

City of Taylorsville
CITY COUNCIL MEETING
Minutes

Wednesday, October 17, 2012
Council Chambers
2600 West Taylorsville Blvd., Room No. 140
Taylorsville, Utah 84129

BRIEFING SESSION

Attendance:

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
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
Lt. Mike Schoenfeld, UPD

Excused: Mayor Russ Wall

Others: Charles Christopher, Daryl Gudmunsen, Royce Larsen

BRIEFING SESSION

1. Review Administrative Report

18:00:51 Chairman Rechtenbach conducted the Briefing Session, which convened at 6:01 p.m. City Recorder Cheryl Peacock Cottle conducted a Roll Call, wherein all Council Members were present. It was noted that Mayor Wall was excused.

Chairman Rechtenbach called for questions on the Administrative Report for Community Development. Council Member Dama Barbour asked about long-haul tractor trailer home occupation and parking issues. Community Development Director Mark McGrath clarified that parking of a large truck is not allowed at a residence. He noted that parking regulations are reviewed with applicants when they request a license. He explained that the home occupational license is not a conditional use permit, but is reviewable upon complaint. Mr. McGrath confirmed that there have been no complaints against the businesses referenced.

18:05:04 Council Member Kristie Overson observed that the total collected for building permits is up over last month. Mr. McGrath confirmed that this number is solidly average.

2. Review Agenda

18:05:37 The agenda for the City Council Meeting was reviewed. Mr. McGrath noted that a slight amendment will be suggested for the ordinance in regard to tobacco stores. He described language to be amended, as follows: "or (b) an establishment providing retail sales for exclusive sale of tobacco."

The Council requested denying Reiki Massage type businesses a home occupation permit; otherwise, the same problems may occur with regard to illegal activities. Mr. McGrath gave clarification on Reiki as a mixed-use commercial/home occupation. Council Chairman Rechtenbach said he would prefer not allowing permits as a mixed-use. Council Member Ernest Burgess agreed. Council Member Overson observed that now is a good time to implement these changes, as there are currently no-mixed use permits in the City. Additional discussion ensued, and the consensus of the Council was to not allow mixed-use permits.

18:17:30 Council Member Overson cited a section of code missing in Ordinance 12-28. Mr. McGrath agreed to make the necessary correction.

18:18:08 Mr. McGrath referenced Ordinance 12-28 in regard to liquor licenses issued to reception center type businesses. He stated that the amended ordinance more clearly defines a reception center and limits the possibility of having it used as a tavern. Mr. McGrath explained that reception center liquor licenses are granted by the State and are easier to obtain because of a shorter waiting list. He noted that if the business is within 250 feet of a residence, violation reviews must go before the Planning Commission; otherwise, decisions are made at the Administrative level.

18:23:23 Council Chairman Rechtenbach requested that a discussion be conducted under Other Matters during the regular meeting in regard to setting times to open the budget and scheduling a public hearing.

3. Adjourn

The Briefing Session was adjourned at 6:24 p.m.

REGULAR MEETING

Attendance:

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
Lt. Mike Schoenfeld, UPD
Cheryl Peacock Cottle, City Recorder
Donald Adams, Economic Development Director
John Taylor, City Engineer
Scott Harrington, Chief of Finance
Wayne Harper, Economic Development Assistant
Aimee Newton, Communications Director
Kristy Heineman, Deputy Recorder

Excused: Mayor Russ Wall

Others Present: Charles Christopher, Royce Larsen, Daryl Gudmunsen, Pam Roberts, Joan White, Rhett McIff, Jennifer Schwendimann, Pastor Scott Warren, Pam Manson, Jay Ziolkowski, Reo Castleton, Ted Jensen, Riley Gardner, Ted Vanderlinden, Doug Shupe, Members of Scout Troops #191 and #1909.

1. WELCOME, INTRODUCTION AND PRELIMINARY MATTERS

18:31:36 Chairman Jerry Rechtenbach called the meeting to order at 6:31 p.m. and welcomed those in attendance. City Recorder Cheryl Peacock Cottle conducted a Roll Call, wherein all Council Members were present. It was noted that Mayor Wall was excused.

1.1 Opening Ceremonies – Pledge of Allegiance – *Council Chairman Rechtenbach*

18:32:35 Chairman Jerry Rechtenbach directed the Pledge of Allegiance.

**1.2 Reverence – Council Chairman Rechtenbach (Opening Ceremonies
For November 7, 2012 to be arranged by Chairman Rechtenbach)**

18:32:42 Pastor Scott Warren, of the Cross Pointe Church in Taylorsville, introduced his family in attendance and offered the Reverence.

1.3 Citizen Comments

18:38:14 Chairman Jerry Rechtenbach reviewed the Citizen Comment Procedures for the audience. He then called for any citizen comments.

18:39:41 Riley Gardner suggested dedicating and naming the Taylorsville T-Ball Little League Baseball Field in memory of Kyle Matsumura, son of former Taylorsville City Council Member Les Matsumura. He also suggested sponsoring a fundraiser for NAMI.

18:43:42 City Administrator John Inch Morgan agreed to discuss these ideas further with Riley Gardner, with baseball league representatives, and with Salt Lake County Parks and Recreation staff. He clarified that Taylorsville ordinances require appointing a Naming Committee in order to name a public entity.

18:44:47 Doug Shupe gave an update on the progress being made at Labrum Park and stated that the City is doing a great job on the road. He cited a need to name the street upon completion of the project.

18:47:14 Reo Castleton, Unified Fire Authority (UFA) Union Representative, commented that he is in favor of Taylorsville joining the Fire District. He explained that he is representing a group of UFA Fire fighters in attendance. Mr. Castleton noted that he has been a fire fighter and paramedic for over 18 years and is also a resident of Taylorsville. He stated that fire fighters are not asking for raises; however, they are asking for the proper amount of trained personnel and funding for equipment that meets national standards. He emphasized that the UFA's mission is to keep citizens safe. He summarized that the UFA is committed to the City and its residents and would like to make sure citizens are informed about this issue and have all the facts regarding the City's potential annexation into the Fire District.

18:53:28 Council Member Barbour thanked fire fighters for all they do for the Taylorsville community.

18:53:58 Council Member Overson acknowledged that the Fire District decision will probably be a ballot issue and asked Mr. Castleton if he would be willing to attend meetings to discuss issues and educate citizens. Mr. Castleton confirmed that he would make himself available.

18:55:03 There were no additional citizen comments, and Chairman Rechtenbach closed the citizen comment period.

18:55:13 Chairman Rechtenbach recognized members in attendance from Scout Troops #191 and #1909.

1.4 Mayor's Report

There was no Mayor's Report, as Mayor Wall was excused.

2. APPOINTMENTS

There were no appointments.

3. REPORTS

3.1 Historic Preservation Committee -- *Joan White*

18:56:40 Chair Joan White reported on recent activities and upcoming events for the Taylorsville Historic Preservation Committee. She cited specific events and activities held at the Taylorsville-Bennion Heritage Center. She relayed that there have been over 1,350 students from 12 different schools bussed to the Museum, as a result of funds received from the ZAP grant. She mentioned that there have been approximately 2,150 visitors to the museum since the beginning of the year. Ms. White listed accomplishments for the past year as follows: A blacksmith shop and a special shed were built; and \$315 was raised from the surplus sale. She also mentioned the purchase of a tractor. She stated that she is looking forward to having the bathrooms renovated in the old store building, so it can be opened and utilized by the public. She noted that the museum will celebrate its tenth anniversary in 2014, and a special celebration is being planned. Ms. White thanked the Council for their continued support of the museum. Council Chairman Rechtenbach thanked Ms. White for the many volunteer hours she has given. He noted that museum tours are free to the public.

3.2 Quarterly Report, Sanitation - *Pam Roberts*

19:04:02 Pam Roberts presented a quarterly report on sanitation services in Taylorsville. She cited the Area Cleanup Program currently ongoing in the City until October 23, 2013. She commented that green and bulk waste vouchers are currently available at City Hall. She stated that the Leaf Bag Collection Program is also now in progress and leaf bags are available at City Hall. She cited three City locations for depositing leaf bags.

19:05:53 Ms. Roberts commented on statistics for weekly recycling and mentioned that Taylorsville has a high amount of clean recycling collected, with 96% of clean recyclable material. She summarized that overall Taylorsville is well above the national average at 82%. She cited a big push currently for recycling education. Ms. Roberts applauded glass recycling efforts within the City and noted that there is a third glass collection site in Taylorsville in the northeast parking lot at the Salt Lake Community College.

19:10:08 Council Member Ernest Burgess inquired about the manner in which glass recycling is handled. Ms. Roberts explained that private companies are contracted to haul the glass to a third party for recycling. She noted that the garbage in black cans is not sorted and emphasized the need to put recyclable materials into the correct bins so that they are not deposited in the landfill.

19:12:00 Ms. Roberts gave updates on the new organization in the Sanitation District and relayed that the name will change to the Wasatch Front Waste and Recycle District. She announced that it will be operational on January 1, 2013. She said that the process is currently underway to design a new logo. Ms. Roberts listed the current operational processes that will be implemented within the new organization.

Council Chairman Rechtenbach asked if costs would be affected by the changes. Ms. Roberts clarified that there will be no cost increase directly related to the District's separation from Salt Lake County; however, there could be cost increases resulting from inflation.

19:16:11 Council Member Overson thanked Ms. Roberts for the sanitation services report and asked if there is one specific thing that residents can do to help with the recycling effort. Ms. Roberts stated that residents should be aware when separating types of wastes between the green, black, and blue containers. She confirmed that all types of metal can be placed in the blue recycle cans. Ms. Roberts also clarified that putting the cans at least three feet away from any object, including another can, on pickup day saves time and money.

19:17:56 Ms. Roberts confirmed that she will make arrangements with Communications Director Aimee Newton to have recycling educational information added to the newsletter.

4. CONSENT AGENDA

4.1 Minutes – RCCM 09-19-12 & RCCM 10-03-12

19:22:08 Council Member Kristie Overson **MOVED** to adopt the Consent Agenda. 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: Rechtenbach-yes, Barbour-yes, Burgess-yes, Overson-yes, and Johnson-yes. **All City Council members voted in favor and the motion passed unanimously.**

5. PLANNING MATTERS

19:23:52 Chairman Rechtenbach opened the public hearing and called for citizen comments regarding the proposed text amendments.

19:24:18 There were no comments and Chairman Rechtenbach declared the public hearing closed.

5.1 ***Public Hearing - For Proposed Text Amendments to Sections 13A-11-12 and 13A-11-17 (Temporary Businesses); Sections 13A-08-02, 13A-11-24, and 13A-36-21 (Tobacco Specialty Shops); Sections 13A-08-02 and 13A-36-19 (Reiki); and Sections 13A-08-02, 13A-36-19, and 13A-36-20 (Reception Centers) of the Taylorsville Land Development Code***

5.1.1 ***Ordinance 12-26 - An Ordinance of the City of Taylorsville to Amend Sections 13A-11-12, 13A-11-17 of the Taylorsville Land Development Code - Mark McGrath***

19:24:56 Community Development Director Mark McGrath presented the proposed text amendment to the Taylorsville Land Development Code in regard to placing temporary businesses on landscaped areas, as previously discussed by the Council. It was noted that this amendment is to prohibit placement on landscaped areas.

19:26:02 Council Member Larry Johnson cited a need to have setback space around businesses to protect the landscaped area from being walked upon. Mr. McGrath agreed to make this adjustment to the ordinance.

19:26:47 Council Member Ernest Burgess brought up safety issues in relation to parking areas near temporary businesses. Mr. McGrath stated that provisions are already in place in this regard.

19:27:13 Council Member Dama Barbour **MOVED** to adopt Ordinance 12-26 - To Amend Sections 13A-11-12 and 13A-11-17 of the Taylorsville Land Development Code, including the suggested change requested by Council Member Larry Johnson. 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: Rechtenbach-yes, Barbour-yes, Burgess-yes, Overson-yes, and Johnson-yes. **All City Council members voted in favor and the motion passed unanimously.**

5.1.2 Ordinance 12-27 - An Ordinance of the City of Taylorsville to Amend Sections 13A-08-02, 13A-11-24, and 13A-36-21 of the Taylorsville Land Development Code - *Mark McGrath*

19:28:13 Mark McGrath stated that this ordinance amendment recognizes recent changes in regard to tobacco stores that have been made to the State Code for certain setbacks and land uses, i.e. schools, playgrounds, churches, etc. He added that this ordinance also upgrades the City's definition and mimics the definition in the State Code. It was noted that an additional amendment was needed for the section that states: "gross receipts for annual tobacco sales." It was felt that the definition should address new establishments by adding: "(b) an establishment providing retail sales for exclusive sale of tobacco." Mr. McGrath relayed that annual gross receipts do not apply to new businesses coming into the City. He clarified that this ordinance would also limit the number of tobacco specialty shops to one for every 10,000 residents, which would currently allow five tobacco shops in the City.

19:30:31 Council Member Johnson stated that he recently went with the Unified Police Department on a drug bust at a tobacco shop. He described the types of illegal drug-related products that were seized. Mr. McGrath commented that some things are difficult to regulate because they are not necessarily illegal. City Administrator John Inch Morgan noted that a report will be given by the Unified Police Department on November 7, 2012 regarding the types of products referenced.

19:32:44 Council Member Overson asked about the possibility of alcohol sales at tobacco shops. Mr. McGrath acknowledged that an alcohol license could be added to the business license.

Council Member Dama Barbour **MOVED** to adopt Ordinance 12-27 - To Amend Sections 13A-08-02, 13A-11-24, and 13A-36-21 of the Taylorsville Land Development Code, including additional language as suggested by Mr. McGrath. 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.**

5.1.3 Ordinance 12-28 - An Ordinance of the City of Taylorsville to Amend Sections 13A-08-02 and 13A-36-19 of the Taylorsville Land Development Code - *Mark McGrath*

19:36:08 Mr. McGrath explained that the State and County closely regulates massage therapy, except for "non-touch" massage. He clarified that Reiki Massage is not regulated by the State and, as a result, a number of businesses make application for business licenses as a Reiki style massage business, but then become fronts for illegal activities. He cited the need to tighten up

the definition of Reiki Massage by adding the change suggested by the City Council to deny home occupation licenses and also by fixing the ordinance language noted by Council Member Overson.

19:37:58 Council Member Overson also suggested not allowing Reiki Massage businesses a mixed-use permit. Mr. McGrath acknowledged that this prohibition will be included.

19:38:32 Mr. McGrath gave clarification on previous Reiki Massage businesses in the City, as allowed under the previous code.

19:39:10 Discussion was held regarding the 250 foot requirement. Mr. McGrath stated that, with regard to Reiki Massage businesses, he does not believe proximity to a residential zone is as important as some of the other land uses.

19:39:57 Council Member Kristie Overson **MOVED** to adopt Ordinance 12-28 To Amend Sections 13A-08-02 and 13A-36-19 of the Taylorsville Land Development Code, including amendments as outlined by Mr. McGrath. 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: Rechtenbach-yes, Barbour-yes, Burgess-yes, Overson-yes, and Johnson-yes. **All City Council members voted in favor and the motion passed unanimously.**

5.1.4 Ordinance 12-29 - An Ordinance of the City of Taylorsville to Amend Sections 13A-08-02, 13A-36-19, and 13A-36-20 of the Taylorsville Land Development Code - Mark McGrath

19:40:51 Mr. McGrath stated that this ordinance is designed to address the potential loophole in the State statute regarding alcohol licenses. He further explained that businesses are finding it easier to get an alcohol license for a reception center-type business. He clarified that, in some instances, the applicant applies for a reception center license with the State, but then operates the business as a tavern or club. Mr. McGrath observed that the proposed ordinance amendment will tighten up the definition, outline where businesses are permitted, and detail the licensing process.

19:43:29 Council Member Ernest Burgess **MOVED** to adopt Ordinance 12-29 - To Amend Sections 13A-08-02, 13A-36-19, and 13A-36-20 of the Taylorsville Land Development Code. 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. FINANCIAL MATTERS

6.1 ***Resolution 12-40 - A Resolution Approving an Interlocal Cooperative Agreement with the Redevelopment Agency of Taylorsville City for the Funding of a Community Development Area By Sharing Tax Revenues - Donald Adams***

19:44:12 Economic Development Director Donald Adams presented the subject resolution to approve an interlocal agreement with the Redevelopment Agency (RDA) of Taylorsville City for the funding of a Community Development Area (CDA) by sharing tax revenues. He noted that he will be discussing the same agreement in the RDA Meeting following the City Council Meeting. He stated that he will be addressing sales tax incremental sharing for incentives. Mr. Adams explained that, previously, each time an incentive has been done an interlocal agreement has been adopted for that specific incentive; currently, a more general interlocal agreement is being presented for implementation. Mr. Adams added that the purpose in adopting a general agreement is that it will establish the framework. He stated that it will also reduce the amount of paperwork required. Mr. Adams confirmed that the Council will still be updated on any incentives or RDA activities.

19:46:48 Council Member Dama Barbour **MOVED** to adopt Resolution 12-40 - Approving an Interlocal Cooperative Agreement with the RDA for the Funding of a CDA by Sharing Tax Revenues. 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.**

7. OTHER MATTERS

19:47:44 City Council Chairman Jerry Rechtenbach called for discussion regarding the Council Meeting schedule. He said he anticipates that there will be an opening of the budget for amendment in the upcoming months in preparation for funding the Unified Fire Authority services contract. He suggested opening the budget on November 7, 2012 and scheduling/noticing a public hearing for December 5, 2012. City Administrator John Inch Morgan confirmed that there is no need to hold a truth-in-taxation hearing. He explained that such a hearing is necessary only when adjusting the City's tax rate. He observed that there must be a two-week notice given for a public hearing to make adjustments in the budget.

19:49:55 Council Chairman Jerry Rechtenbach confirmed that there will be three meetings held in December. He reminded the Council that a decision must be made prior to December 19, 2012 to adjust the budget. Mr. Morgan commented that a ballot vote regarding joining the Fire District would not be held until 2013.

19:52:37 Council Member Johnson reported on the health condition of former Taylorsville Council Member Bud Catlin. He stated that Mr. Catlin is still in Intensive Care and asked for thoughts and prayers. It was noted that flowers may be sent when Mr. Catlin is out of intensive care.

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 RDA Board Meeting - Wednesday, October 17, 2012 - 7:00 p.m.
- 9.2 Planning Commission Meeting - Tuesday, October 23, 2012 - 6:00 p.m.
- 9.3 City Council Briefing Session - Wednesday, November 7, 2012 - 6:00 p.m.
- 9.4 City Council Meeting - Wednesday, November 7, 2012 - 6:30 p.m.
- 9.5 Strategic Planning Meeting - Saturday, November 10, 2012 - 8:00 a.m.
- 9.6 Planning Commission Meeting - Tuesday, November 13, 2012 - 6:00 p.m.
- 9.7 City Council Briefing Session - Wednesday, November 14, 2012 - 6:00 p.m.
- 9.8 City Council Meeting - Wednesday, November 14, 2012 - 6:30 p.m.
- 9.9 Planning Commission Meeting - Tuesday, November 27, 2012 - 6:00 p.m.

10. CALENDAR OF UPCOMING EVENTS

- 10.1 *Neighborhood Cleanup Dumpsters* - This year the dumpsters in Taylorsville will be delivered between September 21, 2012 and October 23, 2012. Residents will receive a postcard a few weeks prior informing them of the exact days the dumpster will be in their neighborhood. Any bulk waste is welcome in the dumpsters. For more information on these services, please contact Sanitation at 385-468-6325 at www.sanitation.slco.org
- 10.2 *Early Voting for the General Election* - October 23 through November 2, 2012 (weekdays only), 11:00 a.m. to 7:00 p.m., Taylorsville City Hall, Room 110, 2600 West Taylorsville Blvd. Must have photo ID to vote!
- 10.3 *General Election Day* - Tuesday, November 6, 2012 - Polls are open from 7:00 a.m. to 9:00 p.m. Find your polling location at www.slco.org/clerk/elections Must have photo ID to vote!

11. ADJOURNMENT

19:56:37 Council Member Dama Barbour **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: 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 7:56 p.m.



Cheryl Peacock Cottle, City Recorder

Minutes approved: CC 11-07-12

Minutes Prepared by: Cheryl Peacock Cottle, City Recorder, and Kris Heineman, Deputy Recorder