

City of Taylorsville
CITY COUNCIL MEETING
Minutes

Wednesday, February 1, 2012
Council Chambers
2600 West Taylorsville Blvd., Room No. 140
Taylorsville, Utah 84129

BRIEFING SESSION

Attendance:

Mayor Russ Wall

Council Members:

Council Chairman Jerry Rechtenbach
Vice-Chairman Dama Barbour
Council Member Ernest Burgess
Council Member Larry Johnson
Council Member Kristie Overson

City Staff:

John Inch Morgan, City Administrator
John Brems, City Attorney
Cheryl Peacock Cottle, City Recorder
Jessica Springer, Council Coordinator
Mark McGrath, Community Development Director
John Taylor, City Engineer
Scott Harrington, Chief of Finance
Donald Adams, Economic Development Director
Del Craig, Chief of Police
Aimee Newton, Communications Director

BRIEFING SESSION

1. Review Administrative Report

18:02:22 Chairman Jerry Rechtenbach conducted the Briefing Session, which convened at 6:02 p.m. City Recorder Cheryl Peacock Cottle conducted a Roll Call, wherein all Council Members were present. Chairman Rechtenbach called for questions on the Administrative Report, and there were none.

2. Review Agenda

18:06:22 The agenda for the City Council Meeting was reviewed. Community Development Director Mark McGrath gave clarification on presentation that will be made of the new proposed Zoning Map during the regular meeting.

18:07:18 City Administrator John Inch Morgan described the presentation planned for the regular meeting on the mid-year budget process.

3. Closed Session

18:11:36 Council Member Dama Barbour **MOVED** to adjourn the Briefing Session and convene a Closed Session to discuss pending or reasonably imminent litigation at 6:11 p.m. Council Member Ernest Burgess **SECONDED** the motion. Chairman Jerry Rechtenbach called for discussion on the motion. There being none, he called for a roll-call vote. The vote was as follows: Burgess-yes, Overson-yes, Johnson-yes, Rechtenbach-yes, and Barbour-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: Mayor Russ Wall, City Administrator John Inch Morgan, Council Members Barbour, Burgess, Johnson, Overson, and Rechtenbach, City Attorney John Brems, Economic Development Director 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 Dama Barbour **MOVED** to adjourn this Closed Session at 6:24 p.m. and convene the regular City Council Meeting. Council Member Ernest Burgess **SECONDED** the motion. Chairman Jerry Rechtenbach called for discussion on the motion. There being none, he called for a roll-call vote. The vote was as follows: Burgess-yes, Overson-yes, Johnson-yes, Rechtenbach-yes, and Barbour-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 Jerry Rechtenbach
Vice-Chairman Dama Barbour
Council Member Ernest Burgess
Council Member Larry Johnson
Council Member Kristie Overson

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
Donald Adams, Economic Development Director
Aimee Newton, Communications Director
Patrick Tomasino, Building Official
Lisa Schwartz, Emergency Response Coordinator
Marsha Thomas, Judge
Michael Kwan, Judge
Jean Ashby, Economic Development

Citizens: Israel Grossman, Charles Christopher, Sharon Wall, Jay Ziolkowski, Pam Roberts, Dave Ballou, John Gidney, Brett McIff, Rhett McIff, Dale Kehl, Steve Ashby, Pamela Manson, Alan Anderson, Lynny Lansing Feeney, Mitch Haycock, Scott DeBenedictis, Braden DeBenedictis, Dane Cowan, Abby Black, Taylor Moulton, Andy Ho, Tyler Pearce, Erin Penrose, Sidnee Huff, Kelsey Rowley, Royce Larsen, Jacob Bailey Kimberly Forsyth, Aubrey Thomson, Emmy Beck, Reagan Gabbitas, Sherrie Bertrand, Spencer Braithwaite, Reed Larsen, Colean Larsen, Anegele Bytheway, Daniel Bertram, Debbie Jacketta, Luke Jacketta, Troy Jacketta, Members of Scout Troop 850

1. WELCOME, INTRODUCTION AND PRELIMINARY MATTERS

18:32:13 Chairman Jerry Rechtenbach called the meeting to order at 6:32 p.m. and welcomed those in attendance. City Recorder Cheryl Peacock Cottle conducted a Roll Call, wherein all Council Members were present.

1.1 Opening Ceremonies – Pledge of Allegiance – *Bailey Wyatt, Youth Council*

18:33:28 Youth Council Member Bailey Wyatt directed the Pledge of Allegiance.

1.2 Reverence – *Kelsey Rowley, Youth Council (Opening Ceremonies For February 15, 2012 to be arranged by Council Member Burgess)*

18:33:32 Youth Council Member Kelsey Rowley offered the Reverence.

18:34:05 Council Member Larry Johnson **MOVED** to address Agenda Item 1.4 prior to Agenda Item 1.3. Council Member Dama Barbour **SECONDED** the motion. Chairman Rechtenbach called for discussion on the motion. There being none, he called for a roll call vote. The vote was as follows: Burgess-yes, Overson-yes, Johnson-yes, Rechtenbach-yes, and Barbour-yes. **All City Council members voted in favor and the motion passed unanimously.**

1.4 Mayor's Report

1.4.1 State of the City Address

18:34:47 Mayor Wall presented the 2012 State of the City Address, a copy of which is attached and incorporated therein as part of this record. The Mayor reviewed accomplishments for the City of Taylorsville over the previous year.

1.3 Citizen Comments

18:57:09 Chairman Jerry Rechtenbach recognized Scout Troops in attendance from Troop #850. He introduced members of Taylorsville Little League Baseball Teams, along with their coaches. He noted that these teams represent the 11-Year Old Cal Ripkin League 2011 State Champions and the 13-Year Old Babe Ruth 2011 State Champions. Trophies were presented to Mayor Wall for display in the trophy case at City Hall.

19:01:40 Chairman reviewed the Citizen Comment Procedures for the audience. He then called for any citizen comments.

19:03:02 Battalion Chief Jay Ziolkowski, of Unified Fire Authority (UFA), invited elected officials to attend the *Year in Review Banquet* for UFA at 6:00 p.m. on Friday, February 3, 2012 at the Radisson Hotel. He agreed to e-mail event information to the City Council, as well.

19:04:03 There were no additional citizen comments, and Chairman Rechtenbach closed the citizen comment period.

2. APPOINTMENTS

2.1 Tyler Pearce, LARP Committee – *Chairman Rechtenbach*

Chairman Rechtenbach recognized Tyler Pearce and nominated him to serve on the LARP Committee.

19:04:36 Council Member Dama Barbour **MOVED** to appoint Tyler Pearce as a member of the LARP Committee. Council Member Kristie Overson **SECONDED** the motion. Chairman Rechtenbach called for discussion on the motion. There being none, he called for a vote. The vote was as follows: Burgess-yes, Overson-yes, Johnson-yes, Rechtenbach-yes, and Barbour-yes. **All City Council members voted in favor and the motion passed unanimously.**

2.2 2012 Youth Council – Abby Black, Andy Ho, Aubrey Thomson, Bailey Wyatt, Daniel Bertrand, Danielle Larson, Emmy Beck, Erin Penrose, Jacob Bailey, Janae Fairbourn, Jasey Wyatt, Joel Gardner, Katie Clark, Kelsey Rowley, Kimberly Forsyth, McKenzie Miller, Reagan Gabbitas, Sidnee Huff, Spencer Braithwaite, Taylor Moulton – *Chairman Rechtenbach*

19:05:17 Chairman Rechtenbach recognized members of the 2012 Youth Council, as follows: Abby Black, Andy Ho, Aubrey Thomson, Bailey Wyatt, Daniel Bertrand, Danielle Larson, Emmy Beck, Erin Penrose, Jacob Bailey, Janae Fairbourn, Jasey Wyatt, Joel Gardner, Katie Clark, Kelsey Rowley, Kimberly Forsyth, McKenzie Miller, Reagan Gabbitas, Sidnee Huff, Spencer Braithwaite, Taylor Moulton

19:07:30 Council Member Larry Johnson **MOVED** to appoint members of the 2012 Youth Council, as presented. Council Member Dama Barbour **SECONDED** the motion. Chairman Rechtenbach called for discussion on the motion. There being none, he called for a vote. The vote was as follows: Burgess-yes, Overson-yes, Johnson-yes, Rechtenbach-yes, and Barbour-yes. **All City Council members voted in favor and the motion passed unanimously.**

3. REPORTS

3.1 Youth Council – *Reagan Gabbitas, Youth Council Chair*

19:08:22 Youth Council Chair Reagan Gabbitas reported on recent activities and upcoming events for the Taylorsville Youth Council. She cited attendance at the “*Day at the Legislature*” event at the Capitol last week. She noted that Youth Council Members will be helping with the upcoming Art Show on February 25, 2012 and are looking forward to the Annual Youth Council Conference at Utah State University this spring.

4. CONSENT AGENDA

4.1 Minutes – RCCM 01-18-12

19:10:17 Council Member Dama Barbour **MOVED** to adopt the Consent Agenda. Council Member Ernest Burgess **SECONDED** the motion. Chairman Rechtenbach called for discussion on the motion. There being none, he called for a roll call vote. The vote was as follows: Burgess-yes, Overson-yes, Johnson-yes, Rechtenbach-yes, and Barbour-yes. **All City Council members voted in favor and the motion passed unanimously.**

5. PLANNING MATTERS

5.1 Discussion of Proposed Zoning Map – *Mark McGrath*

19:11:01 Community Development Director Mark McGrath distributed hard copies of the proposed Zoning Map to City Council Members for review. He noted that electronic versions of the map are also available. He explained that after the Council has had a chance to review the map, discussion will be held at next week’s meeting. He highlighted elements of the zoning map and called for discussion or questions. He suggested paying particular attention to commercial areas outlined on the map for consideration and future discussion.

19:14:40 Chairman Rechtenbach asked that electronic versions of the map and narrative also be e-mailed to the Council.

6. FINANCIAL MATTERS

6.1 *Resolution No. 12-07* – **Accepting the 2011 Violence Against Women Act Grant in the Amount of \$35,857.13** – *John Inch Morgan*

19:17:04 Chief Del Craig presented the subject resolution to accept the 2011 Violence Against Women Act (VAWA) Grant in the amount of \$35,857.13. He noted that this is an annual grant

that pays for one half of an investigator, in addition to some training. He explained that the City's match is the other half of the investigator's salary, plus the cost for fringe benefits. City Administrator John Inch Morgan clarified that notification of the grant award has been received and the amount will be reflected in mid-year budget adjustments. He noted that the City's matching amount is already included in the current budget.

19:20:06 Council Member Johnson inquired whether this grant is always for the same amount of money. Chief Craig affirmed that the award is for the same amount as last year's grant. He explained that the City must apply each year and there is competition for the funds, but a commitment for funding has been given as long as the City continues to reapply.

19:21:00 Council Member Barbour thanked Chief Craig for pursuing the grant. The Chief relayed that the investigator is doing a good job and making a difference.

19:21:49 Council Member Dama Barbour **MOVED** to adopt Resolution No. 12-07 – Accepting the 2011 Violence Against Women Act Grant in the Amount of \$35,857.13. Council Member Ernest Burgess **SECONDED** the motion. Chairman Rechtenbach called for discussion on the motion. There being none, he called for a roll call vote. The vote was as follows: Burgess-yes, Overson-yes, Johnson-yes, Rechtenbach-yes, and Barbour-yes. **All City Council members voted in favor and the motion passed unanimously.**

**6.2 Presentation of the Administration's Proposed Mid-Year Budget
Amendments for Fiscal Year 2011-2012
– Mayor Wall, John Inch Morgan and Scott Harrington**

19:21:33 City Administrator John Inch Morgan explained that Administration has a responsibility to put together an annual budget and present it to the governing body by May 20. He noted that there is no legal requirement to present a mid-year budget, but most municipalities in Utah do so. Mr. Morgan suggested that this is an opportunity to open up the budget and make technical adjustments. He indicated that proposed amendments to the 2011-2012 Mid-Year Budget are being formally presented at this time. He referenced the narrative regarding the budget process and the rationale behind budget adjustments. He asked that at the conclusion of the budget presentation, the City Council acknowledge receipt of the Proposed Mid-Year Budget by motion. Mr. Morgan said that questions regarding the budget amendments will be addressed during next week's Work Session. He relayed that a Public Hearing has been noticed and scheduled for February 15, 2012, with an accompanying resolution to be presented at that time for consideration to adopt the mid-year budget amendments. Mr. Morgan said that all of the recommended budget adjustments in each fund are balanced. He acknowledged that revenues do exceed anticipated expenditures; however, in the capital fund conservative estimates are being used. He gave additional clarification on allocations needed from the storm drain fund balance to complete projects.

19:27:25 Mr. Morgan noted that the proposed mid-year budget will be available to the general public through the Recorder's Office, the Finance Office, and the City Administrator's Office.

19:27:47 Mr. Morgan reported that sales tax revenue is looking up.

19:27:40 Chief of Finance Scott Harrington cited increasing revenue to the City and confirmed that the current trend is 3.5% higher than projected. He relayed that last month revenues were at 17.5% above the prior month; and four out of the last 7 months for the prior year have been positive.

19:28:30 Mr. Morgan noted an increase in the CDBG Fund, some of which reflects prior year allocations. He also cited an increase to the Cemetery Fund, as previously approved by the Council. He listed additional increases in the Economic Development Fund, the Capital Fund, and the Storm Water Fund.

19:29:36 Mr. Harrington reviewed changes to each fund, as highlighted in the budget narrative provided to the Council.

19:32:08 Council Member Barbour inquired whether the budget reflects the timeline and commitments for Misty Hills. City Engineer John Taylor confirmed that it does.

19:32:30 Mr. Harrington explained that the Storm Drain Project is basically being paid from the fund balance within the Storm Drain Fund itself. He gave additional clarification on funding for previous projects. Mr. Morgan reviewed the breakdown on Storm Water Fund Expenditures, with \$710,000 for Misty Hills and \$1.2 million for 1300 West. He cited \$40,000 from the capital fund to repair the road, which will be reimbursed by FEMA.

19:33:57 Council Member Johnson inquired about any commitment from FEMA. Mr. Harrington relayed that a commitment for \$40,000 has been given, but the City has asked them to reconsider the whole project. He clarified that the request for the whole \$1.2 million is under review and an answer should be given soon.

19:34:41 Mayor Russ Wall pointed out that most of the funds being requested for increasing expenses are within the Police Department. He cited needs there that cannot wait until the regular budget session. He said that there is also an increase for the Wall Project, with Rocky Mountain Power paying for half of that project. The Mayor said that input was received not to dip any further into the general fund balance and that has been given careful consideration. He clarified that there is a fund balance for the enterprise fund (storm water) and also a fund balance to cover emergency operating expense in case of disaster. He explained that there is a \$60,000 expense from the general fund balance to cover leave liability for a high level employee that left City employment.

19:36:33 It was agreed that the Mid-Year Budget will be discussed further at next week's Work Session. It was confirmed that the Budget Committee has received most of the budget documents for review.

19:37:34 Chairman Rechtenbach acknowledged receipt by the Council of the proposed mid-year budget adjustments.

7. OTHER MATTERS

7.1 **Ordinance 12-03 – Amending Chapter 2.36 (Elections) by Eliminating Section 2.36.055 – John Brems**

19:39:35 City Attorney John Brems presented the subject resolution to amend Chapter 2.36 of the City Code regarding Elections. He explained that filing period dates for municipal elections have been changed by State Statute from July until June and it is necessary to amend the City Code accordingly. He also noted a recommendation to eliminate the section of the City code that limits campaign contributions. He stated that this restriction is subject to challenge.

19:41:04 Council Member Johnson questioned whether the limit is truly unconstitutional. He said that removing the cap opens up the possibility of favoritism.

19:42:35 Mr. Brems said that the restriction can be left, but if the City is challenged it will lose and pay legal fees.

19:43:09 Mr. Brems made clarification on the two proposed amendments to the Election Code. He reiterated that the limitation to campaign contributions is likely to be determined as unconstitutional; therefore, he recommends that the limitation be removed from the City ordinance.

19:44:39 City Recorder Cheryl Peacock Cottle reported on a survey she conducted to determine campaign contribution limitations in other cities. She relayed that, of the survey respondents, only Salt Lake City and Taylorsville currently limit campaign contributions.

19:44:35 Mr. Brems said he does not believe the City's ordinance to limit campaign contributions is enforceable.

19:45:44 Council Member Johnson cited the potential to make a good politician look bad because of heavy contributions.

19:46:07 Chairman Rechtenbach said he agrees with Mr. Johnson in principle, but questions whether tax payers should be exposed to potential lawsuits.

19:47:17 Mr. Brems cited the Council's option to leave the limitation in the code until it is challenged.

19:48:24 Council Member Barbour said she dislikes removing the limitation to contributions, but feels she must be responsible to taxpayers.

19:49:15 Council Member Overson observed that accepting large contributions speaks to a candidate's integrity and calls for the awareness of voters.

19:50:20 Mr. Brems commented on potential costs for lawsuits, even if the City doesn't respond. He described the process for litigation. He clarified that financial contributions to campaigns are publicly disclosed, but cannot be stopped.

19:54:20 Chairman Rechtenbach cited the need for more consideration to be given in regard to removing campaign limits. He suggested that the issue be brought back for further discussion and possible public comment.

19:53:33 Further discussion was held regarding the potential for large contributions to candidates.

19:54:55 Council Member Larry Johnson **MOVED** to adopt the ordinance with the proposed change to the filing period dates; with the change to campaign contributions tabled pending discussion at a future meeting. Council Member Kristie Overson **SECONDED** the motion. Chairman Rechtenbach called for discussion on the motion. There being none, he called for a roll call vote. The vote was as follows: Burgess-yes, Overson-yes, Johnson-yes, Rechtenbach-yes, and Barbour-yes. **All City Council members voted in favor and the motion passed unanimously.**

8. NEW ITEMS FOR SUBSEQUENT CONSIDERATION (No Action)

There were no new items for subsequent consideration.

9. NOTICE OF FUTURE PUBLIC MEETINGS (NEXT MEETING)

19:57:46

- 9.1 RDA Meeting – Wednesday, February 1, 2012 – 7:00 p.m.**
- 9.2 City Council Work Session – Wednesday, February 8, 2012 – 6:00 p.m.**
- 9.3 City Council Briefing Session – Wednesday, February 15, 2012 – 6:00 p.m.**
- 9.4 City Council Meeting – Wednesday, February 15, 2012 – 6:30 p.m.**
- 9.5 City Council Briefing Session – Wednesday, March 7, 2012 – 6:00 p.m.**
- 9.6 City Council Briefing Session – Wednesday, March 7, 2012 – 6:30 p.m.**

10. CALENDAR OF UPCOMING EVENTS

19:57:57

- 10.1 **Taylorsville Baseball Registration – Saturday, February 4, 11 & 25, 2012 – 9:00 a.m. to 1:00 p.m. at Taylorsville High School – this registration includes Cal Ripken, Babe Ruth and Girls Fast Pitch Softball, for more information visit: <http://taylorsville.baberuthonline.com>**

- 10.2 **Taylorsville Art Show Registration – February 21 & 22, 2012 – 4:00 p.m. to 8:00 p.m. – for more information and entry forms visit: www.taylorsvilleut.gov/arts.main.html**

Arts Council Member John Gidney noted that registration for the Art Show will also be held at City Hall and the Art Show event is scheduled for February 24 and 25, 2012.

- 10.3 **Taylorsville Iditarod – Saturday, March 3, 2012 – 10:00 a.m. - Registration is now open for the Taylorsville Iditarod! For more information visit: <http://taylorsvilleurbaniditarod.blogspot.com>**

11. ADJOURNMENT

19:59:21 Council Member Kristie Overson **MOVED** to adjourn the City Council Meeting. Council Member Larry Johnson **SECONDED** the motion. Chairman Rechtenbach called for discussion. There being none, he called for a vote. The vote was as follows: Burgess-yes, Overson-yes, Johnson-yes, Rechtenbach-yes, and Barbour-yes. **All City Council members voted in favor and the motion passed unanimously.** The meeting was adjourned at 7:59 p.m.


Cheryl Peacock Cottle, City Recorder

Minutes approved: CC 03-07-12

Minutes Prepared by: Cheryl Peacock Cottle, City Recorder