

City of Taylorsville
CITY COUNCIL MEETING
Minutes

Wednesday, June 15, 2011
Council Chambers
2600 West Taylorsville Blvd., Room No. 140
Taylorsville, Utah 84118

BRIEFING SESSION

Attendance:

Mayor Russ Wall

Council Members:

Council Chairman Jerry Rechtenbach
Vice-Chairman Larry Johnson
Council Member Dama Barbour
Council Member Bud Catlin
Council Member Morris Pratt

City Staff:

John Inch Morgan, City Administrator
John Brems, City Attorney
Cheryl Peacock Cottle, City Recorder
Jessica Springer, Council Coordinator
Mark McGrath, Community Development Director
John Taylor, City Engineer
Keith Snarr, Economic Development Director
Donald Adams, Grants Manager
Jean Adams, Deputy Recorder

Excused: Council Coordinator Jessica Springer, Chief of Finance Scott Harrington

Others: Kristie Overson

BRIEFING SESSION

1. Review Administrative Report

Chairman Jerry Rechtenbach conducted the Briefing Session, which convened at 6:02 p.m. City Recorder Cheryl Peacock Cottle conducted a Roll Call, wherein all Council Members were present. Chairman Rechtenbach called for questions on the Administrative Report for the

Community Development Department. Council Member Larry Johnson inquired about a property on 4700 South that used to be a Tesoro and is now a car wash. Community Development Director Mark McGrath gave clarification that the applicant desires to add a drive-through restaurant to the car wash.

18:04:55 Council Member Pratt inquired about apartment complexes, of three or more units, that are participating in the Good Landlord Program and may not have renewed their business licenses. Mr. McGrath said that there is one complex of about 40 units in Council District 1 that has not renewed its license and for which enforcement action is underway. Mr. McGrath confirmed that the complex is the Bella Vista Apartments, formerly known as the Granada Apartments.

18:07:08 Chairman Jerry Rechtenbach asked about Charlie's Towing and the home occupation approval for that business. Mr. McGrath agreed to investigate and follow up on the business. He said they may have only been approved for office operations in the home. Chairman Rechtenbach cited a photo he viewed online illustrating mounds of scrap metal at the location. Mr. McGrath stated that he will investigate the situation.

2. Review Agenda

18:08:08 The agenda for the City Council Meeting was reviewed. Mayor Wall noted that he will be reporting on flooding issues during the Mayor's Report.

18:08:11 Chairman Rechtenbach cited a correction to wording in the May 11, 2011 Minutes. City Recorder Cheryl Peacock Cottle noted the correction and agreed to make the change.

18:10:19 Chairman Rechtenbach inquired whether Utah Public Employees Association (UPEA) Representative Todd Sutton e-mailed salary data from other cities. Mr. Morgan indicated that he did receive an e-mail from Mr. Sutton and the information was forwarded. Council Member Pratt said that he received an e-mail from Mr. Sutton with useful information, but it did not include the salary data from other municipalities.

18:12:13 Council Member Johnson asked for additional clarification on the car wash application. Mr. McGrath described plans for a small drive-through window inside the car wash. He confirmed that the Planning Commission unanimously recommended approval for the zoning amendment to accommodate the use for the project.

18:15:39 Council Member Catlin cited Ordinance No. 11-09 regarding smoking in Parks and inquired where it originated. Mayor Wall explained that a citizen brought it to the City and it was subsequently referred to the Ordinance Review Committee. Mayor Wall noted that the Council has an advisor for the Ordinance Review Committee and cited the process for reviewing

ordinances. He relayed that Salt Lake City has a similar ordinance in place. The Mayor acknowledged potential enforcement issues. He said he is considering enforcement of such an ordinance on City Hall property.

18:18:26 Council Member Barbour relayed that families were affected by extreme smoking during the *Taylorsville Dayzz* event last year. She stated that it is an unhealthy situation and indicated that the parking lot will be a designated smoking area for *Taylorsville Dayzz* this year.

18:19:41 Council Member Larry Johnson stated that he is not yet ready to vote on the smoking ordinance. Chairman Rechtenbach reminded him that he is the Council Advisor to the Ordinance Review Committee and may choose to pull it back for further review. Mr. Johnson indicated that he desires to do so.

3. Closed Session

a. Strategy Session to Discuss the Sale and Purchase of Real Property

18:21:35 Council Member Larry Johnson **MOVED** to adjourn the Briefing Session and convene a Closed Session to discuss the sale and purchase of real property at 6:21p.m. Council Member Morris Pratt **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: Johnson-yes, Pratt-yes, Catlin-yes, Barbour-yes, and Rechtenbach-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, Catlin, Johnson, Pratt, and Rechtenbach, City Attorney John Brems, Economic Development Director Keith Snarr, Grants Manager Donald Adams, and City Recorder Cheryl Peacock Cottle. Minutes for the Closed Session were taken and are now on file as a Protected Record.

Council Member Morris Pratt **MOVED** to adjourn this Closed Session at 6:46 p.m. and convene an additional Closed Session to discuss pending litigation. Council Member Larry Johnson **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: Johnson-yes, Pratt-yes, Catlin-yes, Barbour-yes, and Rechtenbach-yes. **All members of the City Council present voted and the motion carried by a unanimous vote.**

b. **Strategy Session to Discuss Pending Litigation**

CLOSED SESSION

Those in attendance at this Closed Session were: Mayor Russ Wall, City Administrator John Inch Morgan, Council Members Barbour, Catlin, Johnson, Pratt, 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.

Council Member Bud Catlin **MOVED** to adjourn this Closed Session at 7:11p.m. and convene the regular City Council Meeting. Council Member Larry Johnson **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: Johnson-yes, Pratt-yes, Catlin-yes, Barbour-yes, and Rechtenbach-yes. **All members of the City Council present voted and the motion carried by a unanimous vote.**

REGULAR MEETING

Attendance:

Mayor Russ Wall

Council Members:

Council Chairman Jerry Rechtenbach
Vice-Chairman Larry Johnson
Council Member Dama Barbour
Council Member Bud Catlin
Council Member Morris Pratt

City Staff:

John Inch Morgan, City Administrator
John Brems, City Attorney
Mark McGrath, Community Development Director
Del Craig, Chief of Police
Cheryl Peacock Cottle, City Recorder
Wayne Dial, Assistant Chief of Police
Judge Michael Kwan
Judge Marsha Thomas
John Taylor, City Engineer
Keith Snarr, Economic Development Director
Donald Adams, Grants Manager
Jean Ashby, Deputy Recorder
Gerry Orr, Senior Finance Officer
Patrick Tomasino, Chief Building Inspector

Excused: Council Coordinator Jessica Springer, Chief of Finance Scott Harrington

Citizens: Kristie Overson, Israel Grossman, Curt Cochran, Ken Acker, Lynn Handy, John Gidney, Gordon Wolf, Brett McIff, Rhetta McIff, Cathy McKitrick, Jay Ziolkowski, Suzan Bukovinsky, Ernest Burgess, Carrie Bohnsack, Dave Ballou, Cathy McKitrick, Aimee Newton, Israel Grossman, Dean Paynter, Members of Scout Troop 1384, Steve Ashby, Julene Inskeep, Doug Inskeep, Bob Gardner, Brad Simons, Sharlyne Lefteller, Elaine Penrose, S.M. Taylor, Roger Parkinson, Donna Drecksel, Asanfar Joseph Ameen

1. WELCOME, INTRODUCTION AND PRELIMINARY MATTERS

19:13:14 Chairman Jerry Rechtenbach called the meeting to order at 6:13 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 –*Council Member Johnson*

19:13:49 Council Member Larry Johnson recognized Scout Troop 1384. A member of the troop directed the Pledge of Allegiance.

1.2 Reverence – *Council Member Johnson* (Opening Ceremonies For July 6, 2011 to be arranged by Youth Council)

A member of Scout Troop 1384 offered the Reverence.

1.3 Citizen Comments

19:15:37 Chairman Jerry Rechtenbach reviewed the Citizen Comment Procedures for the audience. He then called for any citizen comments.

19:17:09 Brad Simons presented a contribution of \$250 to the Veterans Memorial Fund, on behalf of Questar Gas Company. Elected officials thanked Questar for their donation and support in the community.

19:18:12 There were no additional citizen comments, and Chairman Rechtenbach closed the citizen comment period.

1.4 Mayor's Report

19:18:25 Mayor Russ Wall reported on the response from the business community in relation to the Veterans Memorial. He invited anyone who wants to meet the memorial sculptor and throw a piece of clay on the memorial to attend an event on June 24, 2011 at 3:00 p.m. at Taylorsville City Hall.

19:20:13 The Mayor referenced flood issues and asked City Engineer John Taylor to provide an update on flooding. Mr. Taylor cited flooding problems along the Jordan River between 3900 South and 4500 South. He relayed that sandbagging has been completed along the Jordan Trail near the Fairstone Apartments and also at the Sorensen Research Park. He noted that Salt Lake County is providing sand and sand bags for anyone along the Jordan River who is concerned with flooding. He observed that the upcoming weather will determine severity of further flooding in Taylorsville.

19:22:33 Mr. Taylor described flooding at the parkway and underpasses. He clarified that the County actually controls the trail, but signage is in place to mitigate liability. Mr. Morgan described reasons that the District Attorney has advised against barricades and instead recommends relying on signs that indicate closure due to dangerous conditions.

19:24:20 Mayor Wall relayed that the Governor has asked municipalities to warn citizens to stay away from rivers and creeks. The Mayor asked that residents stay from the Jordan River and its tributaries and wait for flooding to subside.

19:25:05 Council Member Catlin noted that he observed water at the bottom of the bridge earlier in the day.

2. APPOINTMENTS

2.1 Lynn Handy, Chair of the Budget Committee – *Chairman Rechtenbach*

Chairman Rechtenbach nominated Lynn Handy to serve as Chair of the Budget Committee. Mayor Wall asked that Mr. Handy be excused, as he had another commitment. The Mayor thanked Gordon Wolf for his many years of service as Chair of the Budget Committee.

19:26:40 Council Member Morris Pratt **MOVED** to appoint Lynn Handy as Chair of the Taylorsville Budget Committee. Council Member Dama Barbour **SECONDED** the motion. Chairman Rechtenbach called for discussion on the motion. There being none, he called for a vote. The vote was as follows: Johnson-yes, Pratt-yes, Catlin-yes, Barbour-yes, and Rechtenbach-yes. **All City Council members voted in favor and the motion passed unanimously.**

3. REPORTS

There were no reports.

4. CONSENT AGENDA

4.1 Minutes – CCWS 5-11-11 & RCCM 5-18-11

19:27:14 Council Member Morris Pratt **MOVED** to adopt the Consent Agenda, with the previously noted correction to the minutes from May 11, 2011. 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: Johnson-yes, Pratt-yes, Catlin-yes, Barbour-yes, and Rechtenbach-yes. **All City Council members voted in favor and the motion passed unanimously.**

5. PLANNING MATTERS

5.1 ***Public Hearing*** – 6:30 p.m. – **To Receive Public Comment on the Amendment to the Taylorsville Zoning Map From C-1/zc to C-1 (Neighborhood Commercial) on Property Located at 3225 West 4700 South**

19:27:43 Community Development Mark McGrath reported that the City was recently approached by the owners of a convenience store/gas station at 3225 West 4700 South to request a zoning amendment for the property. Mr. McGrath cited current zoning and described the requested change to zoning. He showed an aerial photo of the property. He explained that the owners would like to convert the existing carwash to a drive-through fast food facility.

19:31:31 Council Member Johnson inquired about the dimensions of the carwash structure and how much room would be left with a car driving through it.

19:32:37 Mr. McGrath explained that under the current zoning conditions, the only allowable uses are a gas station, convenience store, and car wash. He relayed that the owners have appealed to the City to change the zoning. He confirmed that the Planning Commission voted unanimously last month to make this change. Mr. McGrath clarified that C-1 is the lowest intensity use. He stated that most businesses in this zone are used for gas stations.

19:34:46 Mr. McGrath explained that the proposal also includes a walk-up window for customers.

19:35:08 Council Member Pratt asked for additional clarification on the use allowed in the zone, and Mr. McGrath explained that there is no more intense use than C-1 that could be allowed in the area.

19:36:02 Chairman Rechtenbach clarified that this ordinance has nothing to do with the intended use or the Conditional Use Permit, but is only an ordinance to change the zoning.

19:36:50 Council Member Pratt noted there would have to be a zoning change to do anything else on the property, even if the car wash is demolished.

19:37:09 Chairman Rechtenbach opened the public hearing on this matter and called for citizen comments.

19:37:26 Applicant Asanfar Joseph Ameen cited issues with the car wash losing money. He described a desire to change the business in order to better meet customer needs.

19:39:19 Council Member Johnson inquired about the type of food that would be served. Mr. Ameen explained that another tenant will bring in food from another location, similar to a taco stand.

19:40:43 There were no additional comments, and Chairman Rechtenbach declared the public hearing closed.

19:40:50 Council Member Johnson expressed concern regarding the drive through plan and parking issues. Chairman Rechtenbach reiterated that the Council is not being asked to deal with the site plan at this point, as that will be handled by the Planning Commission.

19:41:34 Mr. McGrath confirmed that the Planning Department has done a parking analysis on the project, and determined that it does meet parking requirements.

5.1.1 Ordinance No. 11-08 – Amendment to the Taylorsville Zoning Map From C-1/zc to C-1 (Neighborhood Commercial) on Property Located at 3225 West 4700 South – Mark McGrath

19:42:05 Council Member Dama Barbour **MOVED** to adopt Ordinance No. 11-08 – Amendment to the Taylorsville Zoning Map From C-1/zc to C-1 (Neighborhood Commercial) on Property Located at 3225 West 4700 South. Council Member Bud Catlin **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: Johnson-no, Pratt-yes, Catlin-yes, Barbour-yes, and Rechtenbach-yes. **All City Council members voted and the motion passed with a four-to-one vote.**

5.2 Ordinance No. 11-09 – Prohibiting Smoking On or In City-Owned Parks, Trails, and Recreation Facilities – John Brems, City Attorney

19:43:15 City Attorney John Brems called for confirmation that the Council would like to table the subject ordinance until further review is completed. The Council concurred.

19:43:31 Council Member Larry Johnson **MOVED** to table Ordinance No. 11-09 – Prohibiting Smoking On or In City-Owned Parks, Trails, and Recreation Facilities until the July 13, 2011 Work Session. Council Member Bud Catlin **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: Johnson-yes, Pratt-yes, Catlin-yes, Barbour-yes, and Rechtenbach-yes. **All City Council members voted in favor and the motion passed unanimously.**

6. FINANCIAL MATTERS

6.1 Ordinance No. 11-10 – Declaring Certain Real Property Located at 2024 West 6200 South as Surplus to the Needs of the City, Establishing a Minimum Bid, and Directing the Mayor to Dispose of the Property – John Inch Morgan & Mayor Wall

19:44:22 City Administrator John Inch Morgan illustrated parcels along Redwood Road. He requested Council approval to surplus property at 2024 West 6200 South, to be donated to a charitable contribution, with a minimum bid of \$5,000.

19:45:49 Mayor Wall explained that the subject property has traffic on three sides, and will be hard to sell. He proposed that the City donate the property to *Habitat for Humanity* to have a home built there. He stated that this is a good use for the hard-to-move property.

19:46:27 Chairman Rechtenbach observed that the lot is very narrow for building a home. Mayor Wall said that *Habitat for Humanity* has given consideration to the property and feels they can use it for a home. The Mayor relayed his understanding that Delta Airlines is committed to do a quick home-build in July and the project would likely happen very quickly.

19:47:48 Council Member Morris Pratt **MOVED** to adopt Ordinance No. 11-10 – Declaring Certain Real Property Located at 2024 West 6200 South as Surplus to the Needs of the City, Establishing a Minimum Bid, and Directing the Mayor to Dispose of the Property, with a stipulation that construction be completed in a two-year period. Council Member Larry Johnson **SECONDED** the motion. Chairman Rechtenbach called for discussion on the motion. Discussion was held regarding any need for deed restrictions. Mayor Wall said he hesitates to implement restrictions on the sale and described the *Habitat for Humanity* Program. It was

suggested by Council Member Pratt that the stipulation be included that the property can only be sold if it is developed. Council Member Johnson inquired about compliance with building codes and assurance was given that building codes would be in force. Mayor Wall indicated that there may be a need to bring a variance request back. Council Member Pratt restated his motion to approve Ordinance 11-10, approving the surplus price as outlined, and including the requirement that the property must be developed within a two-year period and cannot be sold other than through *Habitat for Humanity*. There being no further discussion, Chairman Rechtenbach called for a roll call vote. The vote was as follows: Johnson-yes, Pratt-yes, Catlin-yes, Barbour-yes, and Rechtenbach-yes. **All City Council members voted in favor and the motion passed unanimously.**

6.2 Public Hearing – 6:30 p.m. – To Receive Public Comment on the Final Amendment to the Current Year’s Budget for the 2010-2011 Fiscal Year

19:52:12 City Administrator John Inch Morgan cited some technical changes to recognize \$286,542 in additional revenue received by the City.

19:52:52 Chairman Rechtenbach opened the public hearing and called for citizen comments.

19:53:20 There were no comments, and Chairman Rechtenbach declared the public hearing closed.

19:53:40 Council Member Morris Pratt asked for clarification regarding an increase in revenue from Comcast. Mr. Morgan confirmed that the increase reflects money owed over a period of time. He explained that the revenue being recognized is one-time money, but there will now be a small amount of additional revenue coming in regularly.

19:55:10 Council Member Pratt inquired about an increase under Line 57 in “Other Revenue.” Mr. Morgan agreed to research that amount and provide feedback.

19:55:58 Council Member Pratt cited an increase in the Streetlight Budget and asked about the trend. Mr. Morgan gave clarification and indicated that a savings on the new lights should be seen in the future. He confirmed that the majority of the streetlights have now been replaced.

6.1.1 Resolution No. 11-17 – Providing for the Final Amendment to the 2010-2011 Fiscal Year Budget – *John Inch Morgan*

19:57:10 Council Member Morris Pratt **MOVED** to adopt Resolution No. 11-17 – Providing for the Final Amendment to the 2010-2011 Fiscal Year Budget. 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: Johnson-yes, Pratt-yes,

Catlin-yes, Barbour-yes, and Rechtenbach-yes. **All City Council members voted in favor and the motion passed unanimously.**

6.3 Resolution No. 11-16 – Adopting a Budget for all City of Taylorsville Municipal Funds for the Fiscal Year Beginning July 1, 2011 and Ending June 30, 2012, Making Appropriations for the Support of the City of Taylorsville for the Same Fiscal Year Period, and Determining the Rate of Tax and Levying Taxes Upon all Real and Personal Property within the City of Taylorsville, Utah – *John Inch Morgan*

19:58:09 City Administrator John Inch Morgan referenced the revised budget he just e-mailed to the Council at the beginning of the meeting. He said the only change is to the Community Development Budget with a reduction of \$8,528. Mr. Morgan cited a request from Judge Kwan to have the Council consider moving the line for bailiffs within the Court Budget.

19:59:27 Judge Kwan asked that the bailiffs be taken out of the Court salary line and placed in a separate line for bailiffs, since the Court cannot control bailiffs and does not supervise them. The Council agreed.

20:00:49 Council Member Pratt referenced the certified tax rate and confirmed that this budget reflects that correct amount.

20:01:12 Council Member Pratt stated his confusion relating to the certified tax rate and asked for clarification on how it is calculated. Mr. Morgan gave explanation on how the certified tax rate is determined by adding in new growth. He said that more money was actually yielded than what was anticipated. He noted that this is good news for the City, as there were more assessed valuation growth in Taylorsville last year than originally predicted.

20:05:29 Council Member Pratt commented that this budget is purposely conservative on revenues, but said he is optimistic that revenues will increase. He suggested that some mid-year budget adjustments may be made to include some items that were cut from the budget.

Council Member Pratt thanked Chief of Finance Scott Harrington and other staff members for their work on the budget.

Mr. Morgan commended the efforts of Mr. Harrington, Senior Accountant Gerry Orr, and other members of the City Staff.

20:06:49 Council Member Morris Pratt **MOVED** to adopt Resolution No. 11-16 – Adopting a Budget for all City of Taylorsville Municipal Funds for the Fiscal Year Beginning July 1, 2011 and Ending June 30, 2012, Making Appropriations for the Support of the City of Taylorsville for

the Same Fiscal Year Period, and Determining the Rate of Tax and Levying Taxes Upon all Real and Personal Property within the City of Taylorsville, Utah. 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: Johnson-yes, Pratt-yes, Catlin-yes, Barbour-yes, and Rechtenbach-yes. **All City Council members voted in favor and the motion passed unanimously.**

7. OTHER MATTERS

20:08:10 Council Member Morris Pratt announced a meeting scheduled on June 16, 2011 from 7:00 p.m. to 8:00 p.m. at the Taylorsville Library regarding open space property on 4800 South. He noted that this is the second/last of two meetings and citizens are invited to bring input.

20:09:06 Council Member Pratt referenced the year-end budget for CDBG funds. He relayed that the Food Bank has purposely not used a sizable amount of their budget because of space limitations until the new building is completed. Mr. Pratt stated that a request will be coming back before the Council to carry money forward for equipment needs. Mayor Wall clarified that any existing monies may be carried over for up to three years. He noted that a public hearing would need to be held for any new money for which previous application was not made and said that can be done anytime upon notification.

20:11:10 Grants Manager Donald Adams relayed that bids should go out sometime in July and the new Food Bank building should be completed before the snow flies.

8. NEW ITEMS FOR SUBSEQUENT CONSIDERATION (No Action)

There were no new items for subsequent consideration.

9. NOTICE OF FUTURE PUBLIC MEETINGS (NEXT MEETING)

20:11:34

- 9.1 Town Meeting – Wednesday, June 29, 2011 – 6:00 p.m.
- 9.2 City Council Briefing Session – Wednesday, July 6, 2011 – 6:00 p.m.
- 9.3 City Council Meeting – Wednesday, July 6, 2011 – 6:30 p.m.
- 9.4 City Council Work Session – Wednesday, July 13, 2011 – 6:00 p.m.
- 9.5 City Council Briefing Session – Wednesday, July 20, 2011 – 6:00 p.m.
- 9.6 City Council Meeting – Wednesday, July 20, 2011 – 6:30 p.m.

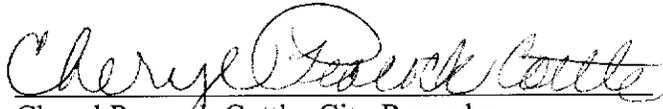
10. CALENDAR OF UPCOMING EVENTS

20:11:58

- 10.1 Taylorsville Dayzz – June 23-27, 2011 – See the City website for further details and a schedule of events: www.taylorsvilleut.gov

11. ADJOURNMENT

20:12:09 Council Member Larry Johnson **MOVED** to adjourn the City Council Meeting. Council Member Bud Catlin **SECONDED** the motion. Chairman Rechtenbach called for discussion. There being none, he called for a vote. The vote was as follows: Johnson-yes, Pratt-yes, Catlin-yes, Barbour-yes, and Rechtenbach-yes. **All City Council members voted in favor and the motion passed unanimously.** The meeting was adjourned at 8:12 p.m.


Cheryl Peacock Cottle, City Recorder

Minutes approved: CC 07-06-11

Minutes Prepared by: Cheryl Peacock Cottle, City Recorder