

City of Taylorsville
Work Session
Minutes

Wednesday, February 10, 2010
Council Chambers
2600 West Taylorsville Blvd., Room No. 140
Taylorsville, Utah 84118

Attendance:

Mayor Russ Wall

Council Members:

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

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
Jamie Brooks, Court Administrator
Marsha Thomas, Judge
Michael Kwan, Judge
Tessa Kohl, Victim Advocate
Shell Summers, Court Clerk
Keith Snarr, Economic Development Director
Patrick Tomasino, Building Official

Others: John Gidney, Gordon Wolf, Denis Morrill, Rebecca Palmer, Michael Wright, Christine Herron, Karena Jackson

Chairman Bud Catlin 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. Closed Session

Council Member Morris Pratt **MOVED** to convene a Closed Session to discuss the sale and purchase of real property at 6:02 p.m. Council Member Jerry Rechtenbach **SECONDED** the motion. Chairman Bud Catlin called for discussion on the motion. There being none, he called for a roll-call vote. The vote was as follows: Barbour-yes, Pratt-yes, Catlin-yes, Handy-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: Council Members Barbour, Catlin, Johnson, Pratt, and Rechtenbach. Also present were Mayor Wall, City Administrator John Inch Morgan, City Attorney John Brems, and City Recorder Cheryl Peacock Cottle, Economic Development Director Keith Snarr, Denis Morrill, Avalon Health Care, and Michael Wright with Giza Development.

Minutes for the Closed Session were taken and are now on file as a Protected Record.

Council Member Jerry Rechtenbach **MOVED** to adjourn the Closed Session at 6:53 p.m. and convene the City Council Work Session. Council Member Morris Pratt **SECONDED** the motion. Chairman Bud Catlin called for discussion on the motion. There being none, he called for a roll-call vote. The vote was as follows: Barbour-yes, Pratt-yes, Catlin-yes, Handy-yes, and Rechtenbach-yes. **All members of the City Council present voted and the motion carried by a unanimous vote.**

18:56:09 The regular City Council Meeting was reconvened at 6:56 p.m.

2. Budget Discussion – *John Inch Morgan*

18:56:37 City Administrator John Inch Morgan invited Court Administrator Jamie Brooks to update the City Council on budget issues related to the Court. Mr. Morgan stated that, following Ms. Brooks, Judge Kwan would render a presentation on resolving differences between court revenue and expenditures.

2.1 Courts

18:57:30 Court Administrator Jamie Brooks updated the Council on the status of the Court. She stated that the numbers included in the Council packet have now changed. Ms. Brooks provided current figures for Accounts Receivable, as follows:

- 1820 cases reviewed
 - 61% in judicial review or being updated by staff
 - 17% court date pending
 - 7% to collections
 - 6% case closed
 - 1% active bench warrant
 - <1% specialty court
 - <1% pursuing bond forfeiture

18:59:58 Ms. Brooks called for questions from the Council.

19:00:06 Council Member Rechtenbach observed that trends are going up so far this year and Ms. Brooks reviewed contributing factors for the improved trend, including the implementation of interest charges, changes to staffing assignments, and increased focus on tracking cases. She predicted that the trend will continue as cases are pursued

19:01:41 Mr. Brooks clarified that some cases date back to 1996, although focus is on the recent and more collectible cases. She anticipated that, if efforts continue at this pace, it will take approximately 14 months to catch up on the backlog of cases covering the last year and a half.

19:02:47 Ms. Brooks indicated that she will be changing the delegation of assignments for pursuing past collections.

19:03:53 Judge Michael Kwan distributed his "best guess" of what would happen with revenues and expenses under the options of merging the court with another entity or shutting it down completely.

19:05:56 Judge Kwan stated that he believes the options of merging the court or shutting it down do not make sense. He estimated that an agreement for a 25% revenue split would still result in a negative balance in the court budget through FY 2012. Judge Kwan referenced a wind down period when the City would basically be paying to run two courts. He reviewed additional estimates, based on a 33% split and a 50% split. The judge noted that Taylorsville has a justice court for the convenience of its citizens.

19:08:30 Council Member Rechtenbach called for the judge to present solutions for solving the existing problems in the court.

19:09:22 Judge Kwan stated his belief that too many people are in charge within the court, basically leaving no one in charge. He said that the Court is divided. He suggested putting one person in charge and letting that individual administer Court functions.

19:10:47 Judicial functions were discussed and Judge Kwan noted that if he were to take on administrative responsibilities within the Court, he would still be bound by the law and also by the budget.

19:11:27 Discussion was held regarding the roles of the three branches of government and separation of powers. It was noted that the legislative branch has control over the budget.

19:13:28 Judge Kwan stated that the court's problems are not structural but, rather, are related to management. He noted that it has only been the last two year's in the City's history that the Court has not broken even and covered expenses.

19:14:38 Judge Kwan suggested that the person with the most court experience be allowed to run the Taylorsville Court. He asked the City Council to take a leap of faith in his ability by allowing him to take over administrative duties for the court.

19:17:38 Judge Kwan cited issues with the previous administration, but said he has a good working relationship with Mayor Wall. He noted the importance of respecting boundaries.

19:20:47 Council Chairman Catlin referenced the domestic violence court and the costs involved. He called for Judge Kwan's opinion on shutting down the domestic violence and drug courts.

19:22:08 Judge Kwan stated his belief that it would be a mistake to discontinue the domestic violence and drug courts. He indicated that, although the programs are not required by statute, best practices results show benefits.

19:23:29 Problem solving courts within the State were discussed.

19:24:11 Judge Kwan described functions of the drug court and cited practical reasons for having consolidated courts. He listed other cities that currently have domestic violence courts.

19:27:27 Judge Kwan clarified that under his proposed plan, he would be in charge of the Administration of the Court, as he was in earlier years.

19:28:57 Mayor Wall stated that the court issues are beyond his own capacity to resolve. He asked that Judge Kwan present his proposal to the Council.

19:29:39 Judge Kwan indicated that, under his proposal, he would be the liaison to the City Council and to Administration.

19:30:45 Judge Kwan referenced checks and balances that are built into the court system.

19:35:20 Judge Kwan reviewed the history of the Taylorsville Court and cited several contributing factors to the current situation.

19:36:32 Council Member Rechtenbach referenced the need for a mechanism to ensure that the court budget is followed.

19:37:30 Judge Kwan cited the importance of open communication.

19:39:57 Discussion was held regarding the issue of transporting defendants to court.

19:42:34 Mayor Wall reviewed the history surrounding his issuance of an executive order to cease and desist with the transportation of criminals.

19:43:42 Additional discussion ensued regarding the Drug Court Program.

19:44:52 Estimates were referenced for costs to run the Drug Court, as provided by Mr. Morgan.

19:45:43 Judge Kwan described benefits and efficiencies that are gained by consolidating drug-related cases. He indicated that suspending the Drug Court will save the City approximately \$29,000 annually, but noted that many of those defendants will then require public counsel or jury trials, resulting in increased costs to the City.

19:47:34 Judge Kwan indicated that the Court currently gets by with about one jury trial per month because of the Drug Court program.

19:48:47 Judge Kwan gave clarification on defendants who are prevented from coming to court because they are incarcerated.

19:48:52 Ms. Brooks presented her perspective on resolving issues in the Court. She said that she believes the problems can be fixed, but recognized the time sensitivity involved. Ms. Brooks noted that it has taken many years to get to the current status within the court and will take time to resolve. She stated that her first point of attack is collections. She indicated that the tracking of cases ceased in 2006. She said that the software conversion was another contributing factor.

19:52:36 Council Member Johnson called for clarification on the history of the drop in Court revenue.

19:54:02 Mr. Morgan reported on current revenue and expenditures and described the history of court revenue and court staffing.

19:55:58 Mr. Morgan reviewed the history of Court Administrators in Taylorsville and indicated that there have been four such administrators since 2001.

19:58:58 Ms. Brooks predicted that the Court situation will continue to improve each month. She agreed that monthly reports from the Court are appropriate.

19:59:37 Council Member Pratt cited the drop in sales tax revenue and questioned how a smaller court budget might affect the plans being proposed.

20:00:27 Ms. Brooks acknowledged that she needs sufficient staff hours to implement her plan.

20:00:49 Judge Kwan stated the need to complete a policies and procedures manual for court employees. He said that the court has hardworking employees, but they have not been sufficiently trained. He suggested not holding hearings for one week while training is conducted for clerks. Judge Kwan noted the need to retain the best employees, train them adequately, and then hold them accountable.

20:03:21 Discussion was held regarding statistics for new case filings, court revenues, and court expenses.

20:08:33 Judge Kwan confirmed that if clerks were better trained and subsequently more efficient, less staff would be required.

20:09:22 Judge Kwan stated his obligation to the citizenry of the City to spend as much time as necessary to administer the court. He cited the necessity to weigh the value of having a court in Taylorsville and his ability to efficiently manage the court. Judge Kwan predicted that a court of Taylorsville's size would be difficult to merge with another entity.

20:13:46 Council Member Pratt expressed his appreciation to Judge Kwan and also to Ms. Brooks.

20:14:20 Mayor Wall cited differing opinions on how to save money in the Court. He indicated that he does not have an answer as to which plan will be more successful.

20:16:17 Discussion was held on the time line required for making a joint decision about the court. Mayor Wall said that he is unsure whether a decision can be reached by March 12, 2010.

20:17:04 Mr. Morgan indicated that he has contacted both West Valley City and West Jordan, who have expressed interest in discussing a possible merger. He said that further negotiations regarding a split must be held before potential costs can be determined. He described types of interlocal agreements that other cities have developed. Mr. Morgan cited many factors that complicate the decision on the court and the development of an agreement with another entity.

20:19:34 Council Member Rechtenbach said he is hesitant to rush to judgment and more inclined to “put feet to fire and see what can be produced.” He recommended allowing Ms. Brooks six more months to show improvement and then if she is unsuccessful, turning the court over to Judge Kwan.

20:21:12 Chairman Catlin agreed with Mr. Rechtenbach, but said he would like an evaluation in five months at the beginning of the fiscal year. Mayor Wall agreed with that time frame.

20:22:14 Council Member Barbour stated that she honestly doesn’t know which option to pursue.

20:22:21 Council Member Pratt said he strongly agrees that policies and procedures must be implemented. He stated that July 1, 2010 is a reasonable target date for evaluation of the court options.

20:23:12 Council Member Johnson said that he agrees with Mr. Rechtenbach and does not wish to rush into a decision about the court. He also agreed with Judge Kwan about the need for better training of court clerks and reducing court staff.

20:24:06 Mr. Morgan suggested scheduling further discussion regarding the court at next week’s meeting. It was confirmed that a Closed Session will be held on February 17, 2010.

20:24:18 Mayor Wall inquired about the Council’s desire to continue pursuing legislative options and the Council gave direction to proceed in that direction. It was determined that further discussion will be held next week in order to make a decision about the court.

2.2 Community Development

20:26:20 City Administrator John Inch Morgan asked Community Development Director Mark McGrath to make a brief presentation on the budget for the Community Development Department.

20:26:58 Mr. McGrath reviewed expenditure trends in his department, including the Good Landlord Program, the Unified Development Code, Building Projects, and UDOT projects. He noted that the Silvercrest project, consisting of 180 Single Family units, and the Taylorsville

Park Senior Housing project, consisting of 60 units, are all being built at the same time. He said that this many units have never been constructed at the same time over the course of the City's history.

20:28:43 Mr. McGrath relayed that the Building Department has been very busy and generated approximately \$411,000 in revenue during calendar year 2009 through building permits and plan review fees. He referenced several UDOT Projects that require oversight by City Engineer John Taylor and Public Works Inspector Lyle Hansen.

20:29:46 Council Member Pratt cited a downturn of 13% in the number of building permits from 2008 to 2009.

20:32:02 Mr. McGrath reviewed reasons for gauging the workload in the Building Department through revenue that is generated. He said that despite the downturn in the economy, 2009 and 2008 were above average years in terms of revenue.

20:32:32 Mr. McGrath reviewed proposed expenditure reductions. He cited some specific expenses for which the City is contractually obligated.

20:33:24 City Administrator John Inch Morgan gave explanation on engineering contracts held by the City in relation to site plan reviews and capital projects.

20:35:18 Mr. McGrath addressed questions about the Community Development Department being a self-funding department and further reviewed revenue and expenses.

20:36:04 Mr. McGrath reviewed organization in the Community Development Department and cited minimal staffing in Taylorsville, which differs vastly from other cities.

20:38:24 Mr. McGrath reviewed personnel assignments and services provided within the Business License Division.

20:39:38 Mr. McGrath reviewed functions of the Building Division, i.e. (1) Coordinates Application Process for Building Permits; (2) Plan Review; (3) Inspection Services; (4) Inspection Coordination; and (5) Emergency Response.

20:41:11 Mr. McGrath listed personnel and related assignments in the Building Division, clarifying that there are 3 ½ full-time employees in that division. He also reviewed the fee and no-fee services performed within the Building Division.

20:42:29 Mr. McGrath reviewed the functions of the Engineering Division, consisting of City Engineer John Taylor and Public Works Inspector Lyle Hansen, i.e. (1) Coordinates Application

Process for Encroachment (road cut) Permits; (2) Plan Review; (3) Inspection Services (public works)/Storm Drain; and (4) Oversees Capital Improvement Projects.

20:43:26 Mr. McGrath reviewed Fee and No Fee Services performed in the Engineering Division.

20:45:36 Mr. McGrath reviewed functions of the Planning Division, i.e. (1) Staff Support for Planning Commission, Board of Adjustment, and City Council; (2) Entitlements; (3) Zoning and Land Use Approvals; (4) CDBG Reports; (5) General Plan and Development Ordinance Maintenance; (6) Mapping; and (7) Regional and Inter-agency Coordination.

20:46:41 Mr. McGrath listed the three employees in the Planning Division.

20:47:06 Mr. McGrath reviewed fee and no fee services provided in the Planning Division.

20:48:38 Council Member Rechtenbach inquired whether it is realistic to expect the Community Development Department to be self sufficient.

20:50:03 Mr. McGrath reviewed reasons that it is not realistic to expect the department to be self sufficient.

20:51:12 Mr. Morgan stated that, based on his experience, most of the Community Development Departments in other entities are not self sufficient.

20:52:45 Mr. McGrath offered his opinion that 80% of recoup is excellent and way above average, due to low staffing levels. He cited the ISO rating for the City and explained that Taylorsville received very high ratings, except in staffing levels. He noted that this clearly illustrates the City's philosophy on low staffing.

20:56:25 Mr. McGrath gave clarification on his primary job being long range planning, ordinance development, and work on the General Plan. He stated that the two planners mainly focus on day-to-day planning services.

20:56:59 Mr. McGrath stated that building is not down, but is above average. He confirmed that there are fewer projects, but they are larger scale projects which require more intensive plan review and building inspections.

20:58:31 Mr. Morgan referenced ideas of redeploying some individuals to help with redevelopment projects. He emphasized that staffing is based on the current workload. He noted that the workload has not gone down, but if it does employees may be reassigned. Mr. Morgan

cited the intensity of the current workload which is being driven by large projects. He referenced the City's statutory requirement to go in and inspect new projects.

20:58:19 Chairman Catlin inquired whether the department could get by with one less planner. Mr. McGrath said that reducing staff by one planner would result in a serious loss in service to the community.

21:00:18 Mr. McGrath made recommendations to conduct fee studies to evaluate building fees, engineering fees, and planning fees. He recommended a less intensive study than the business license analysis.

21:04:52 Ms. Barbour questioned whether the studies described might be done in-house, and Mr. McGrath confirmed that they could be performed in house.

21:06:00 Mayor Wall stated that the City could reduce by one planner, but Administration does not recommend doing so because it would result in fewer services to citizens.

21:07:19 Council Member Pratt stated that he disagrees with the assertion that no fee services are provided in the business license division because they are accounted for in Business License Fees.

21:08:32 Mr. McGrath gave explanation on projections made for recommended expenditure reductions.

21:09:52 Council Member Pratt inquired about increases in salaries and benefits.

21:10:19 Mr. Morgan agreed to examine the increase and provide explanation.

21:10:48 Mayor Wall addressed questions about expenses for abatement. He stated that, through implementation of the Good Landlord Program, business licenses may be pulled immediately and daily fines may be implemented through the Administrative Court in order to reduce abatement costs. He cited success in other Cities with abatement issues through use of the Good Landlord Program.

2.3 Other Budget Matters

21:13:21 Discussion was held regarding Budget Line 191 for the Arts Council.

21:15:12 Council Member Pratt asked Arts Council Member Gordon Wolf to address this issue.

21:15:59 Mr. Wolf gave explanation regarding the Arts Council Budget. He said that it doesn't make sense, based on current budget issues, for the City to allocate funds for the Arts Council. Mr. Wolf said that efforts will be made for the Arts Council to raise its own funds.

3. Other Matters

21:17:45 Council Member Johnson commended Gordon Wolf for his efforts. Mr. Johnson also cited a need to re-examine employee salaries and benefits

4. Adjournment

Council Member Morris Pratt **MOVED** to adjourn the City Council Work Session. Council Member Dama Barbour **SECONDED** the motion. Chairman Catlin called for discussion. There being none, he called for a vote. The vote was as follows: Barbour-yes, Pratt-yes, Catlin-yes, Handy-yes, and Rechtenbach-yes. **All City Council members voted in favor and the motion passed unanimously.** The meeting was adjourned at 9:19 p.m.



Cheryl Peacock Cottle, City Recorder

Minutes approved: CC 03-03-10

Minutes Prepared by: Cheryl Peacock Cottle, City Recorder