

**City of Taylorsville**  
**Work Session**  
*Minutes*

**Wednesday,**  
**March 9, 2011**  
**Council Chambers**  
**2600 West Taylorsville Blvd., Room No. 140**  
**Taylorsville, Utah 84118**

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**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  
Del Craig, Chief of Police  
Mark McGrath, Community Development Director  
John Taylor, City Engineer  
Scott Harrington, Chief of Finance  
Keith Snarr, Economic Development Director  
Donald Adams, Grants Manager  
Patrick Tomasino, Building Official  
Jean Ashby, Economic Development Assistant  
Marsha Thomas, Judge  
Michael Kwan, Judge

**Others:** Keith Sorensen, Laura Lewis, Kristie Overson, Rhetta McIff, Raili Jacquet, Gordon Wolf, Ken Acker, Lee Yates, Lynn Handy, Jerry Milne

17:59:42 Chairman Jerry Rechtenbach called the Work Session to order at 6:00 p.m. and welcomed those in attendance. City Recorder Cheryl Peacock Cottle conducted a Roll Call, wherein all Council Members were present.

**1. Quarterly Report, Police Department – *Chief Craig***

Taylorsville Police Chief Del Craig was not in attendance and Mr. Snarr was asked to proceed with his Economic Development Report prior to the Police Department Report.

**2. Quarterly Report, Economic Development – *Keith Snarr***

18:01:22 Mayor Wall gave preliminary comments regarding economic development in the City of Taylorsville (a copy of the Mayor's comments is attached and incorporated herein as part of this record). The Mayor introduced the City's Executive Economic Development Team, as follows: Keith Snarr, John Taylor, Don Adams, Mark McGrath, Dama Barbour, and Lee Yates. The Mayor noted that Jean Ashby will be Staff Support for the Team. Mayor Wall clarified that this is intended to be an executive team. He said that Mr. Adams will still be responsible for grants, but actual grant writing will be distributed to other staff members.

18:08:13 Council Member Catlin referenced constituents who are disappointed in what has not been accomplished in economic development in the City. The Mayor said that the City has not had the needed tools at its disposal until very recently. He noted that other cities have implemented economic development incentives. He said that if the City is willing to expend funds to bring in businesses, it will help.

18:10:34 Council Member Catlin said that the past economic development successes would have occurred even without staff efforts. Mayor Wall disagreed and cited successes that can be attributed to the Economic Development Department. He asked what types of businesses Mr. Catlin would like to see in Taylorsville. Mr. Catlin stated that he wants a seafood restaurant.

18:12:29 Council Member Catlin referenced retail businesses that have expressed interest in locating in Taylorsville. Mayor Wall reiterated that the City Council has not been receptive to many projects presented and has not provided the necessary tools or funds. He noted that just because a business initially indicates it may be interested in coming to Taylorsville and then does not end up doing so, it does not mean the Economic Development Team hasn't done its legwork. He said that non-success in economic development in the City has not been for lack of trying.

18:14:06 Economic Development Director Keith Snarr presented a Power Point report on economic development. Highlights of the report, were as follows:

- Team Approach – Bringing Available Talents and Assets to handle Economic Development Projects
- Team Players – Mayor, City Council, Economic Development Committee, Economic Development Staff, Community Development Staff, Administration

- Current Projects – West Point Shopping Center, Nelson Labs Expansion, DDR Family Center, Meadowbrook Shopping Center, Active Marketing, Market Analysis & Future Planning, and Stream Lined City Process
- Economic Development is Wealth Creation – Investment, Jobs, Income, Expansion of Tax Base, and Accessible Transportation
- Challenges/Opportunities Ahead – West Point Shopping Center, 6200 South Redwood Road URA, DDR – Family Center, and Meadowbrook Plaza

18:16:46 It was confirmed that the City now has a commitment from UDOT for a signalized intersection at West Point Shopping Center.

18:20:00 Discussion was held regarding the Family Center and DDR's lack of motivation relating to development.

18:23:52 Mr. Snarr noted that DDR may qualify as an RDA due to vacancies.

18:24:53 Development at Valley Fair Mall in West Valley City was referenced and Mr. Snarr described bonding that West Valley City has done.

18:26:32 The Mayor cited an improved partnership with Fowler Property Acquisitions at West Point Shopping Center and the potential for a \$3 to \$5 million commitment.

18:29:59 Mr. Snarr reported on the status of Meadowbrook Shopping Center. He acknowledged that there are issues with code violations on that property.

18:31:56 Mr. Snarr referenced an article on life sciences jobs in Utah that was published in the Deseret News newspaper on March 6, 2011.

Mr. Snarr reported that Paul Pilzer, of Planet Fitness, has signed a 25-year lease for 18,000 sq. ft. of space where Tuesday Morning was formerly located, just west of Furniture Warehouse. Mr. Snarr reported on transportation projects that have been completed, with the help of UDOT. He stated that City Engineer John Taylor will be making more detailed reports on capital projects in the future.

18:42:21 Mr. Snarr updated the Council on the West Point Shopping Center and also properties near 6200 South/Redwood Road.

18:44:16 Chairman Rechtenbach requested a copy of the Powerpoint presentation on Economic Development. Mr. Snarr confirmed that he will be making quarterly reports in City Council Meetings. Chairman Rechtenbach asked that in future reports Mr. Snarr give status reports on

priority projects. Mr. Snarr referenced his recent 2010 economic development accomplishments and a report of his accountability meetings with Administration, as provided in Council packets.

18:46:24 Council Member Barbour suggested that the Economic Development Department present monthly reports at City Council Meetings. Other Council Members agreed and Mr. Snarr was directed to make monthly reports.

18:47:05 Mayor Wall gave an update on the 6020 South property and cited ongoing accessibility issues. He said that he does not believe that area can be used for retail development.

18:49:01 Council Member Barbour cited the 25-year lease recently signed by Paul Pilzer on a Taylorsville property and expressed her concern with tying up the City Center property for a lengthy period of time. Mr. Snarr clarified that Mr. Pilzer received only a 60-day extension on the City Center property.

18:49:57 City Administrator John Inch Morgan suggested that discussions regarding strategies for sale of property should be held in a Closed Meeting setting.

#### **1. Quarterly Report, Police Department – *Chief Craig***

18:50:38 Chief Craig presented a quarterly report on activities in the Police Department. He reviewed crime statistics and noted that graffiti, fraud, and burglaries are down. He gave clarification on the increase in all calls for service.

18:53:49 Chief Craig addressed questions from the Council on the types of calls occurring. He defined Priority One calls and said they are generally handled through multiple unit response. He addressed questions regarding accident rates before and after the completion of the continuous flow intersection at Bangerter Highway and 5400 South.

18:56:14 Chief Craig answered questions regarding traffic accidents during the second quarter and confirmed that there were a large number of accidents due to traffic volume in the City. He noted that severity of accidents and fatality rates related to traffic accidents have decreased.

18:59:04 The Chief gave clarification regarding enforcement in school zones.

19:00:12 Council Member Catlin inquired about camera security systems installed at two sites. Chief Craig reported on security at the skateboard park and relayed that more work is needed to give coverage on cars. It was noted that consideration is being given to adding a camera at the Taylorsville-Bennion location.

19:01:37 Council Member Catlin inquired whether there are plans to expand the security camera system. Mr. Morgan noted that additional funds must be allocated to do so. Mayor Wall cited issues with integrating business systems with City systems. Mr. Morgan agreed to follow up on this matter to see what would be required for server expansion.

19:03:37 Chief Craig noted that 99% of home burglaries occur during daytime hours while residents are away from home.

19:04:03 Council Member Johnson suggested that officers who are parked in patrol cars in order to complete paperwork consider parking in subdivisions in order to make their presence known.

19:04:47 Council Member Catlin inquired about any availability of CDBG funds for security cameras. Mayor Wall indicated that the server could not be purchased with CDBG funds, but agreed to do some additional research. He noted that CDBG funds may be cut this year by as much as one-third from what they have been in the past.

**3. Discussion on Bonding for Economic Development – *Laura Lewis, Mayor Wall & John Inch Morgan***

19:06:43 City Administrator John Inch Morgan relayed that Financial Consultant Laura Lewis will report on the bonding rates/terms that have been determined as a result of the parameters resolution previously adopted. He cited some additional considerations that have come about since adoption of the resolution.

19:07:17 Ms. Lewis distributed an outline of her Financial Summary Report and briefly reviewed the various municipal finance options, as follows: (1) General Obligation Bonds; (2) System Revenue Bonds; (3) General Revenue Bonds; (4) Municipal Building Authority; (5) Special Assessment Bonds; and (6) RDA: Tax Increment Revenue Bonds.

19:09:57 Ms. Lewis addressed means of accessing the market and related matters. She described publicly offered bonds.

19:11:43 Ms. Lewis reviewed options for the direct purchase of bonds.

19:12:09 Ms. Lewis noted that Incremental Advance Bonds is the alternative being considered by the City of Taylorsville. She reviewed the process for drawing down incremental advance bonds.

19:14:33 Ms. Lewis described taxable bonds versus tax exempt bonds.

19:23:52 Ms. Lewis reported that she has received two bid responses for Incremental Advance Bonds for Taylorsville. She explained that the bids have expired and will need to be refreshed. She clarified that both bid responses were well within the required parameters. She reviewed multiple scenarios for bond draw schedules.

19:31:12 Ms. Lewis referenced examples of other Utah cities that have done taxable bonds, i.e. West Valley City, Ogden, and South Salt Lake.

19:32:27 Council Member Dama Barbour noted that in each example given, the cities have acquired parcels of property and acted as interim owners in order to facilitate large developments.

19:35:54 Ms. Lewis described the next steps that must be taken in the bonding process and said a likely first draw amount and planned timing for use of the proceeds must be determined. She stated that the next steps will be to ask the direct purchase respondents to refresh their bids, to select a winning respondent, and to adopt a related parameters resolution. She clarified that proceeds would become available for economic development upon closing.

19:36:32 Ms. Lewis relayed that if taxable proceeds are going to be used, while it is not likely critical for any draws on the incremental advance bonds in the next three to six months, it may be necessary to consider adopting another parameters resolution to increase the maximum interest rate.

19:37:28 Mr. Morgan referenced a scenario relating to the West Point property where taxable bonds could be the best option.

19:38:27 Chairman Rechtenbach said that it was his previous understanding that every incremental drawdown doesn't need to come back to the Council, but now the issue of taxable/non-taxable bonds puts a different light on the matter.

19:39:29 Ms. Lewis gave some clarification on drawdown authority.

19:39:50 Council Member Barbour cited the need for the City to provide a timetable.

19:40:09 Mr. Morgan noted that the West Point Shopping Center is the City's most viable potential project. Mayor Wall noted some issues that are still in flux and said a decision on availability of funds from the County Mayor's Fund will not be made until April, 2011. The Mayor relayed that the State recently approved \$1.6 million of state funds for front-of-curb improvements and property acquisition. He also stated that current negotiations with potential tenants could take three to twelve months. He cited the potential need to ensure that Fowler Properties will partner with the City for property improvements.

19:42:21 Mayor Wall said that West Point is likely to be the City's first economic development project with an investment of \$1.2 million to \$3 million. He referenced a need for the Council to make some philosophical decisions and give clear direction on how the bond funds can be used.

19:43:41 Council Member Larry Johnson stated that he is hesitant to commit right now.

19:44:36 Council Member Pratt expressed confusion and said he believed authorization for \$2.2 million has already been given. Mayor Wall said that there is a need to know how the funds can be used. Chairman Rechtenbach said that different parameters for the project are now being presented. Mayor Wall said that he needs clarification on what the City is willing to pay for. Chairman Rechtenbach stated that there is a willingness to move forward with committing \$2.5 million. He noted that there was some hesitancy to do façade improvements.

19:46:41 Ms. Lewis referenced the applicable rates and said it may be well advised to re-bid for the bonds entirely if the City is not ready to move for a few months.

19:48:58 Council Member Pratt inquired whether the City Council previously adopted a policy requested by Administration on how to use the funds.

19:49:47 Mr. Morgan gave clarification regarding the TDIFF guidelines that gave the Administration to do public infrastructure. He noted that if there is a proposal for anything beyond that, i.e. façade, property improvements, or incentives, then that would need to come back to the City Council.

19:50:15 Council Member Barbour asked whether the process must start all over again if the City waits two to three months. Ms. Lewis described scenarios for taking action and proceeding with the bonding process.

19:51:46 Mayor Wall affirmed that the City has received a firm commitment from the State on the Corridor Agreement and the \$1.6 million allocation. He noted that the only thing to wait for is the potential funds from the Mayor's Fund. He relayed that the deadline for submitting those applications is April 30, 2011. The Mayor said that a definite decision should be made by the first week in May. He predicted that all of the \$2.5 million that was earmarked for the project, and possibly more, will likely be needed.

19:54:38 Chairman Rechtenbach asked whether there is any reason not to proceed with the drawdown immediately. Mr. Morgan clarified that the current parameters resolution only approves tax-exempt bonds. He said that a second parameters resolution may, therefore, be needed for some of the improvements.

19:55:13 Ms. Lewis reviewed some timing issues. Council Member Johnson suggested soliciting two more bids.

19:57:03 Council Member Catlin asked what will be lost by waiting until May 1, 2011. Mayor Wall said the only risk is if the market changes and rates increase.

19:58:12 Mayor Wall said that he is not prepared to ask for an immediate draw down now, but it probably must be done by May.

19:59:26 Ms. Lewis noted that her firm's fees are contingent upon getting the debt issued. She advised that the two current bids be refreshed, two new bids be solicited and, if needed, the City be prepared to draw funds by around the first week of May.

20:01:00 Council Member Pratt stated that if the right tenant comes along, he is still willing to consider investing in improvements other than infrastructure, but would like to have options presented for consideration.

20:02:15 Mayor Wall called for the Council to allow Administration and the Economic Development Team some leeway to facilitate negotiations. He suggested that Council Member Barbour be part of the team, so that there is a clear connection with the City Council.

20:03:47 Council Member Johnson suggesting that four bids be examined after firm commitments are received.

20:04:25 Mayor Wall cited the possible need to call some additional meetings in order to move quickly on negotiations and decisions for projects.

#### **4. Discussion of the 10-Year Strategic Planning Process – *Mark McGrath***

20:05:40 Community Development Director Mark McGrath distributed handouts and reviewed the planning process for Annual Strategic Planning. (A copy of the "Annual Strategic Planning Process" handout is attached and incorporated as part of this record herein.)

20:14:23 Council Member Dama Barbour commended those participating in the Strategic Plan preparation and said that it will be very useful in the budget process.

#### **5. Discussion of the Land Development Code Re-write – *Mark McGrath***

20:15:01 Community Development Director Mark McGrath updated the Council on the Land Development Code Re-Write. He relayed that discussions with the Planning Commission have been completed and the new code will be presented for final Planning Commission approval and

recommendations next week. Mr. McGrath thanked Planning Commission Members for their extra work. Mr. McGrath cited attempts to streamline the land development process and make as much of it as possible available online.

20:19:14 Council Member Pratt inquired whether the new code is online for review and Mr. McGrath confirmed that it is. Economic Development Director Keith Snarr noted that the new website for the City should be complete by the end of March.

20:20:24 Mr. McGrath affirmed that Staff began working on the Code re-write in September, 2010.

20:21:04 Grants Manager Donald Adams clarified that the City has maintained an active outreach program with local developers regarding the new code.

20:21:51 Chairman Rechtenbach asked Planning Commissioner Kristie Overson to convey the Council's appreciation to the Planning Commission for their efforts on the code re-write.

**6. Discussion of the 2010-2011 Midyear Budget – *John Inch Morgan, Scott Harrington***

20:22:58 City Administrator John Inch Morgan cited one change to Version 4 of the Mid-Year Budget amendments in order to allocate \$500 to the new Green Committee.

20:23:11 Council Member Bud Catlin asked Chief of Finance Scott Harrington for clarification on costs for the Domestic Violence Court. Mr. Harrington cited the potential cost savings if the Domestic Violence Court ends and clarified that an hourly rate is paid to the Judge and the Bailiff, but prosecution services are billed a flat rate that is not contingent upon hours.

20:24:05 Council Member Catlin suggested that the prosecutors' contract could be reduced if the drug court service is not needed and Mr. Harrington noted that their time may be diverted elsewhere.

20:24:41 Mr. Harrington cited the break down for the prosecutors' hourly rate at \$151.42/hour, or approximately \$600 per week.

20:27:02 Mr. Morgan stated that a resolution for mid-year budget adjustments will be brought back for consideration at the March 16, 2011 City Council Meeting.

**7. Discussion Regarding Compensation Policy Revision – *Chairman Rechtenbach***

20:27:27 Chairman Rechtenbach referenced a document that was provided in the Council packet regarding Ordinance 06-32, known as the CBIZ Ordinance. He stated his concern that the

Ordinance calls for Council Members to administer items that are not within their purview, i.e. dictating hourly rates, pay scales, and grades for employees.

20:27:57 Chairman Rechtenbach read excerpts from the Powers and Duties Handbook regarding legislative power. He explained that legislative power is distinguished from executive power in that it is limited to legislative matters only and local ordinances cannot change the basic roles and duties as defined.

20:29:17 Chairman Rechtenbach cited conflicts with the ordinance outlining salaries and pay scales and said it is not the Council's responsibility to try and administer those things. He said that City Attorney John Brems has written proposed modifications to the existing City policy regarding salary planning.

20:30:37 Chairman Rechtenbach explained that the existing policy already outlines the process for salary and grade structure and also for reclassification. He noted that the proposed modifications to the policy just make everything subject to budgetary compliance and constraints. Mr. Rechtenbach suggested that the salary structure scale be removed from the ordinance and be replaced with the policy, as amended by Mr. Brems.

20:31:53 Chairman Rechtenbach called for discussion on this issue.

20:32:43 Council Member Pratt asked whether Chairman Rechtenbach is suggesting that other entities don't have salary scales.

20:33:21 Chairman Rechtenbach clarified that he is suggesting that a scale exist, but that it be overseen by the executive branch of government and kept within the confines of the salary budget. He noted that he would like to avoid having the City Council determine whether an employee receives a raise or not.

20:34:33 Council Member Johnson referenced research he has done on the last compensation that was approved in 2007. He said he has nothing against Administration doing raises, but is not pleased with how the money was spent.

20:39:20 Mayor Wall clarified that cost of living raises have been eliminated since he became Mayor and only merit pay increases have been awarded since that time. He relayed that any large increase over 5% was done as a direct result of the CBIZ study.

20:42:42 Chairman Rechtenbach reiterated that the City Council has budgetary control, but does not need to micro-manage raises, etc. He said that is the job of Administration and not the job of the City Council.

20:43:15 Council Member Barbour clarified that a proposed resolution would specify pay grades and range and all would stay within the budget that is approved.

20:36:15 Council Member Catlin cited his concern with a lot of flexibility in pay scales. He also said he objects to the City Administrator acting as the City Treasurer. He suggested that the CBIZ Study was advocated by the City Administrator.

20:48:11 Mayor Wall made some clarifications and said it is important to note that he sat on the Council at the time the CBIZ Study was approved by the Council. He said the study came about because the Budget Committee was asked to make some recommendations on salaries. He relayed that the Budget Committee made recommendations that the City Council chose not to accept and the Council subsequently appropriated the money for the CBIZ Study and approved it. Mayor Wall stressed that Mayor Auger opposed spending the money for the City and the Administration did not ask for the CBIZ Study, but rather the Council did.

20:48:55 Budget Committee Chair Gordon Wolf concurred with Mayor Wall's recollection regarding the CBIZ Study.

20:49:09 Council Member Barbour suggested going forward with the proposed resolution in order to clarify roles. She stated that the Council has responsibility for the budget and the Administration has a responsibility to live within that specific budget, with guidelines in place for title, grade and pay range. She cited a need to eliminate gray areas.

20:50:10 Chairman Rechtenbach gave clarification on the proposed resolution and the recommendation that the pay grade and salary structure be removed from the ordinance and the ordinance refer to the policy which requires a document outlining salaries and grades to be maintained and updated by Administration on a regular basis. Mr. Rechtenbach said he agrees that there should be a grade and salary structure, but feels the Council should not be administering it. He cited history of this issue in that budget ordinances adopted by the Council after 2007 were actually in conflict with the 2007 CBIZ/Salary Ordinance. He said that if the Council desires to micro-manage employees, he does not agree with that.

20:52:13 Council Member Pratt said that he feels the Council is managing the Budget.

20:52:14 Chairman Rechtenbach said that the Council's job is to review items within the budget. He noted that the Council would still rightly control the salary budget and may ask for changes if it does not approve of that salary budget. Chairman Rechtenbach said it is not the Council's authority to determine what is paid to differing job positions.

20:53:37 Mayor Wall said that ULCT Attorney David Church has clarified that the Council has every right to reach into the Administration by ordinance, but they are overstepping their

authority when they make decisions on grade changes, etc. He noted that during recent employee appeal hearings, Mr. Church expressed that, regardless of what the Council says, the Administration does have the right to make a pay grade change, as long as there is justification for doing so.

20:54:54 Mayor Wall confirmed that two or three employees were previously found to be outside the salary ranges and agreed that some blunders were made last year. He suggested, however, that employees have a right to know who's in charge, and if the Council wants to make salary and raise-related decisions, they should do employee reviews, etc.

20:55:33 Chairman Rechtenbach said that the Council cannot handle administrative matters. Mayor Wall noted that the Administration could sue the Council for binding them through an ordinance. He noted that Mr. Church previously defended the Council's actions because they had ability to oversee the budget.

20:57:12 Chairman Rechtenbach questioned how the City Council can set salaries and administer raises if they are not involved in day-to-day administration, performance reviews, etc. He suggested that legally the Council cannot do so.

20:57:26 Mayor Wall said that if the Administration makes mistakes, they should be disciplined, but it never got to that point and instead employees were penalized.

20:57:38 Ms. Barbour asked whether any City Council members would want to take on administrative procedures with employees, even if they could do so legally.

20:57:54 Council Member Johnson said that he just wants things done fair and right. He suggested that raises might be distributed unevenly or unfairly.

20:58:27 Mayor Wall said that there are safeguards in place to ensure the process is fair. He cited the involvement of employee supervisors/department heads in making salary adjustments. He said the original problem started because a safeguard in the computer program was inadvertently turned off.

21:00:37 Chairman Rechtenbach said that he brought this matter forward as a discussion item. He inquired whether the Council has a desire to bring back a resolution for consideration. He polled the Council and the vote was as follows: Council Member Pratt – no; Council Member Johnson – no; Council Member Barbour – yes; Council Member Catlin said he would need more time before deciding.

## 8. Other Matters

21:01:41 City Administrator John Inch Morgan confirmed that the City's new web page will be live at the end of March.

21:02:00 Council Member Johnson referenced citizens who are concerned with the close proximity of fireworks to their homes during the Taylorsville Dayzz event. Mayor Wall stated that instruction will be given not to do fireworks anywhere other than in the baseball field.

21:03:45 Council Member Catlin asked Administration to modify the City ordinance in order to make the Healthy Taylorsville Committee a regular Joint Committee with an independent \$2,000 budget. City Attorney John Brems agreed to prepare an ordinance for the next City Council Meeting.

21:06:56 City Recorder Cheryl Peacock Cottle clarified that the candidate filing period for the 2011 Municipal Election is still July 1 though July 15, 2011, and the new legislation changing the filing period dates will not be effective until 2012.

## 9. Adjournment

21:07:08 Council Member Larry Johnson **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: Rechtenbach-yes, Johnson-yes, Pratt-yes, Catlin-yes, and Barbour-yes. **All City Council members voted in favor and the motion passed unanimously.** The meeting was adjourned at 9:08 p.m.



Cheryl Peacock Cottle, City Recorder

Minutes approved: CC 04-20-11

*Minutes Prepared by: Cheryl Peacock Cottle, City Recorder*