

City of Taylorsville
CITY COUNCIL MEETING
Minutes

Wednesday, February 8, 2012
Council Chambers
2600 West Taylorsville Blvd., Room No. 140
Taylorsville, Utah 84129

SPECIAL CITY COUNCIL MEETING

Attendance:

Mayor Russ Wall

Council Members:

Council Chairman Jerry Rechtenbach
Vice-Chairman Dama Barbour
Council Member Ernest Burgess
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
Scott Harrington, Chief of Finance
Donald Adams, Economic Development Director
Aimee Newton, Communications Director
Patrick Tomasino, Building Official

Excused: Council Member Larry Johnson

Others: Dave Ballou, Charles Christopher, Israel Grossman, John Gidney, Pamela Manson

Chairman Jerry Rechtenbach called the Special City Council Meeting to order at 6:05 p.m. and welcomed those in attendance. City Recorder Cheryl Peacock Cottle conducted a Roll Call, wherein all Council Members were present, except Council Member Larry Johnson who was excused.

1. Closed Session

18:05:37 Council Member Dama Barbour **MOVED** to convene a Closed Session to discuss pending or reasonably imminent litigation at 6:05 p.m. Council Member Kristie Overson **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, Police Chief Del Craig, 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 6:20 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.**

2. Ordinance No. 12-04 – Approving a Request for Indemnification and Legal Representation Stemming from a Lawsuit in the United States District Court Against the City of Taylorsville and Police Chief Del Craig – *John Inch Morgan*

18:21:35 City Administrator John Inch Morgan explained that Chief Del Craig has been named in a pending lawsuit and is hereby requesting indemnification and legal representation. Mr. Morgan cited State Statute regarding the provision for indemnification.

18:22:14 Council Member Dama Barbour **MOVED** to adopt Ordinance No. 12-04 – Approving a Request for Indemnification and Legal Representation Stemming from a Lawsuit in the United States District Court Against the City of Taylorsville and Police Chief Del Craig. 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-excused, Rechtenbach-yes, and Barbour-yes. **All City Council members voted in favor and the motion passed unanimously.**

3. Other Matters

18:22:47 City Administrator John Inch Morgan noted that the audio recording of City Council Meetings is now being provided on the City of Taylorsville website.

4. Adjournment

18:23:16 Council Member Kristie Overson **MOVED** to adjourn the Special City Council Meeting and convene 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: 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 6:23 p.m.

CITY COUNCIL WORK SESSION

Attendance:

Mayor Russ Wall

Council Members:

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

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
Scott Harrington, Chief of Finance
Donald Adams, Economic Development Director
Aimee Newton, Communications Director
Patrick Tomasino, Building Official

Excused: Council Member Larry Johnson

Others: Dave Ballou, Charles Christopher, Israel Grossman, Pamela Manson, John Gidney, Gordon Wolf, Colean Larsen, Reed Larsen

18:24:00 Chairman Jerry Rechtenbach called the Work Session to order at 6:24 p.m. and welcomed those in attendance. City Recorder Cheryl Peacock Cottle conducted a Roll Call, wherein all Council Members were present, except Council Member Larry Johnson who was excused.

1. Discussion of the Proposed Mid-Year Budget Amendments for FY 2011-2012
– John Inch Morgan

Chief Financial Officer Scott Harrington referred to the balanced 2011-2012 budget that was presented to the Council. He called for discussion or questions on the proposed mid-year budget adjustments.

Chairman Rechtenbach asked about the amount allocated for garbage renewal in reference to two City properties at 6200 South Redwood Road. He inquired whether those properties are presently occupied and, if so, whether tenants are responsible for their own garbage pickup. Mr. Harrington responded that one property is occupied; the other tenant has moved out. He said the City is in the process of either selling or leasing both properties and the tenant is ultimately billed for the garbage pickup. He clarified that the City must pay the expense, but will deduct that amount from the revenue received from the rental.

Council Member Overson asked about the Capital Fund Revenue which shows an increase of \$627,000 and an expenditure line of \$617,000. She questioned where the difference of \$10,000 is recorded. Mr. Harrington responded that this amount goes to the fund balance until there is a project.

Council Member Overson referenced the \$5,000 allocated for community events and called for examples of what types of community events are included. Mr. Harrington cited annual donations to the Lions Club Easter Egg Hunt, the Boys and Girls Club Charity Events, etc.

Chairman Rechtenbach asked about Public Works and the allocation for weed and grass cutting equipment. He called for more information regarding the equipment expense of \$25,000. City Administrator John Inch Morgan replied that there are two pieces of equipment proposed: a riding lawn mower for things like the open space outside of City Hall; and a brush-cutting piece of equipment that can be taken to places like back lot lines, etc. Chairman Rechtenbach inquired about the cost of hiring a property management or landscaping company that already has this equipment available. Mr. Harrington relayed that an RFP was done for clean-up work and weed abatement. Mr. Morgan noted that to hire someone to come out to do the grassy area in front of City Hall would be approximately \$3000. He suggested that purchasing the maintenance equipment would be better in the long run. Chairman Rechtenbach observed that the City would only have to pay \$3000 for the season, versus buying \$25,000 worth of equipment which must be stored somewhere and maintained. Chairman Rechtenbach said that he would rather see someone

brought in for this job than attempting to do it in-house. Mayor Wall clarified that the \$3,000 amount only includes the City Hall property, but the equipment would be used for a lot of other things around the City.

Council Member Barbour asked about adding these areas to the current County Parks contract. She said it seems problematic if the City is doing some maintenance in-house and then contracting for some. Mayor Wall responded that contracting for services and also doing services in-house is done in many different areas (i.e. engineering, studies, etc.) if it saves the City money. He explained that purchasing this equipment saves the City money as it provides the ability to utilize arrangements made with groups that want to use the park in exchange for upkeep of the lawn. He said this will ultimately help cut costs, but in order to facilitate these arrangements, there will be an up front cost for equipment. Mr. Morgan referenced the City's enclosed trailers in which the equipment would be stored and secured; this would also allow the equipment to be kept mobile for use offsite.

City Administrator John Inch Morgan addressed the suggestion of adding the additional parks maintenance and weed abatement to the current County contract. Mr. Morgan stated that the County has not been very responsive to weed abatements and overseeing back lot lines, as their specialty is maintaining parks. He relayed that the RFP that was issued specifically addressed weed abatement and back lot lines; there have been 7 very different responses that are being reviewed. He said the information is being compiled into a spreadsheet. Mr. Morgan noted that whether or not the Council decides to go with one of those responders or with purchasing the equipment, there will be an increased cost for spring weed abatement to be included in this mid-year adjustment.

Council Member Overson questioned whether a person will need to be certified to operate the proposed equipment or whether volunteers will be qualified to utilize such. Mr. Morgan agreed that the equipment would definitely need to be only handled by those whom are certified, which means the volunteer groups would have to provide that certification in order to utilize the equipment. He clarified that the City would come up with a training and certification process for this equipment to be required before use. Mr. Morgan also noted that the City insurance covers volunteers who are working with the City.

Council Member Burgess questioned whether this equipment would have maintenance agreements that would be included as part of the cost of purchase. Mr. Morgan explained that this equipment has not yet been put out for bid and will likely come in under the \$25,000 amount, but this is a number that Administration is confident will cover equipment and maintenance.

Chairman Rechtenbach asked John Inch Morgan to bring the seven proposals back for discussion at the next regular Council meeting. Chairman Rechtenbach reiterated his concerns with using

City taxpayer money to pay other taxing entities to do a job. He said ideally the job should be done through the private sector. Mayor Wall responded that most services in the City, other than law enforcement and fire, have been put out to bid with the private sector. He clarified that Administration shares the desire to see the private sector utilized wherever possible.

Chairman Rechtenbach referenced the Economic Development budget and asked for clarification on the contractual payout allotment. Mr. Morgan explained that the contractual payout was for accrued vacation, liability, severance, etc. for an employee no longer employed with the City. Chairman Rechtenbach asked where the funds have gone that make the difference between the former employee's salary and the new employee's salary. Chief Financial Officer Scott Harrington gave a mathematical explanation and described how calculations were made. Mr. Harrington and Mr. Morgan also referenced the employee personal time accrual throughout the year and described how that is budgeted.

Chairman Rechtenbach asked about the revenue in Economic Development for property acquisition. Mr. Harrington explained that the State reimbursed the City for property purchased through the 5400 South Bangerter Project and there is an offsetting expenditure already in the budget.

Chairman Rechtenbach asked for specifics on the use of the Fund Balance under Capital projects. Mr. Harrington detailed the projects that this allocation entails and clarified that this is not the general fund balance, but rather the capital project/infrastructure fund balance. Mr. Morgan provided additional information on fund balances in general.

Chairman Rechtenbach noted that the adjustment shown under Taylorsville Dayzz is the unexpended amount from last year that has been put back into the budget.

Council Member Barbour asked about the overtime allocation in the Police Department budget. Mr. Harrington confirmed that this is the traffic overtime that was previously removed and is now being put back into the budget. He cited the potential to increase the amount of fines through the Court, which will help generate Court revenue. Mr. Harrington also confirmed that the grant overtime listed must be used for grant-specific events like "Click it or Ticket" seat belt grants, DUI enforcement, etc.

18:59:42 Council Member Burgess said he would like a more detailed narrative and additional information regarding budget amendments in the future. He cited his desire, as a new Council Member, to have a better understanding of what is being done.

19:00:26 Mr. Harrington reviewed the requested changes and stated that they would be brought back to the Council for further discussion and possible approval of the Mid-Year budget at the next regular City Council meeting. Chairman Rechtenbach noted that the Council reserves the

right to make further changes next week, as Council Member Johnson is not in attendance and may have some additional thoughts to contribute.

19:01:11 John Inch Morgan added that there will be a public hearing on the Mid-Year budget next week that has been noticed and advertised. He clarified that the Council will then be able to consider the budget resolution for adoption at that time or continue the discussion further as needed.

2. Discussion Regarding the Zoning Map – *Mark McGrath*

19:01:47 Community Development Director Mark McGrath presented the Zoning Map for discussion noting that hard copies, as well as electronic versions of the map, have been distributed to the City Council. Mr. McGrath then detailed the zoning map changes through a Power Point presentation.

19:09:20 Chairman Jerry Rechtenbach asked about the difference between community commercial and regional commercial. Mr. McGrath explained that regional commercial is typically a larger scale shopping center development that would bring in traffic from a regional perspective such as a Wal-Mart, Family Center, etc. He clarified that community commercial is a smaller scale commercial use. He said the two are not significantly different with regards to zoning; most of the differences refer to signage or building size and basic appearance issues.

Council Member Overson asked about some of the changes to zones in neighborhoods in relation to lot sizes. She questioned whether these zoning changes restrict the rights of a property owner. She cited the example of a homeowner who might want to subdivide. Mr. McGrath clarified that while some things not allowed in certain zones may restrict property owner rights, they also protect the character of the neighborhood.

Council Member Burgess asked about the process for amending the zoning map, if needed, in the future. Mr. McGrath responded that the City Council always has the right to amend the zoning map. He noted that the zoning map is a dynamic document that will certainly change over the years.

Chairman Rechtenbach asked for clarification regarding those who are in the zones that have been changed and whether they will be grandfathered. Mr. McGrath explained that in most cases, existing non-conforming uses will be grandfathered. He noted that the only time that does not apply is if the use goes away for a year.

Council Member Overson asked about industrial areas and inquired what would happen if someone came in and wanted to rezone for housing or office buildings. Mr. McGrath agreed that

this is a good point for consideration with the City Attorney. He cited potential changes to the area surrounding Sorenson Research Park as an example.

Council Member Overson questioned how current homeowners are generally being affected by the zoning changes. Mr. McGrath answered that there is very little impact to current property owners, under legal non-conforming uses, as previously explained.

Council Member Overson asked about several specific areas in the City and whether new zoning would affect those areas. Mr. McGrath detailed the changes and impacts to the current owners, which will be minimal if there are any.

19:36:02 Community Development Director Mark McGrath described the next step in the approval process for the land development code. He explained that the new document, which integrates all of the changes that have been proposed over the last several months, will be brought to the Council for a final look; once the Council is happy with the document, there will be a final draft brought back for public hearing. Mr. McGrath clarified that the new code will be set for adoption after the public hearing takes place.

19:37:13 Mr. McGrath discussed the law regarding notification to any property owners that are impacted by zoning changes to the land development code. Council Members discussed several issues regarding notification and provided suggestions for these specific issues. Mr. McGrath agreed to work with City Attorney John Brems to ensure that legal processes are followed and to establish a strategy for notifications. He agreed to bring a recommendation back to the Council at a later date.

3. Discussion on the Ordinance Regarding Elections – *John Inch Morgan*

19:49:30 City Administrator John Inch Morgan referenced the Council's previous request for the City's Election ordinance to be brought back for discussion. He noted that the proposed ordinance has been cleaned up at the direction of the Council, but the element concerning campaign contributions has not been finally addressed. He relayed that there are also some other housekeeping items that City Recorder Cheryl Peacock Cottle has identified for change in the document in order to keep the City in compliance. He said those types of housekeeping amendments will need to be adopted when the Election code ordinance comes back for consideration.

19:54:06 City Recorder Cheryl Cottle explained when comparing Taylorsville's code to the State statute, she found some verbiage that needs to be changed. Ms. Cottle suggested bringing this back as a new ordinance since the previous ordinance regarding filing period dates was already adopted in the last meeting.

Chairman Rechtenbach asked for specifics regarding the minor changes. Ms. Cottle explained that one example is that Taylorsville's ordinance refers to "election judges" and in State statute they are called "poll workers." She indicated that the changes needed are in regard to minor semantic-type issues.

19:54:56 Council Members took a few moments to retrieve relevant documents on electronic devices.

19:58:38 Chairman Rechtenbach asked about the Supreme Court's suggestion that campaign contribution limitations may be unconstitutional. City Administrator John Inch Morgan responded that the Supreme Court's ruling was that campaign contribution limitations may be constitutionally problematic. He also indicated that the Lieutenant Governor's Office, who is responsible for elections, has suggested that there are likely some constitutional problems with limiting contributions.

20:00:14 Chairman Rechtenbach observed that if there is an issue with constitutionality, then Taylorsville doesn't have a choice and should not be implementing such ordinances. He also referenced the issue of individual freedoms and the question of whether an individual should be restricted as to contributions.

Council Member Burgess agreed that that the City should comply with the constitution. He expressed concern, however, regarding the possibility of leaving contributions as an open draft for anyone to come in and basically buy a candidate. Council Member Burgess questioned whether there can be any type of safety net to prevent that from that happening. Chairman Rechtenbach responded that making assumptions regarding buying a candidate because one contributes to a campaign is dangerous ground and speaks to moral integrity. He cautioned the Council not to get caught up in those types of generalities.

Council Member Burgess clarified that his concern is simply that the City is staying within the law, while being careful not to give too much freedom to contributions.

20:01:10 Council Member Barbour expressed her opinion that the City has a responsibility to live within the constitution and to prevent any possible law suits.

20:01:48 Council Member Overson agreed with Council Member Barbour and noted that the City does have checks and balances in place to protect the integrity of elections. She observed that candidates are required to disclose any contributions. Council Member Overson also observed that no other nearby cities have limits, except for Salt Lake City.

20:02:21 Chairman Rechtenbach raised another issue regarding the cost to the City of conducting a primary election. He referenced possible steps to eliminate frivolous candidates who may not

be serious about the election. He cited some options, i.e. increasing the candidate filing fee or requiring candidates to submit a petition with 75 signatures.

20:04:59 City Administrator John Inch Morgan stated that a primary election could cost the City up to \$50,000. City Recorder Cheryl Cottle cited state statute addressing nomination petitions. Ms. Cottle noted that out of the approximately 30 cities that responded to the survey, Clinton and Salt Lake City are the only cities that address the use of a nomination petition. She reported that Clinton accepts 25 signatures in lieu of the filing fee; and Salt Lake City requires 75 signatures in the relevant district for Council Members in lieu of the filing fee. Ms. Cottle said that election meeting discussion indicates that other cities are starting to consider this option as they look at the large costs involved in holding a primary election. She noted that candidate filing fees are optional and there are several cities reporting through the survey that do not require any filing fee for candidates.

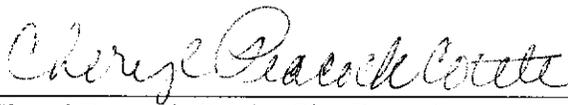
20:10:00 Council direction was to bring this back as a new ordinance for the first meeting in March with options for candidate filing requirements, amendments to address housekeeping items, and for further discussion on candidate contribution limits.

4. Other Matters

20:16:45 Mayor Wall noted that he will be forwarding the Council updates on legislative bills, as provided by the Utah League of Cities and Towns. It was confirmed that any questions or comments on legislation may be forwarded to the Mayor.

5. Adjournment

20:17:56 Council Member Dama Barbour **MOVED** to adjourn the City Council Work Session. Council Member Kristie Overson **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 8:17 p.m.


Cheryl Peacock Cottle, City Recorder

Minutes approved: CC 03-07-12