

City of Taylorsville
CITY COUNCIL MEETING
Minutes

Wednesday, May 2, 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
Council Member Ernest Burgess
Council Member Larry Johnson
Council Member Kristie Overson
Council Member Dama Barbour

City Staff:

John Inch Morgan, City Administrator
John Brems, City Attorney
Cheryl Peacock Cottle, City Recorder
Kristy Heineman, Deputy Recorder
Mark McGrath, Community Development Director
John Taylor, City Engineer
Scott Harrington, Chief of Finance
Donald Adams, Economic Development Director
Aimee Newton, Communications Director
Michael Meldrum, Principal Planner
Del Craig, Chief of Police

Excused: Council Coordinator Jessica Springer

Citizens: Charles Christopher, Israel Grossman

BRIEFING SESSION

1. Review Administrative Report

18:03:07 Chairman Jerry Rechtenbach conducted the Briefing Session, which convened at 6:03 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

18:04:36 The agenda for the City Council Meeting was reviewed. Mayor Wall gave clarification on the appointment of a Hearing Examiner for a business license revocation proceeding. Mayor Wall cited the need for the City Council to give advice and consent to the appointment of Greg Christensen, who currently serves as the City's Administrative Law Judge.

Chairman Rechtenbach noted that a public hearing is scheduled during the regular meeting in regard to the proposed Land Development Code. Community Development Director Mark McGrath gave background explanation on an appeal that has been filed in regard to a conditional use permit granted by the Taylorsville Planning Commission.

Chairman Rechtenbach inquired about the location of the proposed Development Code on electronic devices. Mr. McGrath stated that he has placed Chapters 1 through 36 in the "City Council" Folder. He noted that Chapter 37 was too large to send, as it included many images.

Council Member Ernest Burgess asked for clarification regarding the appointment of Mr. Christiansen. He observed that Mr. Christiansen has been used for handling City matters in the past and is, therefore, very knowledgeable about the City's business. He asked if Mr. Christiansen would be under contract. Mayor Wall confirmed that is the case and noted that Mr. Christiansen serves on the Employee Appeal Board and also serves as the City's Administrative Law Judge for Code Enforcement. Mayor Wall clarified that Mr. Christiansen must be appointed separately to hear appeals on business licenses.

Council Member Dama Barbour commented on a Government Affairs Committee Meeting held earlier in the day. She relayed that the City's Development Code was heavily discussed and the committee was impressed with the work that has been done.

18:09:00 Agenda Item 5.2, regarding the appeal of a conditional use permit granted for a home occupation preschool, was discussed. Chairman Rechtenbach reminded the Council that this matter is not a public hearing. Mr. McGrath cited options before the Council on whether to uphold the Planning Commission's decision, remand the decision back to the Planning Commission for reconsideration, or schedule a hearing on the matter. Mr. McGrath explained that the Planning Commission previously approved the permit; however, a neighbor adjacent to the land use has filed an appeal. Council Chairman Rechtenbach questioned whether there would be representation from the Planning Commission at the City Council Meeting. Mr. McGrath stated that there would not be official representation from the Planning Commission.

18:10:02 Mr. McGrath further reviewed options before the City Council in regard to the appeal, as required by code. He explained that if the Council decides to hear the appeal, a public hearing would be scheduled for at least 14 days out; the neighborhood would then be notified and a new public hearing scheduled. Council Chairman stated that he has received many phone calls and emails in opposition to the permit. He noted, however, that if code allows the use, the Council has no basis for denying the permit.

18:12:24 City Attorney John Brems reminded Council Members that they will be acting as an Appeal Board if the hearing is granted, so it is not a good idea to discuss the matter outside the public record. He suggested that the Council inform interested parties that the matter cannot be discussed outside of the hearing process. Mr. Brems recommended that Council Members invite those interested to come to the hearing and give testimony.

Council Chairman Rechtenbach brought up Agenda Item 6.1, Ordinance 12-08, with respect to towing. Mr. Brems confirmed that he would be addressing this item.

Mr. Rechtenbach noted that formal presentation of the tentative budget to the City Council will be made and the Council must acknowledge receipt of such. Mr. Brems also noted that State statute requires the legislative body to take action acknowledging receipt of the Mayor's Tentative 2012-2013 Budget. He relayed that he has prepared a resolution accordingly.

Chairman Rechtenbach cited planned discussion regarding public notification of budget information. He noted that Communications Director Aimee Newton will present this information.

Chairman Rechtenbach relayed that discussion regarding the May Council Meeting dates will no longer be necessary, as it appears there will not be any conflict with the regularly scheduled dates.

3. Closed Session

18:15:17 Council Member Larry Johnson **MOVED** to adjourn the Briefing Session and convene a Closed Session to discuss pending or reasonably imminent litigation at 6:15 p.m. Council Member Dama Barbour **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: Rechtenbach-yes, Barbour-yes, Burgess-yes, Overson-yes, and Johnson-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, and City Recorder Cheryl Peacock Cottle. Minutes for the Closed Session were taken and are now on file as a Protected Record.

18:39:29 Council Member Dama Barbour **MOVED** to adjourn the Closed Session at 6:38 p.m. and convene the regular City Council Meeting. 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: Rechtenbach-yes, Barbour-yes, Burgess-yes, Overson-yes, and Johnson-yes. **All members of the City Council voted and the motion carried by a unanimous vote.**

REGULAR MEETING

Attendance:

Mayor Russ Wall

Council Members:

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

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
Kristy Heineman, Deputy Recorder
John Taylor, City Engineer
Scott Harrington, Chief of Finance
Donald Adams, Economic Development Director
Aimee Newton, Communications Director
Michael Meldrum, Principal Planner

Excused: Council Coordinator Jessica Springer

Citizens: Charles Christopher, Israel Grossman, Joel Gardner, Reagan Gabbitas, Rhetta McIff, Brett McIff, John Gidney, Dave Ballou, Jay Ziolkowski, Pam Manson, Dan Fazzini, Members of Scout Troops 361 and 263, Christy Curtis, Leslie Garner, Lynn Handy, Alan Anderson, Erin

Penrose, Sidnee Huff, Doug Shupe, Sue Shupe, Gary Penrose, James Dawson, Kelsey Rowley, Joel Gardner, Simon Pearson, Jacob Bailey, Valerie Behm, John Vo, Daniel Bertrand, Thomas Ollis, Amy Bregochi, Leslie Kruger, Spencer Leyva, Masen Hayes, Aaron Kruger

1. WELCOME, INTRODUCTION AND PRELIMINARY MATTERS

18:39:59 Chairman Jerry Rechtenbach called the meeting to order at 6:39 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
– Youth Council Member Joel Gardner**

18:40:20 Youth Council Member Joel Gardner directed the Pledge of Allegiance.

**1.2 Reverence – Youth Council Member Reagan Gabbitas (Opening Ceremonies
For May 16, 2012 to be arranged by Chairman Rechtenbach)**

18:41:49 Youth Council Member Reagan Gabbitas offered the Reverence.

18:42:26 Chairman Jerry Rechtenbach recognized members of Scout Troops 361 and 623 in attendance.

1.3 Citizen Comments

18:43:06 Chairman Jerry Rechtenbach reviewed the Citizen Comment Procedures for the audience. He then called for any citizen comments.

18:44:09 Christy Curtis spoke in regard to a proposed preschool in her neighborhood, where she has lived for 10 years. Mrs. Curtis cited her concerns related to increased traffic, safety for neighborhood children, increased noise, and the potential liability for surrounding homeowners. She also voiced her objection to adding a business to the residential community and suggested that this would set a precedent for allowing other types of businesses into the area. She stated her concern that the residential area would change from a neighborhood into a “strip mall”-type area.

18:46:23 Rhetta McIff presented concerns regarding the proposed preschool in her neighborhood. She stated her objections to the daycare operation based on traffic and safety concerns for local children. She noted her neighborhood does not have sidewalks, which creates an increased safety hazard.

18:47:24 Leslie Garner spoke against approval of the daycare in his neighborhood. He inquired whether City Council Members would like to have a similar type of facility next to their own homes.

18:48:11 There were no additional citizen comments, and Chairman Rechtenbach closed the citizen comment period.

1.4 Mayor's Report

18:48:20 Mayor Russ Wall asked those in attendance to participate in performing jumping jack exercises to promote healthy hearts.

18:49:22 Mayor Wall reported on the recent Arbor Day Celebration. He relayed that Jet Blue employees volunteered their time in planting trees on City Center property. Mr. Mayor asked LARP Committee Chair Rhetta McIff how many trees were planted. Ms. McIff stated that there were 30 fruit trees planted, with five more still available to plant. The Mayor presented a video of the event. He cited garden boxes that are available to rent in the Community Garden on City Center property.

2. APPOINTMENTS

2.1 Greg Christiansen as Hearing Examiner for a Business License Revocation Proceeding – Mayor Wall

18:57:41 Mayor Wall nominated Greg Christiansen to serve as a Hearing Examiner for an upcoming Business License Revocation Proceeding. He noted that the revocation is an administrative process. He relayed that Mr. Christiansen currently does some administrative law judge work for the City and is competent in the legal process.

18:58:56 Council Member Burgess asked for further clarification on the process for revoking a business license. Mayor Wall explained that when a business license is revoked, appeal rights are granted and the Administration is required to appoint an independent and qualified hearing officer to make a legal determination. He noted that this person is paid by the City regardless of the outcome of the hearing. He confirmed that the Hearing Examiner must have knowledge of the law, City Ordinances and the State Statutory Code.

19:00:26 Council Member Dama Barbour **MOVED** to approve the appointment of Greg Christiansen as a Hearing Examiner for a Business License Revocation Proceeding. 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: Rechtenbach-

yes, Barbour-yes, Burgess-yes, Overson-yes, and Johnson-yes. **All City Council members voted in favor and the motion passed unanimously.**

3. REPORTS

3.1 Youth Council – *Erin Penrose, Youth Council Chair*

19:01:01 Youth Council Chair Erin Penrose reported on recent activities and upcoming events for the Taylorsville Youth Council. She reported that a new Youth Council Mayor, Andy Ho, and a new Vice Chair, Sidnee Huff, have recently been elected to the Youth Council.

19:01:53 Ms. Penrose stated that the Youth Council will be involved in the upcoming Taylorsville Dayzz celebration. She described ways that the Taylorsville Youth Council will assist with this year's event through involvement with the Lions Club Breakfast, the Taylorsville Dayzz Parade, etc. She acknowledged that Youth Council members will be volunteering throughout the duration of the event.

4. CONSENT AGENDA

There were no items for consideration on the Consent Agenda.

5. PLANNING MATTERS

5.1 Public Hearing – 6:30 p.m. – To Receive Public Comment Regarding the Proposed Land Development Code and Zoning Map – *Mark McGrath*

19:02:57 Community Development Director Mark McGrath noted that the proposed Land Development Code has been discussed during approximately 20 City Council Meetings. The code consists of 37 new chapters to be added into the Taylorsville Code of Ordinances. He noted that this process was initiated in May, 2010, with the original draft submitted to the Planning Commission in October, 2010. After several months of review, the Planning Commission made a formal recommendation of the proposed Code to the City Council on March 8, 2011. Mr. McGrath stated that a public hearing has been scheduled to meet requirements of Taylorsville City Code and Utah State Law. Mr. McGrath cited intent to bring the final document before the City Council for consideration in two weeks time. He stated that the City has exceeded the minimum State requirements for approval and has satisfied public hearing noticing requirements by advertisement in local newspapers, posting on public properties throughout the City, and placing the notification on the City's website. Mr. McGrath asked for comments from Council Members.

19:05:45 Council Member Kristie Overson asked whether Mr. McGrath has received any previous public comment. Mr. McGrath stated that overall he has received very few comments; however, there have been a number of very positive comments from various affected parties. He noted that there are some individuals in attendance who are interested in addressing temporary sign regulations. Council Member Kristie Overson commended the hard work of Mr. McGrath and his department over the last two years.

19:07:11 Mr. McGrath recognized Economic Development Director Donald Adams who, as the first project leader, was responsible for the initial draft of the new code. Mr. McGrath cited the ongoing nature of the project and explained that the City has been working under Salt Lake County's land development ordinances since its incorporation. He suggested that the new code helps the City of Taylorsville create a sense of community. He stated that this is a significant step forward and will help Taylorsville grow and prosper.

19:09:07 Council Chairman Jerry Rechtenbach also commended the Taylorsville Planning Commission for their work on the new Code.

19:09:30 Council Member Ernest Burgess asked if the public has had adequate time to review the proposed document and express any concerns. Mr. McGrath noted that the City will reserve the right to bring the code back to the City Council and the Planning Commission as amendments are needed for issues not anticipated. He confirmed that it has been on the City website for well over a year and has been discussed in many City Council Meetings. Council Member Burgess reiterated that there can be adjustments made to benefit both the citizens and the City, as needed. Mr. McGrath observed that Taylorsville has a good history of making appropriate adjustments when problems are encountered.

19:12:06 Council Chairman Jerry Rechtenbach noted that the re-write contract service had previously been requested in the budget for eight years, but the Community Development Department ultimately moved forward to handle the project in-house.

19:12:40 Chairman Rechtenbach opened the public hearing on this matter and called for citizen comments.

19:12:45 Jim Dawson stated that he owns a small business in Taylorsville. He proposed allowing additional signage for small businesses. He suggested that small feather signs be allowed on lawns to increase visibility. Council Chairman Rechtenbach requested that Mr. Dawson meet with Mr. McGrath to discuss further options. Mr. Dawson stated that he has previously spoken to Mr. McGrath who suggested he bring his concerns to the attention of Council Members. Council Chairman Rechtenbach requested that more specific solutions be given to the Council for review.

19:14:30 Mr. McGrath agreed to prepare a brief comparison between the current code and the proposed code for presentation to the Council. Mr. McGrath stated that the proposed code liberalizes temporary signs and allows for any business to have a temporary sign with limitation on size and placement; whereas, the previous code limited the amount of time a sign could be placed. He noted that the current code allows for banner signs during certain promotional periods.

19:15:48 Gary Penrose, of the Carpet Guy, called for support of small businesses. He suggested forming a small business association to help promote advertisement and signage support. He noted that small businesses survive by adequate promotion. He asserted that 35% to 40% of small businesses have been closed in Taylorsville due to a lack of visibility over the last few years. Mr. Penrose requested further definition regarding appropriate sign limits.

19:18:23 Valerie Behm introduced herself as the new owner of The Cutting Crew Salon. She relayed that she purchased this business in July 2011. She cited trees on surrounding properties that block her signs. She said that, as a result of this, she is losing business. Ms. Behm explained that she recently purchased professional flags to promote her business and was then informed that she cannot use them due to the ordinance. She suggested that there be clarification to differentiate between homemade signs and professional signs.

17:20:10 Council Chairman Rechtenbach suggested that Ms. Behm meet with Mr. McGrath to discuss signage issues and get further clarification. Chairman Rechtenbach asked that Mr. McGrath conduct more follow-up and review for this ordinance and make suggestions and recommendations. He recommended that Mr. McGrath bring his findings back to the Council in a few weeks.

19:21:04 Simon Pearson said that he represents Mountain America Credit Union on 5400 South and 3065 West. He stated that, although Mountain America represents a large non-profit organization, his branch is small and difficult to see. He referenced a need to attract new business. He asked for time to meet with Mr. McGrath to develop a plan in regard to signage options.

19:22:45 Alan Anderson, President of Chamber West, addressed the proposed ordinance. He indicated that he has reviewed the business-related chapters in the document. He complimented the comprehensive work. Mr. Anderson addressed the temporary sign ordinance. He referenced the section listed on page 33 that addresses grand openings. Mr. Anderson suggested adding a provision with regard to businesses in Taylorsville who have made remodeling investments. He recommended that such remodeled businesses be allowed to use grand-opening signs in order to advertise their investment in the community and draw in more business.

19:24:54 There were no additional comments and Chairman Rechtenbach declared the public hearing closed. Mr. Rechtenbach then requested comments from the Council.

19:25:33 Council Member Larry Johnson stated that he understands the need for temporary signs for businesses, especially those with limited visibility. Mr. McGrath agreed that this is an issue that affects every city. He cited the delicate balance in assisting with business success and also making the community desirable from an economic standpoint. Mr. McGrath stated that he will review the concerns expressed and bring his findings and suggestions back for City Council review.

19:27:40 Council Chairman Jerry Rechtenbach addressed the issue of using banners for grand openings. Mr. McGrath clarified his understanding of the suggestion that the ordinance be amended to allow for re-grand opening signage if a building has been remodeled.

19:28:30 Chairman Rechtenbach suggested that Mr. McGrath meet with business representatives and discuss signage issues further, even if it means delaying adoption of the ordinance.

5.2 Appeal of a Conditional Use Permit Granting a Home Occupation Preschool at 1970 West Farm Ridge Road – *Mark McGrath*

19:29:42 Community Development Director Mark McGrath illustrated an aerial photo and a vicinity map of the subject area regarding a preschool. He explained that the original application was for two individual sessions; a morning session and an afternoon session, with up to 12 children per session. He noted that the Planning Commission approved the application with conditions last month. One of the conditions was to limit the preschool to one session per day. This was agreed upon by the applicants with the condition that, if the preschool was successful and they wanted to expand, they could return to the Planning Commission and request a second session. Mr. McGrath referenced concerns expressed by neighbors in regard to increased traffic and safety issues.

19:31:47 Mr. McGrath reviewed Utah State Law in relation to conditional use for home occupations. He noted that the State has tightened up restrictions for conditional uses in terms of what Cities are allowed to do. Mr. McGrath quoted State Law as follows: "A land use ordinance may include conditional uses and provisions for conditional uses that require compliance with standards set forth in an applicable ordinance." He clarified that the City must set reasonable standards and a conditional use shall be approved if the standards are met. Mr. McGrath explained that the Planning Commission approved this application based on the fact that a daycare is a permitted land use in the City of Taylorsville as a home occupation business. He clarified that the business is a preschool. Mr. McGrath noted that there are dozens of preschools in the City and over 1,000 home occupations in the City. He went on to say that if the

application is denied, it would be a clear violation of State Law provided that the applicant meets reasonable conditions placed by the Planning Commission. He relayed that the Planning Commission approved the conditional use with a 5 to 1 vote. He reported that within the 10-day window, a member of the adjacent neighborhood filed a request for an appeal to the City Council.

19:34:05 Mr. McGrath informed the Council that there are three options before them: (1) Uphold the Planning Commission's decision; (2) Remand the decision back to the Planning Commission for further review, if the Council feels there has been new information presented; or (3) Grant a public hearing before the City Council, which will require hearing the conditional use request, conducting a public hearing, notifying the Planning Commission and notifying the neighbors within 400 feet of the application. Mr. McGrath called for any questions from the Council.

19:35:34 Council Chairman Rechtenbach noted that one of the main concerns for residents in the area is traffic. He questioned if the business in question conforms to the conditions required regarding traffic.

19:36:32 Mr. McGrath stated that all home occupations and preschools are closely regulated by the City. He referenced standards contained in City ordinance requiring that the home occupation must be "invisible" as a business taking place in the neighborhood. He clarified that when residents are driving through the neighborhood there should not be visible evidence that there are businesses in the homes. He also cited restrictions placed on the types of businesses allowed in residences. Mr. McGrath noted that one of the requirements for daycares is that an off-street drop-off area be provided. He further explained that the applicant must have a place designed on the property for a vehicle to pull in and drop off children outside of regular traffic.

19:38:30 Council Member Larry Johnson inquired whether this preschool will have one session with 12 children for two hours. Mr. McGrath confirmed this to be so. Mr. Johnson asked if the hours have been specified. Mr. McGrath stated that hours will either be 9:00 a.m. to 11:00 a.m. or 1:00 p.m. to 3:00 p.m. Council Member Johnson questioned whether neighborhood school children would be present during those hours. It was confirmed that there could be neighborhood children walking to and from school during either session.

19:39:29 Council Member Dama Barbour questioned if there was adequate parking at the business. Mr. McGrath clarified that it is a preschool and not a daycare. Ms. Barbour asked for clarification that there would be one session with 12 children. Mr. McGrath explained that one of the provisions in the code is that the applicants can count their own children as part of the 12; therefore, two of the children would be residing in the home. He also noted that some of the other students will be multiple children from the same family. Council Member Barbour questioned whether there would be adequate parking for the number of children involved. Mr. McGrath stated that there would be approximately five vehicles transporting children. He also

noted that the vehicles would be dropping off the children and leaving, not staying for the duration; thus, parking is not a factor.

19:40:47 Council Member Dama Barbour asked for clarification on the hours of operation. She stated that a home occupation can have hours of operation from 6:00 a.m. to 8:00 p.m. Mr. McGrath confirmed that home occupation hours can be between 6:00 a.m. and 8:00 p.m.; however, this particular applicant is only asking for a two-hour session of a preschool to be held either in the morning or the afternoon.

19:41:54 Council Member Barbour stated her concern that this business does not have a landscaped backyard for a children's play area. Ms. Barbour noted that there does not appear to be landscaping marked on the application. Mr. McGrath stated that the applicants have indicated on public record that they will complete landscaping; however, the Planning Commission has not required such as a condition of approval.

19:43:00 Council Member Kristie Overson questioned whether it makes a difference that this property has a basement apartment. Mr. McGrath observed that the code is silent on that issue. He stated that if people living in the basement were not family members, this would be illegal, but they are related by blood to the property owners who reside upstairs, so the requirement is satisfied in code.

19:44:09 Council Member Overson noted that Condition 13 states that the applicant must receive written permission from the homeowner. Mr. McGrath acknowledged that this has been required by the City through the business license department and it is his understanding that the signature from the homeowner has been received. He also confirmed that the applicants have not started actual operation and may not commence until conditions are met.

Council Member Overson cited issues regarding designated employee parking, a safety path to the entrance of the building, building and fire inspection permits, and appropriate ADA requirements for the business. Council Member Overson referenced a notation regarding an open ditch and inquired whether this may be a safety issue for the children. Council Member Overson also questioned if there were CC&R's in place within the neighborhood. Mr. McGrath informed the Council that if there are restrictions for certain types of businesses in the neighborhood, the Homeowner's Association would have the responsibility to enforce that issue.

19:49:00 Council Member Overson agreed that the hours of operation for this specific business should be tightened. Council Chairman Rechtenbach noted that the Council does not have latitude to restrict the hours, due to the fact they have not been restricted on prior businesses. Mr. McGrath informed Council Members that the conditions set forth by the Planning Commission for Land Use have been met; all other permits, such as concerns raised by Council Member Overson, have not been obtained at this time.

19:50:15 Council Chairman Rechtenbach expressed concern over whether the basement was finished without a Building Permit. He cited potential safety issues with the building and inquired as to what recourse the City may have. Mr. McGrath stated that he would need to do further research on this issue, as it was possible that the required permits were issued when the house was built.

19:51:10 Council Member Dama Barbour stated that it is not in the Council's authority to make changes and reminded Council Members of the three options presently before them. She noted that any CC&R issues would not be up for review by the City Council. Mr. McGrath confirmed this to be true.

19:51:26 Council Member Ernest Burgess observed that all inspections need to be completed before the business allows children. Council Member Burgess asked for additional clarification as to the number of children enrolled. Mr. McGrath stated it is his understanding that two of the children belong to the applicant, and that, although they have had other parties interested, the business has not built a customer base at this time. He explained that, as the business has not yet been granted permission to open, active recruitment or advertising has not yet commenced.

19:53:35 Mr. McGrath noted that the only permissions granted at this time have come from the Planning Commission for the land use; if the City Council upholds the decision of the Planning Commission, then the process of inspections and permits will move forward. He noted that any additional concerns would be based on follow-up inspections.

19:54:35 Council Member Larry Johnson questioned whether a Building Permit is required in order to finish a basement. Mr. McGrath confirmed that is the case. Council Member Johnson raised concerns that children might be residing in the basement and the possibility that the basement was finished without obtaining a permit. Mr. McGrath relayed that he did not yet have factual information, as the building inspectors cannot enter the home until the Land Use Permit has been approved. He stated that research needs to be done to confirm if the basement was finished at the time the original building permit was issued.

19:57:26 Council Chairman Rechtenbach summarized that the conditions available under the code for a home occupation either have been met or have been set forth by the Planning Commission. He observed that if all the conditions are met, as set forth in the Land Use Code, then the Council does not have an option to deny the application. Chairman Rechtenbach reiterated the three options before the Council: (1) Affirm the Planning Commission's decision; (2) If sufficient new evidence has been presented, remand the matter back to the Planning Commission for further review; or (3) Agree to hear the appeal at a public hearing before the City Council at a later date, once sufficient noticing requirements are met.

19:58:25 Council Member Kristie Overson questioned whether the concerns raised by the Council have been satisfied and answered. Mr. McGrath stated that concerns have been answered, with the exception of the hours of operation. He suggested that the hours of operation can be enforced and made one of the conditions.

19:59:10 Council Chairman Rechtenbach observed that there will be grounds to pull the business license if any of the listed conditions are violated. He also noted that the conditions are reviewable upon complaint.

19:59:39 Council Member Dama Barbour **MOVED** to affirm and uphold the Taylorsville Planning Commission's decision in this matter. Council Member Ernest Burgess **SECONDED** the motion. Chairman Rechtenbach called for discussion on the motion. There being none, he called for a vote. The vote was as follows: Rechtenbach-yes, Barbour-yes, Burgess-yes, Overson-yes, and Johnson-yes. **All City Council members voted in favor and the motion passed unanimously.**

6. FINANCIAL MATTERS

6.1 ***Ordinance No. 12-08 – Amending Chapter 11.40 with Respect to Towing by Amending 11.40.040 C and Eliminating 11.40.040 D – John Brems***

20:01:07 City Attorney John Brems presented the subject ordinance to amend Chapter 11.40 with respect to Towing. He explained that a provision was requested by the Taylorsville Police Department to require that a tow company must notify the vehicle owner upon towing, so that a vehicle won't be reported as stolen.

20:02:03 Council Member Larry Johnson questioned if this ordinance would include vehicles that are repossessed. Mr. Brems stated this ordinance has nothing to do with repossessions and only addresses vehicles which property owners have allowed to be towed.

20:02:29 Council Member Dama Barbour **MOVED** to adopt Ordinance No. 12-08 – Amending Chapter 11.40 with Respect to Towing by Amending 11.40.040 C and Eliminating 11.40.040 D. Council Member Larry Johnson **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: Rechtenbach-yes, Barbour-yes, Burgess-yes, Overson-yes, and Johnson-yes. **All City Council members voted in favor and the motion passed unanimously.**

6.2 Formal Presentation of the Tentative Budget to the City Council and Acknowledge Receipt of the Tentative Fiscal Year 2012-2013 Budget, Set Time and Date of the Public Hearing for 2012-2013 Fiscal Year Budget (Recommended for June 6, 2012 at 6:30 p.m.) and Set Public Hearing for Final Amendments to the 2011-12 Fiscal Year Budget (Recommended for June 6, 2012 at 6:30 p.m.) – Mayor Wall & John Inch Morgan

20:03:17 Mayor Russ Wall presented his proposed budget for FY 2012-2013, along with a budget narrative outlining salient changes in detail.

20:04:14 Mayor Wall read an Executive Summary of the Proposed Budget (a copy of which is attached and incorporated therein as part of this record). Mayor Wall stated that Administration has looked at every available option possible to try and mitigate any tax increase; however, in order for the City to move forward, a tax increase has been recommended in the proposed budget. Mr. Wall asked that the Council consider the budget over the next few weeks. He also informed the Council that Administration has scheduled a special public Budget Meeting on May 15, 2012. He invited the public and City Council Members to this meeting where more detailed budget issues will be addressed.

20:18:49 It was noted that the Budget Committee has also received the tentative budget for review. Mayor Wall expressed appreciation to those serving on the Budget Committee and said he looks forward to working with them over the next few weeks. Mayor Wall asked the Council to approve a resolution acknowledging receipt of the tentative budget.

20:19:24 Council Member Larry Johnson inquired about the \$5.83 monthly increase for a home valued at \$190,000. Mr. Johnson noted that there are some homes with a higher value in Taylorsville. Council Member Johnson noted that revenue generated from the tax increase would be almost \$2 million. Mayor Wall cited a budget shortfall since the City borrowed \$800,000 from the fund balance last year to cover ongoing expenses. He also noted there was an additional amount of about \$300,000 taken out for mid-year budget adjustments. He indicated that the total borrowed from the fund balance was approximately \$1.5 million.

City Administrator John Inch Morgan clarified that the proposed tax increase is approximately 36%. Mayor Wall noted that this amount was predicted last year because the 20% proposed tax increase was not approved at that time and, especially, since the City borrowed from the fund balance.

20:21:58 Council Member Johnson cited comments that were made in previous strategic planning meetings. Mayor Russ Wall noted that there is \$97 million worth of projects in the City's Ten-Year Strategic Plan. He clarified that the only addition to the Strategic Plan this year is for a \$5 million amount to construct city walls. Council Member Johnson observed that, even

though the tax increase does not appear to be a large amount, tax increases are always permanent. He suggested that the 36% increase is very stiff and will be difficult for residents, commercial property owners, and apartment owners.

20:23:32 Mayor Wall noted that the first and only tax increase Taylorsville has had was the first year he was Mayor. He noted that a 35% tax increase was implemented at that time. He cited problems stemming from necessary maintenance that was deferred due to an unwillingness to raise taxes by previous elected officials. He relayed that there was a commitment made from the Council seven years ago to have a truth and taxation hearing every year where consideration would be made to raise property taxes or revenues in order to be consistent with the consumer price index. The Mayor suggested that if increases had been made in small increments over time, there would be no need for more than a 4% or 5% increase now. He cited citizen concerns over the years with cutbacks to services and said those have been restored in the proposed budget.

20:26:05 Council Chairman Rechtenbach stated that the City's current rank in the metropolitan area for tax rates is the fifth lowest. He questioned what the City's rank would be with passage of this tax increase. City Administrator John I. Morgan confirmed that this increase would put Taylorsville at about mid-range, depending on what other communities do this year.

20:26:43 Mr. Morgan commented that the Administration would like to review all of the expenditures to clarify the need for the tax increase. He further stated that he would like to review all of the proposed changes with the Council. It was noted that Chief Financial Officer Scott Harrington has sent out electronic copies of the tentative budget, the budget narrative, and the budget calendar. These documents will be made available to the public through the City's website; hard copies may also be requested through the Recorder's Office.

20:27:44 Mr. Morgan relayed that, in addition to acknowledging receipt of the budget, the Council must set two public hearings, one for the FY 2012-2013 Budget and one for the year-end amendments to FY 2011-2012. He requested that these hearings be scheduled for June 6, 2012. He noted that the budget does not need to be passed on that date. The purpose of the hearing is for Council Members to solicit comments from the public after having had several weeks to examine the proposed budget. The Council can then take the public's comments into consideration before adopting the budget. Mr. Morgan also noted that if there are any tax increases approved, the City is obligated to hold a truth and taxation hearing in August to adjust the tax rate.

20:29:25 Council Member Dama Barbour asked for clarification that the only thing required at this time is to acknowledge receipt of the tentative budget. Mr. Morgan confirmed this.

20:30:07 Mr. Morgan stated that he would like to schedule specific budget discussions and recommended that there be a list of topics for each of the dates scheduled for budget meetings.

He relayed that he would like to start with the expenditures and special funds, i.e. the storm drain fund, cemetery fund and capital fund, in order to identify the priorities of the City Council. In subsequent meetings, revenue and other matters can be discussed in more detail.

Council Member Dama Barbour asked if there would be a breakdown up-front for the Unified Police Department on the budget. Mayor Wall confirmed there would be a side-by-side comparison.

20:31:30 Council Member Larry Johnson reiterated his shock at the suggested tax increase.

20:31:55 Council Chairman Jerry Rechtenbach called for a motion to acknowledge receipt of the tentative budget, which does not reflect final approval of the budget.

6.2.1 Resolution No. 12-21 – Acknowledging Receipt of a Budget Pursuant to the Requirements of Utah Code Ann. 10-6-111 for the Fiscal Year Beginning July 1, 2012 and Ending June 30, 2013

20:32:33 Council Member Dama Barbour **MOVED** to adopt Resolution No. 12-21 – Acknowledging Receipt of a Budget Pursuant to the Requirements of Utah Code Ann. 10-6-111 for the Fiscal Year Beginning July 1, 2012 and Ending June 30, 2013 and setting a date for the budget public hearings. 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: Rechtenbach-yes, Barbour-yes, Burgess-yes, Overson-yes, and Johnson-yes. **All City Council members voted in favor and the motion passed unanimously.**

20:33:21 City Attorney John Brems noted that the resolution does not have a date attached for public hearings on the budget. He requested that there be a formal motion to set the date for June 6, 2012.

20:34:13 Discussion was held regarding the appropriate date for holding public hearings on the budget. Mr. Morgan noted that the Council is not obligated to adopt the budget on June 6, 2012, as it is possible to pass the ordinance up until the third Wednesday in June. Mr. Morgan suggested that the Council can also add extra dates for further review, if needed, as long as proper notification is given to satisfy State requirements. He confirmed that the Council may not adopt the budget prior to holding a public hearing; the budget may be adopted on June 6, 2012, but it is not mandatory.

20:39:49 Further discussion ensued regarding the scheduling of public hearings and the importance of receiving input from citizens during upcoming budget discussions. Noticing requirements were clarified by City Recorder Cheryl Peacock Cottle.

20:43:15 Council Member Dama Barbour **MOVED** that the public hearings for both budgets be set for June 6, 2012. Council Member Ernest Burgess **SECONDED** the motion. **All City Council members voted in favor and the motion passed unanimously.**

7. OTHER MATTERS

7.1 Discussion Regarding Public Notification of Budget Information – *Aimee Newton*

20:45:22 Communications Director Aimee Newton discussed ways to notify the public regarding the proposed budget. She described the format planned for a Budget Presentation Meeting to be hosted by City Administration on Tuesday, May 15, 2012, at 7:00 p.m. Council Member Larry Johnson noted that this type of meeting is similar to the format of a town meeting. He questioned the need for two Town Meetings in May. Ms. Newton noted that the two meetings will have different formats. She stated that it is important to educate the public, due to the complex nature of the budget.

20:47:31 Council Member Ernest Burgess asked how Council Members would hear about the public's response. Ms. Newton stated that the main purpose of the Town Meeting is to educate the public on the budget. Mayor Wall suggested providing comment cards that residents can complete at the Budget Presentation Meeting on May 15, 2012. Ms. Newton suggested that department heads also give a summary of comments to the Council.

20:48:25 Council Member Ernest Burgess asked if the public would be provided handouts with budgeting information at these meetings, or if they will be referred to the City website.

20:49:25 Council Member Larry Johnson agreed that citizens need to be informed about the projected tax increase.

20:50:18 Ms. Newton noted that, in the past, the City has sent out a letter to all residents regarding the budget. She also noted that the City Council has sent letters inviting residents to budget discussions. She asked that a short summary of the Mayor's proposed budget be included in that same mailing this year in order to save on postage.

20:51:18 Ms. Newton relayed that the Mayor's budget narrative will also be on the City's social media sites, i.e. Taylorsville Tidbits, Facebook, and Twitter, in the next few days. The City is also considering the preparation of a YouTube presentation on the City's tax distribution.

20:52:19 Ms. Newton confirmed that she will send out budget information via email to approximately 600 residents through a database that has been compiled of involved citizens. Council Member Johnson stated his concerns that this type of mailing will not reach everyone.

He suggested that word of mouth is a more effective way to reach the public. Ms. Newton observed that the more methods used for outreach, the more success will be ensured.

20:54:06 Council Member Dama Barbour stated that she is in favor of mailing a letter to all citizens, as she feels clarification of the budget is a good idea. Council Chairman Rechtenbach applauded Ms. Newton's efforts to get information out to citizens.

20:54:42 Council Member Kristie Overson referenced survey results that were provided and commented that the data was very informative. She noted the high request for email notification.

20:55:31 Aimee Newton requested that Council Members provide email addresses to her, as they become aware of people in their district who want to be on the email list for the City's e-newsletter.

Council Member Ernest Burgess inquired about the effectiveness of the newsletter distribution. Ms. Newton stated that there have been no recent complaints regarding circulation. She cited a \$5,000 cost to mail newsletters, versus the \$1,800 currently spent for personal delivery.

20:57:09 Council Member Burgess requested previewing the Mayor's letter before it is sent out. Ms. Newton confirmed that she will send it to the Council prior to mailing.

20:57:19 Council Member Barbour suggested adding a note on the letter asking residents to provide email addresses to the City if they are interested in receiving City information. Ms. Newton agreed and indicated that she will also include Facebook and Twitter information to the letter. Council Member Johnson also requested that contact information for Council Members be added.

7.2 Discussion Regarding May Council Meeting Dates – *Chairman Rechtenbach*

It was determined that discussion was no longer needed regarding this item.

8. NEW ITEMS FOR SUBSEQUENT CONSIDERATION (No Action)

There were no new items for subsequent consideration.

9. NOTICE OF FUTURE PUBLIC MEETINGS (NEXT MEETING)

- 9.1 City Council Work Session – Wednesday, May 9, 2012 – 6:00 p.m.
- 9.2 City Council Briefing Session – Wednesday, May 16, 2012 – 6:00 p.m.
- 9.3 City Council Meeting – Wednesday, May 16, 2012 – 6:30 p.m.
- 9.4 Town Meeting, Open House – Wed., May 30, 2012 – 6:00 p.m. – 7:00 p.m.
- 9.5 City Council Briefing Session – Wednesday, June 6, 2012 – 6:00 p.m.
- 9.6 City Council Meeting – Wednesday, June 6, 2012 – 6:30 p.m.

Council Chairman Rechtenbach also noted that a special public meeting regarding the budget is planned for May 15, 2012.

10. CALENDAR OF UPCOMING EVENTS

- 10.1 “Annie” Tryouts – Thursday and Friday, June 7 & 8, 2012 – 6:00 p.m. – Thursday Tryouts will be for Children and Families, Friday Tryouts will be for Adults – City Hall, Council Chambers, 2600 West Taylorsville Blvd. – Sponsored by the Arts Council.
- 10.2 Taylorsville Dayzz 2012 – June 28, 2012 – June 30, 2012 – Visit www.taylorsvilleut.gov for event information.

11. ADJOURNMENT

20:59:55 Council Member Dama Barbour **MOVED** to adjourn the City Council Meeting. Council Member Ernest Burgess **SECONDED** the motion. Chairman Rechtenbach called for discussion. There being none, he called for a vote. The vote was as follows: Rechtenbach-yes, Barbour-yes, Burgess-yes, Overson-yes, and Johnson-yes. **All City Council members voted in favor and the motion passed unanimously.** The meeting was adjourned at 9:00 p.m.


Cheryl Peacock Cottle, City Recorder

Minutes approved: CC 06-06-12