

City of Taylorsville
Work Session
Minutes

Wednesday, September 14, 2011
Council Chambers
2600 West Taylorsville Blvd., Room No. 140
Taylorsville, Utah 84129

Attendance:

Mayor Russ Wall

Council Members:

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

City Staff:

John Inch Morgan, City Administrator
John Brems, City Attorney
Cheryl Peacock Cottle, City Recorder
Jessica Springer, Council Coordinator
Del Craig, Chief of Police
Mark McGrath, Community Development Director
John Taylor, City Engineer
Scott Harrington, Chief of Finance
Donald Adams, Economic Development Director
Patrick Tomasino, Building Official
Tracy Wyant, Police Sergeant
Scott McMahon, Code Enforcement Officer
Jean Ashby, Admin. Asst. to Economic Dev.

Excused: Council Member Bud Catlin

Others: Israel Grossman, Kristie Overson, Ernest Burgess, Jim Dunnigan, John Gidney, Donna Drecksel, Dave Ballou, Daryl Gudmundson

Chairman Jerry Rechtenbach called the Work Session to order at 6:01 p.m. and welcomed those in attendance. City Recorder Cheryl Peacock Cottle conducted a Roll Call, wherein all Council Members were present.

1. Discussion Regarding Fireworks – *Jim Dunnigan & Jay Ziolkowski*

18:02:50 Chairman Rechtenbach expressed concern over the new Fireworks Law and how it affects homeowners in Taylorsville.

18:03:20 Representative Jim Dunnigan explained that the new law came about after a meeting with the County Fire Chief regarding the possibility of changing the law; after contemplation, it was decided that there are many of the larger fireworks that Utah does not want the public to use. Representative Dunnigan noted that the only firework that was deemed of lesser risk was the Aerial Repeater, which is designed to lose all heat before it hits the ground. Representative Dunnigan also confirmed that bottle rockets are still illegal in Utah; however, the majority of fires and injuries this firework season were from illegal bottle rockets. He stated that bottle rockets cannot be purchased in Utah, so people go to nearby states for purchase.

18:08:03 Council Member Barbour stated concern over the long time period that fireworks are allowed to be used. She cited issues with noise and nuisance. Representative Dunnigan acknowledged that the new law states that fireworks may be set off from July 1st through July 27th, which is three days before the first holiday and three days after the second holiday. He said that most stands in Taylorsville close down during the two weeks between these holidays.

18:10:31 Chairman Rechtenbach asked whether the goal of the bill to capture revenue going to nearby states is being seen in reality. Representative Dunnigan answered that additional revenue is definitely being seen all over the state for the Aerial Repeaters that are now allowed by law.

18:12:29 Council Member Johnson questioned Chief Del Craig about the number of tickets that were given out for fireworks during the fireworks season. Chief Craig relayed that the number of calls has doubled. Chief Craig stated he didn't currently have exact numbers on tickets and fines that were generated, but agreed to get that information to Council Member Johnson.

18:16:48 Chairman Rechtenbach expressed concern over an increase this year in seemingly more high powered fireworks. Representative Dunnigan answered that legislation is currently being drafted to introduce proposed changes to the time of day when fireworks can be discharged. He explained that this was not included originally because the State wanted to leave it up to local governments; however, it has now been decided that this should be uniform throughout the State.

18:18:27 Representative Dunnigan pointed out that local government is not allowed to restrict the types of fireworks that can be sold, as that is determined at the state level. He explained that the local government can impose certain restrictions through its noise ordinance.

18:19:51 Council Member Johnson referred to Taylorsville Dayzz and the fact that it is becoming so large. He questioned whether there is enough manpower in place to handle the increase. Representative Dunnigan expressed his appreciation of the question and stated that efforts are being made in several areas to increase manpower for the event. He confirmed that the City and the Taylorsville Dayzz Committee would like to keep Taylorsville Dayzz a family-friendly event.

18:22:20 Council Member Pratt asked about changing expiration dates for leave time of officers, so that they are not pressed to use leave time or lose it during Taylorsville Dayzz. City Administrator John Inch Morgan responded that this is something that the City is looking into, as well as various other options to increase police presence at the event. Council Member Pratt pointed out that if Taylorsville Dayzz is now a 401c3 the officers should be able to be paid out of the Taylorsville Dayzz event budget. Mr. Morgan answered that this is one of the areas the City is investigating.

18:25:13 Representative Dunnigan explained that Taylorsville Dayzz is largely funded by the City; however, there has been an increase in sponsors which helps to offset City costs along with revenue from booth rentals.

18:26:25 Council Member Barbour stated that it is her belief that no matter what happens, there will be people who purchase illegal fireworks. She suggested that this is still something that the City needs to monitor.

2. Discussion Regarding the Proposed Ordinance 11-13, Abatement of Weeds, Garbage and Refuse, Public Nuisances, and Illegal Objects and Structures
– *John Inch Morgan*

18:27:09 City Administrator John Inch Morgan explained that he would like to handle this agenda item in three parts, beginning with Code Enforcement's presentation of the largest areas of concern in the City.

Code Enforcement Officer Scott McMahon addressed the Council regarding vacant homes in Taylorsville. Office McMahon explained that the problem Code Enforcement is having is keeping vacant homes in compliance. He noted that most of the properties have been taken by the bank and the previous owners are under the impression that they do not have to maintain the property since they were basically evicted. He relayed that the banks are not taking responsibility because they don't have legal ownership.

Officer McMahon presented pictures of some of the worst vacant lot offenders in Taylorsville.

18:37:02 Chairman Rechtenbach expressed concern regarding the process for getting people to comply before the City takes action and incurs the expense of cleaning up the property.

18:38:17 Council Member Barbour asked about the \$15,000 fine and whether these large fines are ever paid.

18:39:49 Council Member Johnson referenced bench warrants as a means of collecting on fines. City Attorney John Brems responded that the City has problems getting speeders and other offenders to pay fines, let alone collecting for weed abatement.

18:42:00 Council Member Barbour questioned the timing involved and referenced criminal events that sometimes take years to process. Sergeant Tracy Wyant clarified that the City used to do this through a criminal process, but has now simplified the process by hiring an Administrative Law Judge.

18:42:39 City Attorney John Brems stated that the bottom line is that there is no great way to solve some of these property neglect issues. He outlined four ways that nuisances are pursued: 1) City cleans up the process, which is the ordinance before the council this evening (this is an amended ordinance because the Legislature changed the law in 2011); 2) Address nuisances through a criminal process (which is what the City used to do and it didn't seem to work very well); 3) Process through the City's Administrative Law Judge (ALJ) (an administrative proceeding where the homeowner is fined, but the fine doesn't necessarily have the same clout as a judgment since it is purely administrative); and 4) Pursue Civil Action (which can turn into a judgment).

Council Member Johnson asked about wage garnishments and whether that is an option. Mr. Brems stated that it is possible, as with any debt; however, it takes time to get to that step.

18:46:04 Chairman Rechtenbach asked for clarification on whether one action taken nullifies future action with regards to garnishments and liens. Mr. Brems explained that if a judgment is obtained and properly docketed, it becomes a lien on the real property. He said that the City can also pursue collection of the judgment through other means, i.e. garnishment, taking bank accounts, etc.

18:46:47 John Brems confirmed that the civil process can eventually lead to demolition of the offending house. Chairman Rechtenbach inquired where the funds come from to pay for a house demolition. Mayor Wall relayed that the funds for the recent demolition came out of community clean-up funds. He cited a need for discussion on this issue because the City cannot continue to pull from funds that are not available. He said the City also cannot continue to do nothing

because doing nothing kills neighborhoods. He noted that residents are expecting the City to deal with these issues. The Mayor observed that the examples being shown tonight are extreme cases and are not typical. He stated that the process in place under the Administrative Law Judge has been working the majority of the time.

18:51:04 Council Members continued to discuss the various options available to the City and the best options for collecting from the worst cases.

18:53:07 City Attorney John Brems outlined Ordinance No. 11-13, the changes from the previous ordinance, and how these changes will affect Taylorsville and the current Code Enforcement process. Mr. Brems explained that the proposed ordinance enacts the provisions under the new law that was passed in 2011; prior to the new law the process was that the City cleaned up the property; the property owner was then given notice to pay; if payment was not received then it was escalated to the County; the County held a hearing to determine if the amount owed is the proper amount; and eventually the amount was put on the owner's property taxes. He clarified that the new process means the City cleans up the property; the property owner is given notice; the City holds the hearing regarding the amount due; the County is notified and it becomes a lien on the real property. He acknowledged that the new law is basically just putting in place the hearing that must take place in the City; under the old law it took place in the County. He said that it also allows potential for a property lien versus a property tax increase.

18:55:30 John Brems asked for direction regarding Ordinance 11-13 and how the Council would like Administration to proceed. Council Member Pratt asked about the definition of noxious weeds. Mr. Brems explained that the State statute doesn't define noxious weeds, so Code Enforcement has been using the State agricultural definition for enforcement. Mr. Brems stated that the definition of noxious weeds can always be added into this ordinance.

19:01:44 City Administrator John Inch Morgan suggested that in a future meeting there be further discussion regarding how the City funds the upkeep on neglected properties. Chairman Rechtenbach agreed that this is something that needs to be addressed so that Administration and the Council have the same philosophy.

19:05:28 Mayor Wall pointed out that the results the City is seeing with its two Code Enforcement officers are tremendous; the City has fewer problem areas now than it did previously because of the phenomenal job the Code Enforcement Department is currently doing. He noted that the examples cited tonight are extreme cases only.

19:06:39 Council Member Barbour agreed that the Code Enforcement officers are making a difference in the City.

19:07:05 Council Member Johnson reiterated that the City should only be using the demolition of houses as an absolute last option.

**3. Discussion Regarding Chapter 11 of the Proposed Land Development Code
– Mark McGrath**

19:08:19 Community Development Director Mark McGrath called for discussion regarding guest houses in Taylorsville

19:11:30 Council Member Barbour expressed concern that adopting Chapter 11 means that any R1-15 could become an R2-15, which means that there could be two living units on every R1-15 lot. Chairman Rechtenbach responded that the ordinance allows either a guest house, an accessory apartment, or an extended living structure; the property owner could not have all of the above. He made clarification regarding separate buildings, separate families, and density issues.

19:16:45 Council Member Pratt stated that the limitation needs to be in the size of the guest house in relation to the house. He suggested that the guest house should be in proportion to the primary home. Chairman Rechtenbach agreed that limiting the size would limit the intensity.

19:18:37 Council Member Barbour expressed concern about limiting the size in relation to the main house and said that this could still allow a large guest house. Council Member Pratt answered that it may be too large for a guest house, but an accessory apartment in a basement would be the same size as the footprint of the house.

19:20:29 Mark McGrath suggested postponing Section Two (Accessory Structures) because, in review, there are some revisions that need to be made with regards to redundant language.

19:21:30 Council Member Pratt and Chairman Rechtenbach asked for clarification on possible issues identified in Section Two that Mr. McGrath could look at as revisions are done on this chapter.

19:25:50 Chairman Rechtenbach clarified that the pages regarding chicken coops could be deleted and that section could reference the current City animal ordinance with regard to chickens.

19:27:36 Council Member Johnson asked for clarification regarding kennels and outdoor animal structures and whether kennels refer to multiple dogs. Economic Development Director Donald Adams clarified that this is in reference to a dog run with a dog house and not a commercial kennel.

19:29:26 Mr. McGrath referenced the section on Home Occupations, stating that very little has been changed.

19:30:20 Council Member Pratt questioned whether a tow truck driver who brings a tow truck home is considered to be running a business out of his home. Mr. McGrath answered that there are stipulations on the size of the vehicle and where the truck can be parked if it is associated with a business.

19:31:36 Chairman Rechtenbach asked about Section Five regarding manufactured homes and called for clarification as to why two car garages are required if they are not required on single family homes. Mr. McGrath answered that single family homes are actually now also being required to have a two car garage. He explained that the intent of this requirement is to keep neighborhoods clean and orderly.

19:35:16 Council Member Pratt asked about the Habitat for Humanity Home and whether it will be required to have a two car garage. Chairman Rechtenbach answered that, following discussion with neighbors of the home, it will have a two car garage.

19:36:12 Mr. McGrath explained that the City is allowed to limit Habitat for Humanity-type facilities within a certain radius; however, Fair Housing has questioned this practice. He relayed that the State does let the City decide the limitations of placing the facilities; however, currently no City has legislated this because of the legal questions doing so could cause. He said Taylorsville has not addressed radius limitations in the current code because of how questionable it is and the potential for lawsuits if limitations are included.

19:39:29 Mark McGrath stated that this area of the code has very few changes, as there was a study done years ago that found that Taylorsville is in close compliance with the State Fair Housing Act.

19:40:31 Council Member Johnson asked about a section previously reviewed (Home Occupation) and the possibility of including a miscellaneous category in case the current list doesn't include something that comes up in the future. Mr. McGrath agreed to make that change.

19:42:28 Chairman Rechtenbach then asked about page 24, section 8, regarding half-pipe ramps in residential districts and the large amount of detail that is included. He inquired why this didn't fall under building permits. Mr. McGrath stated that there has been some problem with this in Taylorsville. He noted that Sandy City has also has some issues with this and found it helpful for the section to be large and detailed. Mr. Adams added that it is now more restrictive and is based on the history found in surrounding communities.

19:45:06 Council Member Johnson asked about private swimming pools and the size restrictions with regards to openings in surrounding fences and gates. Mark McGrath stated that this size restriction will be changed.

19:48:48 Council Member Barbour inquired about the distance requirement for Bed and Breakfast facilities and if the requirements are the same in a historical district. Mr. McGrath stated that there can be an exception built in for a historic district. Council Member Barbour asked if running a Bed and Breakfast is in compliance with the current ordinance and whether they should be allowed. Mr. McGrath stated that the restrictions are based on impact to the neighborhood, and there has never been an issue in Taylorsville.

19:55:01 Chairman Rechtenbach asked about Charter Schools and which category they would fall under. John Brems stated that it is a good idea to add Charter Schools to this definition.

19:56:39 Council Member Pratt referenced Farmers Markets and the size requirements, specifically relating to the Garden Club. He noted that, based on this restriction, the Garden Club space is larger than the requirement. He suggested making this size requirement larger. Mr. Adams agreed and stated that more research will be done so this doesn't end up preventing Community Gardens from being able to hold Farmers Markets.

20:02:25 Council Member Johnson asked about the section on roadside stands/vendors and the regulations regarding food stands. He asked how long they can be at a certain location before reapplying. Council Member Johnson stated concern about the potential for food vendors to become a nuisance if set up for a long period of time. Mr. Adams stated that this issue is further addressed in an upcoming section.

20:06:10 Chairman Rechtenbach asked about parking for church facilities in regard to street parking restrictions. Council Member Barbour noted that most churches in Taylorsville do not currently have enough parking. Mr. McGrath responded that the street parking stipulation is mostly intended to help the impact of cars in neighborhoods. He agreed that this is something that is necessary for churches, so the sentence will be removed. Council Member Pratt mentioned that safety issues can still be addressed without the curbs being striped.

20:07:58 Council Member Johnson asked about garage sales and how many are allowed at each residence per year. Mr. McGrath stated that this requirement is being changed to two garage sales allowed per year at each residence.

20:10:56 Chairman Rechtenbach asked about street vendors and what qualifies as a street vendor. He stated that he believes the language is a bit nebulous. John Inch Morgan answered that this is covered by permissions that are needed by business owners who own the parking lots in question.

20:12:32 Council Member Johnson asked if there is anything in place to protect established property tax paying-businesses from competing with street vendors. Mark McGrath answered that there are distance restrictions in place.

20:13:15 Council Member Johnson asked whether nearby residents have a voice in deciding whether a food stand will be allowed near their homes. Mark McGrath answered that public input is welcome and citizens can always express their concerns. Council Member Pratt suggested a separation standard for residential properties and street vendors. Mr. McGrath responded that a standard of 200 feet would be added into the language.

20:16:53 Chairman Rechtenbach addressed Mobile Businesses and how the cleanliness of the area applies to a catering truck. Mr. McGrath said that this speaks to garbage cans being available for people to dispose of trash generated from the business. Council Member Johnson asked about the catering truck that used to be in front of Furniture Warehouse and the fact that it wasn't truly mobile. He questioned whether that is, in fact, allowed. Mr. McGrath answered that they were not in compliance and were actually ticketed.

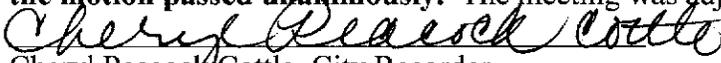
20:21:52 The Council and Administration discussed additional questions regarding language and redundancy in the current chapter. Mr. McGrath addressed each issue and assured the Council that the appropriate changes would be made.

20:30:16 Chairman Rechtenbach called for further discussion on this section, and there was none.

20:30:36 City Recorder Cheryl Cottle reminded the Council about the Board of Canvassers Meeting scheduled for Tuesday, September 20, 2011 at 6:00 p.m. in the City Council Chambers. She stated that the purpose of the meeting is to certify election results.

4. Adjournment

Council Member Dama Barbour **MOVED** to adjourn the City Council Work Session. Council Member Morris Pratt **SECONDED** the motion. Chairman Rechtenbach called for discussion. There being none, he called for a vote. The vote was as follows: Catlin-excused, Barbour-yes, Rechtenbach-yes, Johnson-yes, and Pratt-yes. **All City Council members voted in favor and the motion passed unanimously.** The meeting was adjourned at 8:31 p.m.


Cheryl Peacock Cottle, City Recorder

Minutes approved: CC 11-02-11