18:54:52 Judge Kwan reviewed case load statistics for FY 2010. He illustrated traffic case distribution and addressed questions regarding fines for DUI offenses. The Judge relayed that the fine on a first DUI is \$1,590, and the fine for a second DUI is roughly \$1,940. He noted that both carry mandatory jail terms that can be commuted to community service by the judge. He said that a third DUI offense within 10 years is a third degree felony. He confirmed that most fines are paid through a payment plan.

18:57:15 Judge Kwan illustrated criminal case distribution. He noted that a third of the Court's criminal cases are domestic violence offenses. He cited other offenses that are caused by drug and alcohol abuse, i.e. thefts, assaults, etc. The Judge observed the need for programs that address these issues. He answered questions regarding animal ordinance violations handled in the Court.

19:00:19 Judge Kwan reviewed Drug Court statistics for calendar year 2009. He answered questions from the Council regarding carryover in the Drug Court and participants who may opt out.

19:02:46 Judge Kwan reviewed case filing comparisons from FY 2009 versus FY 2010. He illustrated disposition rates for traffic cases and criminal cases.

19:03:49 Judge Thomas addressed questions regarding disposition of cases in the Small Claims Court. She confirmed that the maximum amount for a small claims case is \$10,000.

19:08:08 Judge Kwan answered questions regarding percentages of cases disposed.

19:09:07 Judge Kwan discussed highlights regarding court revenues and expenses for FY 2010. He illustrated revenue and expenses per disposed cases.

19:10:13 Judge Kwan cited the value of community service hours provided by the Taylorsville Court.

19:11:28 Judge Kwan reviewed goals the Court is still working on, as follows:

- Resolve differences between CORIS and Caselle.
- Complete transition to new job duties.
- Continue to enhance enforcement of all court orders.
- Make everybody happy.

19:11:57 Judge Kwan gave additional clarification on the discrepancies between CORIS and Caselle. Mr. Harrington indicated that issues should be resolved within two or three weeks.

19:15:03 Council Member Larry Johnson suggested that higher amounts be collected up front on fines.

19:15:20 Discussion was held regarding bail schedules. The Judge gave clarification on surcharge amounts.

19:19:07 Chairman Pratt requested a resolution of the discrepancy between CORIS and Caselle for the next Court Report on August 18, 2010.

19:19:48 Mr. Harrington clarified that his reports must reflect "cash in the door."

4. CONSENT AGENDA

4.1 Minutes – RCCM -7-07-10

19:20:40 Council Member Jerry Rechtenbach **MOVED** to adopt the Consent Agenda. Council Member Dama Barbour **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: Barbour-yes, Pratt-yes, Rechtenbach-yes, Johnson-yes, and Catlin-yes, Barbour-yes, and Johnson-yes. **All City Council members voted in favor and the motion passed unanimously.**

5. PLANNING MATTERS

5.1 Discussion Regarding an Appeal of the Business License Fee Schedule – *Mark McGrath*

19:21:19 Community Development Director Mark McGrath stated that this discussion is designed to set the date for a hearing on a business license fee appeal and also to update the Council. He explained that, as a result of the recently updated Taylorsville Business License Fee Schedule, the annual license fee for Mr. Boguslaw Sarnecki, owner of Utah Safety & Emission Testing, increased from \$188.00 in 2009 to \$492.00 in 2010. Mr. McGrath noted that the fee increase is partly based on an increase in the disproportionate fee for the "automotive" category and partly because the business was previously classified incorrectly.

Mr. McGrath relayed that Mr. Sarnecki submitted his appeal based on the financial burden of the new fee and his belief that he has now been classified incorrectly as an automotive business. Mr. McGrath indicated that, in his capacity as the Taylorsville Business License Official, he rendered a decision that the business had been properly classified and that the business license fee was appropriate based on Ordinance 10-01. He explained that Mr. Sarnecki has chosen to appeal the administrative decision, and according to City code, the matter now goes before the City Council.

19:25:03 It was clarified that the City Council is required to set a hearing to hear the appeal on this matter. Mr. McGrath suggested that the hearing be scheduled for either August 4th or August 18th.

19:21:20 Council Member Johnson stated his opinion that Mr. Sarnecki has a legitimate complaint.

19:26:46 Chairman Pratt requested that the hearing on this issue be scheduled for August 4, 2010. He asked that Mr. McGrath forward information to the City Council regarding statistics on businesses in categories such as Mr. Sarnecki's. Chairman Pratt noted that business license fees are set somewhat by numbers of police calls for these types of business.

19:29:04 Chairman Pratt reminded those present that all supporting documents for the Council Agenda packet must be submitted in a timely fashion and that matters with incomplete documentation will be postponed to a later meeting.

6. FINANCIAL MATTERS

6.1 Resolution No. 10-22 – Declaring Abandoned and Unclaimed Bicycles as Surplus – *John Inch Morgan*

19:30:23 City Administrator John Inch Morgan presented the subject resolution to allow surplus of 13 unclaimed bicycles that are being held by the Police Department. He reviewed ways that unclaimed bikes have been handled in the past. He explained that Salt Lake City and Salt Lake County have entered into an agreement with the Salt Lake City Bike Collective to manage unclaimed bicycles through a program in which underprivileged children earn bicycles.

19:31:27 Dan Fazzini commented on the *Earn-a-Bike Program* and described functions of that program. He addressed questions from the Council.

19:34:36 Council Members expressed support of the *Earn-A-Bike Program*. Council Member Barbour recommended implementing the program in Taylorsville to benefit local youth.

19:35:31 Council Member Jerry Rechtenbach **MOVED** to adopt Resolution 10-22 – Declaring Abandoned and Unclaimed Bicycles as Surplus. Council Member Larry Johnson **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: Barbour-yes, Pratt-yes, Rechtenbach-yes, Johnson-yes, and Catlin-yes, Barbour-yes, and Johnson-yes. **All City Council members voted in favor and the motion passed unanimously.**

19:36:04 Mr. Morgan confirmed that there are currently 13 bicycles in the Taylorsville surplus lot and that additional resolutions will be brought forward to surplus bikes collected in future years. Mr. Johnson suggested utilizing individuals in need of community service hours within the *Earn-a-Bike Program*.

6.2 Resolution No. 10-24 – Approving the 2010 Community Emergency Response Team (CERT) – Homeland Security Grant – *John Inch Morgan*

19:37:06 City Administrator John Inch Morgan presented the subject resolution for \$2,300. He noted a typographical error that will be corrected on the resolution to reflect the \$2,300 amount.

19:38:40 Emergency Response Coordinator Lisa Schwartz answered questions regarding the grant. She relayed that the cost to participate in the CERT program is \$30 per person, which covers a hard hat, vest, manual, and medical kit. She clarified that funds from the CERT Grant may be used to cover costs for individuals who are interested in joining a team. It was suggested that notification of available funds could be made through the Valley Journal.

19:40:25 Ms. Schwartz noted that assistance may be given to City volunteers who are interested in joining CERT teams.

19:40:47 Council Member Larry Johnson **MOVED** to adopt Resolution 10-24 – Approving the 2010 Community Emergency Response Team (CERT) – Homeland Security Grant. Council Member Catlin **SECONDED** the motion. Chairman Pratt called for discussion on the motion. It was clarified that the motion includes the typographical correction noted earlier. There being no further discussion, Chairman Pratt called for a roll call vote. The vote was as follows: Barbour-yes, Pratt-yes, Rechtenbach-yes, Johnson-yes, and Catlin-yes, Barbour-yes, and Johnson-yes. **All City Council members voted in favor and the motion passed unanimously.**

**6.3 Resolution No. 10-25 – Accepting the Edward Byrne Memorial Justice Assistance Grant Program FY2010 in the Amount of \$48,233.00
– *Chief Del Craig***

19:42:00 Police Chief Del Craig presented the subject resolution to accept a federal grant made available through recovery funds. He noted that the monies awarded will be used to purchase two Crown Victoria Police Cruisers and two lightbars.

19:42:50 Chief Craig explained that Crown Victorias are used as police vehicles because they are roomy, durable, and reliable. He noted that the department may be forced to switch to front-wheel drive vehicles in the future.

19:43:48 Council Member Catlin cited maintenance costs for other makes and models of cars. He stated that full-frame Crown Victoria vehicles are safer than small vehicles in case of an accident.

19:44:26 City Administrator John Inch Morgan confirmed that the equipment discussed is reflected in the existing budget.

19:44:41 Council Member Bud Catlin **MOVED** to adopt Resolution No. 10-25 – Accepting the Edward Byrne Memorial Justice Assistance Grant Program FY2010 in the Amount of \$48,233.00. Council Member Dama Barbour **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: Barbour-yes, Pratt-yes, Rechtenbach-yes, Johnson-yes, and Catlin-yes, Barbour-yes, and Johnson-yes. **All City Council members voted in favor and the motion passed unanimously.**

6.4 Resolution No. 10-27 – Accepting a Grant from the State of Utah Commission on Criminal and Juvenile Justice (CCJJ) for the Purchase of Police Department Equipment – *Chief Del Craig*

19:45:21 Police Chief Del Craig explained that the subject resolution reflects monies being requested back from the State as a result of seizures. He explained that monies seized are turned over to the State, but then may be reallocated back to municipalities for use with community education, police enforcement, and police equipment. He noted that the City must apply for such reallocation on a competitive basis. Chief Craig said that the \$13,079 grant awarded will be used to purchase pamphlets, cameras, load-bearing vests, etc.

19:47:08 Council Member Johnson inquired about situations where a vehicle may be seized. The Chief gave explanation and said that the approach for vehicle seizures varies from case to case.

19:47:55 Council Member Dama Barbour **MOVED** to adopt Resolution No. 10-27 – Accepting a Grant from the State of Utah Commission on Criminal and Juvenile Justice (CCJJ) for the Purchase of Police Department Equipment. 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: Barbour-yes, Pratt-yes, Rechtenbach-yes, Johnson-yes, and Catlin-yes, Barbour-yes, and Johnson-yes. **All City Council members voted in favor and the motion passed unanimously.**

6.5 Resolution No. 10-28 – Declaring Miscellaneous Items from the Taylorsville Historic Preservation Committee as Surplus Property – *John Inch Morgan*

19:48:32 City Administrator John Inch Morgan explained that the subject items from the Taylorsville Historic Preservation Committee were previously surplussed by the Council and offered for sale, but many did not sell for the minimum price. He relayed that Historic Preservation Committee Chair Joan White has asked that the prices be re-set and has suggested

that they may be sold at the City's upcoming yard sale. Mr. Morgan said that the purpose of this resolution is to adjust prices to new minimum amounts.

19:49:40 Discussion was held regarding the likelihood of the items selling for minimal prices.

19:50:15 Mr. Morgan suggested that authorization be given to set minimum amounts with the option to dispose of items that are not sold through donation to a charitable organization.

19:50:30 Chairman Pratt indicated that the Historic Preservation Committee will contact Council Coordinator Jessica Springer about participation in the City Yard Sale. He suggested that prices be lowered with an attempt to sell, and then any items that are not sold within 90 days be donated.

19:51:22 Council Member Dama Barbour **MOVED** to adopt Resolution No. 10-28 – Declaring Miscellaneous Items from the Taylorsville Historic Preservation Committee as Surplus Property, with an amendment that Administration shall set a reasonable asking price and make arrangements for either a yard sale or individual sale of the items; and thereafter any items that are not sold, those items should be donated to a charitable organization. Council Member Larry Johnson **SECONDED** the motion. Chairman Pratt called for discussion on the motion. Council Member Rechtenbach suggested that the bids be set even lower than the recommendations received. Mr. Morgan agreed with that suggestion. Chairman Pratt said that he believes the only exception is the cast iron stove. He suggested trying to sell the items in the City's upcoming yard sale, but predicted that most items will end up being donated. There being no further discussion, Chairman Pratt called for a roll call vote. The vote was as follows: Barbour-yes, Pratt-yes, Rechtenbach-yes, Johnson-yes, and Catlin-yes, Barbour-yes, and Johnson-yes. **All City Council members voted in favor and the motion passed unanimously.**

**6.6 Ordinance No. 10-24 – Amending and Restating the Compensation Offered to Category I and Category II Police Department Employees
 – *John Inch Morgan***

19:55:13 City Administrator John Inch Morgan presented the subject ordinance as a result of direction given previously by the City Council to include three positions to the Police Matrix, i.e. Police Chief, Assistant Police Chief, and Code Enforcement Officer. He cited his intent to add these positions in the same format that is currently approved. Mr. Morgan confirmed that the ranges listed are the same as those provided in the budget.

19:56:48 Police Chief Del Craig affirmed that he has reviewed the proposed compensation matrix for the Police Department.

19:57:14 Council Chairman Pratt **MOVED** to adopt Ordinance No. 10-24 – Amending and Restating the Compensation Offered to Category I and Category II Police Department Employees. Council Member Rechtenbach **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: Barbour-yes, Pratt-yes, Rechtenbach-yes, Johnson-yes, and Catlin-yes, Barbour-yes, and Johnson-yes. **All City Council members voted in favor and the motion passed unanimously.**

7. OTHER MATTERS

7.1 Resolution No. 10-26 – Giving Advice and Consent for the Appointments to the Employee Appeal Board – *John Inch Morgan*

19:58:31 City Administrator John Inch Morgan cited previous members appointed to the Employee Appeal Board, as follows: Dama Barbour, Steve Woodland, Clyde Marshal, and Jeremy Eveland. He noted that two of those terms have now expired (Mr. Marshal and Mr. Eveland), and that Ms. Barbour has asked to be released from her position.

19:58:56 Mr. Morgan listed the Mayor's recommendations for appointment to the Employee Appeal Board, as follows: retain Steve Woodland, whose existing term does not expire until 2012; reappoint Clyde Marshal; appoint the current Administrative Law Judge, Greg Christiansen; and appoint Budget Committee Chairman Gordon Wolf.

19:59:29 Council Member Catlin commented that information on the appointees was not received in the Council agenda. He indicated that there is at least one appointee with whom he is not familiar. He said that he has since received information on that individual and is pleased with the nomination, but asked that such information be included in the packet in the future. Chairman Pratt asked Council Coordinator Jessica Springer to monitor the situation, as well.

20:00:46 Council Member Johnson inquired about the function of the Employee Appeal Board. Mr. Morgan explained that the Board is impaneled when a grievance is filed by a City employee. He noted that grievances are filed with the City Recorder based on an employee's belief of an injustice or due to a work dispute. Mr. Morgan said that, as City Administrator, he reviews grievances and either makes an adjustment or denies the grievance. He indicated that if a grievance is denied, an employee may request an independent arbitrator (the Employee Appeal Board) to consider the claim. Mr. Morgan stated that in such cases, the Appeal Board will reach findings of fact and conclusion of law in matters presented.

20:01:38 Mr. Morgan confirmed that three members and an alternate are appointed to the Appeal Board.

20:01:42 Council Member Johnson inquired about credentials of the appointees and Mr. Morgan cited the list provided.

20:02:14 Chairman Pratt cited City Code 2.28 and described his concerns with language stating that the Employee Appeal Board shall use the Utah Rules of Evidence and Rules of Civil Procedure as guidelines, but such rules and procedures need not be strictly followed or applied.

20:03:00 City Attorney John Brems stated that the ordinance cited was adopted some time ago and the language allows a lower level of evidence, so that excessive objections are not rendered. Chairman Pratt said that he is concerned about using a guideline that is set but not followed and with the fact that relevance and rules of evidence are not applied. Mr. Brems said that the existing ordinance uses fairly common language for this type of board.

20:05:09 Chairman Pratt inquired whether the City is bound by the Employee Appeal Board's decision. Mr. Brems said "that depends."

20:05:45 Chairman Pratt said that he sees a problem if the City is bound by a decision of the Appeal Board and rules of civil procedure have not been followed. Mr. Brems noted that the City ordinance can be changed if the Council desires. Chairman Pratt stated that he may suggest doing so.

20:06:14 Council Member Rechtenbach asked for clarification on Mr. Pratt's concerns with the ordinance. Chairman Pratt said that the ordinance stipulates that Utah Rules of Evidence and Rules of Civil Procedure are used as guidelines, but need not be strictly followed or applied and that rules of evidence regarding authorization, foundation, hearsay, or relevance need not be strictly applied. Mr. Pratt observed that it would be up to the Appeal Board to decide whether it wants to apply the rules of evidence, the foundation, and the relevance.

20:07:05 Mr. Morgan explained that in grievance procedures, it is common for hearing guidelines to be written more loosely because some employees represent themselves, rather than bringing in counsel. He said that looser rules of evidence and procedure allow employees the latitude to be heard, without being cut off due to objections, etc. He noted that the Chair appointed to head the Board and conduct the hearing, Mr. Woodland, is an attorney who will render findings of fact and conclusions based on existing law. Mr. Morgan stated that the Board's finding may not be binding by law per se, and the finding is something that is appealable. He said that if the ruling favors the employee, but the Administration or City Council does not agree with that ruling, the matter is appealable to Third District Court where rules of evidence and procedure are strictly adhered to.

20:08:41 Chairman Pratt indicated that Mr. Morgan's explanation answers his question.

20:09:33 Council Member Johnson inquired whether members of the Appeal Board all reside in Taylorsville and Mr. Morgan affirmed that they are all City residents. Mr. Johnson asked whether the Appeal Board has been used in the past.

20:09:06 Council Member Barbour relayed that she has served on the Appeal Board and has participated in two Employee Appeal Hearings. She stated that she has served with two of the members being appointed. She gave assurance that Mr. Woodland does follow procedures closely, as an attorney, and does adhere to findings of fact and rules of evidence. Ms. Barbour noted that she feels that it was proper for her to ask to be removed from the Board under the present circumstances.

20:10:34 Council Member Johnson said that he would like to review information on previous cases to determine how they were resolved. Chairman Pratt said that some of those cases may be a protected record. Ms. Barbour suggested that the hearings may be a matter of public record.

20:11:16 Council Member Dama Barbour **MOVED** to adopt Resolution No. 10-26 – Giving Advice and Consent for the Appointments to the Employee Appeal Board. Council Member Jerry Rechtenbach **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: Barbour-yes, Pratt-yes, Rechtenbach-yes, Johnson-yes, and Catlin-yes, Barbour-yes, and Johnson-yes. **All City Council members voted in favor and the motion passed unanimously.**

8. NEW ITEMS FOR SUBSEQUENT CONSIDERATION (No Action)

20:12:30 There were no new items for subsequent consideration.

9. NOTICE OF FUTURE PUBLIC MEETINGS (NEXT MEETING)

20:12:40

- 9.1 City Council Briefing Session – Wednesday, August 4, 2010 – 6:00 p.m.
- 9.2 City Council Meeting – Wednesday, August 4, 2010 – 6:30 p.m.
- 9.3 City Council Work Session – Wednesday, August 11, 2010 – 6:00 p.m.
- 9.4 City Council Briefing Session – Wednesday, August 18, 2010 – 6:00 p.m.
- 9.5 City Council Meeting – Wednesday, August 18, 2010 – 6:30 p.m.

10. CALENDAR OF UPCOMING EVENTS

20:13:16

- 10.1 Pioneer Day Holiday – City Offices and Justice Court will be closed on Friday, July 23, 2010
- 10.2 Crime Prevention Night – Thursday, July 29, 2010 – 7:00 p.m. – Taylorsville City Council Chambers – The program will be presented by the Taylorsville Police Department and will feature information about texting, fraud/identity

theft, internet bullying, and social websites. Contact Donna Pittman, Public Safety Committee Chair at 801-968-6640

- 10.3 Community Yard Sale – Saturday, August 28, 2010 – 8:00 a.m. to 1:00 p.m. – Hosted by the Taylorsville Youth Council, reserve your spot today. Spaces are \$20 for a parking spot size area. Contact Jessica at 801-963-5400 or jspringer@taylorsvilleut.gov for more information.**

20:14:02 Chairman Pratt reminded Council Members that Council Coordinator Jessica Springer will be out of the office for training all next week, but can be contacted via e-mail.

20:13:37 Council Member Johnson inquired about the status of money collected for the Veterans Memorial. City Administrator John Inch Morgan said that donations are currently coming in slowly. He indicated that more aggressive recruitment will be conducted closer to year-end.

11. ADJOURNMENT

20:14:33 Council Member Larry Johnson **MOVED** to adjourn the City Council Meeting. Council Member Dama Barbour **SECONDED** the motion. Chairman Pratt called for discussion. There being none, he called for a vote. The vote was as follows: Barbour-yes, Pratt-yes, Rechtenbach-yes, Johnson-yes, and Catlin-yes, Barbour-yes, and Johnson-yes. **All City Council members voted in favor and the motion passed unanimously.** The meeting was adjourned at 8:14 p.m.


Cheryl Peacock Cottle, City Recorder

Minutes approved: CC 08-04-10

Minutes Prepared by: Cheryl Peacock Cottle, City Recorder