

**City of Taylorsville**  
**CITY COUNCIL MEETING**  
*Minutes*

**Wednesday, June 16, 2010**  
**Council Chambers**  
**2600 West Taylorsville Blvd., Room No. 140**  
**Taylorsville, Utah 84118**

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**BRIEFING SESSION**

**Attendance:**

Mayor Russ Wall

**Council Members:**

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

**City Staff:**

John Inch Morgan, City Administrator  
John Brems, City Attorney  
Cheryl Peacock Cottle, City Recorder  
Scott Harrington, Chief of Finance  
Mark McGrath, Community Development Director  
John Taylor, City Engineer

**Excused:** Council Coordinator Jessica Springer

**BRIEFING SESSION**

**1. Review Administrative Report**

18:02:34 Chairman Morris Pratt 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 Pratt called for questions on the Administrative Report for Community Development. Community Development Director Mark McGrath gave clarification on discussion recently held in the Planning Commission Work Shop regarding temporary business licenses.

## **2. Review Agenda**

The agenda for the City Council Meeting was reviewed. Chairman Pratt noted a need to discuss the City Booth for Taylorsville Dayzz under Agenda Item 7.2.

18:14:10 The Briefing Session was adjourned at 6:14 p.m.

## **3. Closed Session**

### **a. Strategy Session to Discuss the Professional Competence of an Individual**

It was determined that a closed session to discuss the professional competence of an individual was not needed at this time.

### **b. Strategy Session to Discuss the Sale and Purchase of Real Property**

It was determined that a closed session to discuss the sale and purchase of real property was not needed at this time.

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## **REGULAR MEETING**

### **Attendance:**

Mayor Russ Wall

### **Council Members:**

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

### **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  
Patrick Tomasino, Building Official  
John Taylor, City Engineer  
Scott Harrington, Chief of Finance  
Keith Snarr, Economic Development Director  
Jean Ashby, Deputy Recorder  
Robin Kishiyama, Human Resources Director

Dan Moriarty, Police Sergeant  
Marsha Thomas, Judge  
Gerry Orr, Senior Accountant  
Wayne Dial, Assistant Police Chief  
Lisa Schwartz, Emergency Response Coordinator  
Patricia Kimbrough, Executive Assistant  
MarRae Boyer, Receptionist  
Shell Summers, Court Clerk  
Rosie Rivera, Lieutenant  
Elaine Waegner, Volunteer/Event Coordinator  
Mary Lund, Building Department Clerk

**Excused:** Council Coordinator Jessica Springer

**Citizens:** Andy Neff, Matt Zundel, Keith Sorensen, Renee Sorensen, Ken Duvall, Rhetta McIff, Gabe McIff, Kourtney Miles, Alyssa Shelline, Ken Duvall, Jason Wyat, Robert Harwood, Dinah Hughes, Helen Middleton, Korla Rush, Michael Taylor, Rand Kunz, JoEllen Kunz, Alesha Kunz, Matt Zundel, Sharon Briggs, Marv Mackey, Ken Zcker, Aimee Newton, Suzan Bukovinsky, John Gidney, Raily Jacquet, Gordon Wolf, Pam Roberts, Kevyn Smeltzer, Harlan Christmas, Steve Ashby, Jay Ziolkowski, Hal Armstrong, Adam Crayk, Judy Roberts, Tom Gardiner

**1. WELCOME, INTRODUCTION AND PRELIMINARY MATTERS**

18:30:23 Chairman Morris Pratt called the meeting to order at 6:30 p.m. and welcomed those in attendance. City Recorder Cheryl Peacock Cottle conducted a Roll Call, wherein all Council Members were present.

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

Council Member Larry Johnson directed the Pledge of Allegiance.

**1.2 Reverence – Council Member Rechtenbach (Opening Ceremonies  
For July 7, 2010 to be arranged by Youth Council)**

Council Member Jerry Rechtenbach offered the Reverence.

### **1.3 Citizen Comments**

18:33:24 Chairman Morris Pratt reviewed the Citizen Comment Procedures for the audience. He then called for any citizen comments.

18:33:52 Alyssa Shelline stated that she lives on 1783 West Chateau Avenue. She cited drivers along her street that are speeding. She called for speed bumps, etc. Chairman Pratt agreed to ask the Directed Enforcement Officer to follow up on this issue.

18:35:00 Suzan Bukovinsky stated that Taylorsville is still a clean and pleasant place to live. She cited budget concerns regarding freezing wages, departmental budget cuts, and cuts to training in the Police Department. She noted that wages are being frozen at the same time that employees are being required to pay more for health insurance. She said it may be unwise to keep asking City employees to do more for less and cited the potential effect on morale and services provided to citizens. Ms. Bukovinsky spoke in favor of a tax increase in the amount of \$2 to \$4 per month per household. She suggested that a household tax be added to a utility bill so that renters would pay the same amount as homeowners. Ms. Bukovinsky inquired as to why the City is dragging its feet on joining the Unified Police Department (UPD). She expressed her understanding that joining UPD would save the City \$300,000 per year right from the start, would provide more coverage for citizens, and would give officers more opportunities. She said that police officers should be given the opportunity to express their desires regarding participation in the UPD.

18:37:57 Ken Duvall, representing a group of citizens in attendance, spoke in favor of pursuing economic development projects. He asked the Council to do what is best for the citizens and businesses of the community. He suggested that the City be willing to invest in economic development.

18:40:03 Chairman Pratt assured the group that the City is on the right track for economic development. He noted that a renewed commitment has been made during this budget session.

18:41:56 Mr. Duvall asked that the City's vision for economic development be made public.

18:41:48 Council Member Rechtenbach reviewed steps the City has taken to help pursue economic development more aggressively. He relayed that the City is currently working on a plan to provide incentives. He indicated that it may take up to \$10 million to offer incentives to the right businesses.

18:44:13 Tom Gardner submitted a petition signed by approximately 36 citizens in favor of a slight tax increase. He said that these individuals are not in favor of reducing services and do not want a situation down the road where large taxes are implemented. He thanked the Council and

the Mayor for their hard work and efforts in bettering the City. Mr. Gardner expressed hope that elected officials will continue to listen to citizens and press forward.

18:45:38 Chairman Pratt recognized Scouts in attendance from Troop 1091.

18:45:55 There were no additional citizen comments, and Chairman Pratt closed the citizen comment period.

#### **1.4 Mayor's Report**

Mayor Russ Wall reported that a rededication of the Bridgeside Park, at 4700 South and the Jordan River, was held earlier this morning. He recognized former City Council Member/Architect Keith Sorensen, who designed the Freedom Shrine Memorial, along with Renee Sorensen, from the Exchange Club, for their efforts. The Mayor thanked Mr. and Mrs. Sorensen for their vision for the beautiful memorial which features historic documents and plaques which honor Taylorsville citizens who have lost their lives during military service in Afghanistan and Iraq.

##### **1.4.1 Proclamation Recognizing Teacher Judy Roberts for Receiving the Jordan School District's Educator of the Year Award for 2010**

18:49:13 Mayor Wall recognized Judy Roberts, a teacher from Jordan School District, and congratulated her for receiving the *Educator of the Year Award* for 2010. The Mayor presented Ms. Roberts with a proclamation from the City of Taylorsville.

##### **1.5 Recognition of the Best of Taylorsville Home & Business Beautification Awards – Rhetta McIff, LARP Chair**

18:51:21 LARP Chair Rhetta McIff presented the *Best of Taylorsville Business Beautification Award* to Rand, JoEllen and Alesha Kunz, of Great Harvest Bread.

#### **2. APPOINTMENTS**

There were no appointments.

#### **3. REPORTS**

##### **3.1 UDOT Presentation – Matt Zundel**

18:56:07 Matt Zundel, of UDOT, presented information regarding projects to improve east-west traffic flow. He described transportation improvement project that are currently under

construction, as follows: CFI's on Bangerter Highway at 4700 South and 5400 South; Redwood Road at 5400 South and 6200 South; FLEX lanes along 5400 South; and TRAX light rail extension to West Valley City.

Mr. Zundel reviewed the environmental study and referenced plans for improvements on Bangerter Highway at 7000 South and 7800 South. He extended an invitation for citizens to attend an Open House on Wednesday, June 30, 2010 from 4:30 to 7:00 p.m. when information will be shared and public input will be received.

19:06:39 Mayor Wall referenced the previous East-West Corridor Study and the initial plan to make 6200 South a full interchange. He inquired when that plan was changed. Mr. Zundel agreed to follow up on the question and gather more information.

Mayor Wall cited elementary schools located on 6200 South and the need for overhead pedestrian crosswalks across 6200 South. The Mayor agreed to have the City Engineer provide additional explanation regarding safety issues in that area. Mr. Zundel said that he would make sure consideration is given to necessary crosswalks.

Council Member Rechtenbach inquired about the *WeGo* Project and noted that he has been receiving e-mails in triplicate for that program.

### **3.2 Quarterly Report, Public Works – *Kevyn Smeltzer***

19:09:08 Kevyn Smeltzer, of Salt Lake County Public Works, reported on public works activities in Taylorsville during the previous quarter.

19:09:19 Mr. Smeltzer noted that data listed under Item 4 in the Quarterly Report related to General Maintenance is mostly for crack sealing and not for potholes.

19:10:20 Mr. Smeltzer thanked the Taylorsville CERT teams who helped with water issues on the east side of the valley last week.

19:10:48 Council Member Catlin requested that the pothole on 4200 South and 1300 West be filled.

19:11:07 Chairman Pratt inquired about the overlay being conducted on streets in his district. Mr. Smeltzer anticipated that overlay would be completed within the next two weeks. Chairman Pratt referenced the dumpsters that will be in the neighborhood soon. Mr. Smeltzer confirmed that coordination with the Sanitation Department is done.

### **3.3 Quarterly Report, Sanitation, Special Service District #1 – Pam Roberts**

19:11:59 Salt Lake County Sanitation Director Pam Roberts reported on sanitation services in Taylorsville during the past quarter, January through March. She reviewed goals and diversion rates and referenced costs saved to fuel and maintenance. She described safety goals that have been set and reviewed district wide collection information.

19:15:37 Ms. Roberts relayed that the Area Cleanup will continue until July 1, 2010. She noted that the Sanitation Department will be participating in the Taylorsville Parade with a recycle truck. She said that two community collection sites for glass are being sought and Taylorsville is being considered because of its central location in the valley.

19:17:05 Ms. Roberts cited the new Public Works Administration Building located at 604 West 6690 South in Midvale.

### **3.4 Quarterly Report, Courts – Doug Stowell & Jeremy D. Eveland**

19:18:51 Judge Marsha Thomas asked that Judge Kwan be excused due to another meeting commitment.

19:18:45 Adam Crayk, representing his partner Doug Stowell, reported on indigent defense services provided in the Taylorsville Municipal Court during the previous quarter.

19:19:37 Hal Armstrong, of Eveland Associates, reported on prosecution services in Taylorsville. He noted that Eveland will not be serving the City much longer, but stated that he has enjoyed his time working in Taylorsville.

## **4. CONSENT AGENDA**

### **4.1 Minutes – RCCM 05-19-10**

Chairman Pratt noted a correction needed to the minutes of the May 19, 2010 City Council Meeting on Page 9, Line 26. The City Recorder agreed to make the needed change.

19:22:35 Council Member Jerry Rechtenbach **MOVED** to adopt the Consent Agenda, with the correction noted. Council Member Dama Barbour **SECONDED** the motion. Chairman Pratt called for discussion on the motion. There being none, he called for a roll call vote. The vote was as follows: Rechtenbach-yes, Johnson-yes, Catlin-yes, Barbour-yes, and Pratt-yes. **All City Council members voted in favor and the motion passed unanimously.**

## 5. PLANNING MATTERS

There were no planning matters.

## 6. FINANCIAL MATTERS

### 6.1 **Ordinance No. 10-20 – Declaring Certain Real Property Located at Approximately 4700 South Redwood Road as Surplus, Establishing a Minimum Bid, and Establishing the Method for Determining the Highest and Best Economic Return to the City – John Inch Morgan**

19:23:41 City Administrator John Inch Morgan referenced a State project currently under construction at 4700 South and Redwood Road and relayed that UDOT has presented an offer to purchase a sliver of property in that area from the City. He illustrated the subject property for the Council and reported that an appraisal was conducted to determine the value of the property. He also illustrated the construction easement that is being requested.

19:25:00 Mr. Morgan affirmed that UDOT will restore the property affected by the easement following construction. He gave clarification on neighboring property that is owned by Salt Lake County. It was noted that \$42,910 is the proposed minimum bid for the City's parcel.

19:26:12 Council Member Dama Barbour **MOVED** to adopt Ordinance No. 10-20 – Declaring Certain Real Property Located at Approximately 4700 South Redwood Road as Surplus, Establishing a Minimum Bid, and Establishing the Method for Determining the Highest and Best Economic Return to the City. Council Member Bud Catlin **SECONDED** the motion. Chairman Pratt called for discussion on the motion. There being none, he called for a roll call vote. The vote was as follows: Rechtenbach-yes, Johnson-yes, Catlin-yes, Barbour-yes, and Pratt-yes. **All City Council members voted in favor and the motion passed unanimously.**

### 6.2 **Resolution No. 10-20 – Accepting a Grant from the Utah Department of Homeland Security for the Emergency Management Performance Grant (EMPG) – John Inch Morgan**

19:26:52 City Administrator John Inch Morgan described an emergency management performance grant awarded from the Utah Department of Homeland Security in the total amount of \$11,752. He explained that the grant is broken down into two segments, with \$5,900 for the Interoperable Communication Project and \$5,852 for the City's Emergency Operations Center Project.

Mr. Morgan relayed that the grant requires 50% in matching funds, which is already reflected in the 2010-2011 budget.

19:27:52 Mr. Morgan noted that in the event of an emergency, the Taylorsville City Center becomes the Emergency Operation Center (EOC) for the City.

19:28:31 Council Member Larry Johnson **MOVED** to adopt Resolution No. 10-20 – Accepting a Grant from the Utah Department of Homeland Security for the Emergency Management Performance Grant (EMPG). Council Member Jerry Rechtenbach **SECONDED** the motion. Chairman Pratt called for discussion on the motion. There being none, he called for a roll call vote. The vote was as follows: Rechtenbach-yes, Johnson-yes, Catlin-yes, Barbour-yes, and Pratt-yes. **All City Council members voted in favor and the motion passed unanimously.**

**6.3 Ordinance No. 10-19 – Providing for the Final Amendment to the 2009-2010 Fiscal Year Budget – John Inch Morgan**

19:29:09 City Administrator John Inch Morgan noted that amendments to the 2009-2010 FY Budget must be adopted by the end of the current fiscal year (June 2010).

19:30:07 Chief of Finance Scott Harrington described two changes made to the FY 2009-2010 Budget in Version 3, as follows: an increase to surcharges and an increase in the public utilities line item.

Mr. Harrington reported that approximately \$400,000 should fall to the bottom line in the budget. He referenced two months' worth of sales tax revenue, property tax, and utility/franchise fees that have yet to come in and will offset that number.

19:34:24 Mr. Morgan reported that actual sales tax revenue received has exceeded projections and the bottom line projected is, therefore, conservative. He recommended creating a line in the capital project to direct revenue that is over and above projections.

19:36:44 Chairman Pratt cited an ongoing difference of opinion on salaries and wages and the related ordinances. He asked the Council to take that issue into consideration.

19:37:49 Council Member Rechtenbach stated for the record that he does not believe the budget ordinance alters the salary ordinance, but said he feels that the 2009-2010 is independent of that issue. Further discussion ensued regarding this issue and whether it is necessary to stipulate that the budget is approved, salary amounts are accepted, and the previous ordinance is not modified.

The Council agreed that a budget line should be added to transfer excess revenue from the general fund to the capital budget. Mr. Harrington explained why it is necessary to include a projected dollar amount for that line.

19:41:35 City Attorney John Brems suggested making the stipulation regarding previous ordinances as part of the language in the budget amendment ordinance.

19:42:23 Council Member Jerry Rechtenbach **MOVED** to adopt Ordinance 10-19 - Final Amendment to the FY 2009-2010 Budget, with the amendment that \$500,000 be allocated from General Fund to the Capital Fund, and with the caveat that by approving the budget by ordinance, Ordinance 06-32 is not modified, but reflects an accurate representation of revenue and expenditures for the prior year. Council Member Bud Catlin **SECONDED** the motion. Chairman Pratt suggested that the motion also include mention of Ordinance 07-21. Mr. Rechtenbach amended his motion accordingly and Mr. Catlin reaffirmed his second. There being no further discussion, Chairman Pratt called for a roll call vote. The vote was as follows: Rechtenbach-yes, Johnson-yes, Catlin-yes, Barbour-yes, and Pratt-yes. **All City Council members voted in favor and the motion passed unanimously.**

19:45:00 Mr. Morgan noted that some additional grades were added to Ordinance 07-21 that were not reflected in Ordinance 06-32. He confirmed that there was also a clerical error relating to the Judge's grade that has been rectified.

**6.4     Resolution No. 10-21 – Adopting a Budget for All City of Taylorsville Municipal Funds for the Fiscal Year Beginning July 1, 2010 and Ending June 30, 2011; 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 – *John Inch Morgan***

19:46:38 Chairman Pratt noted that the budget for FY 2010-2011 will be adopted by resolution rather than by ordinance. Mayor Wall stated that adopting the budget by resolution will eliminate confusion and differing opinions on whether a new ordinance overrides a previous ordinance. Chairman Pratt relayed that many other cities adopt budgets by resolution rather than by ordinance.

19:47:57 City Administrator John Inch Morgan reviewed changes made to the FY 2010-2011 Budget since last week's version.

19:48:56 Mr. Morgan gave explanation on changes to property tax and said that the certified tax rate was recently received. He stated that property taxes are now being calculated differently than they have been in the past, as redemption/delinquency rates and amounts are being removed. He reported a new property tax yield of \$3,939,000.

19:49:57 Chairman Pratt clarified that the present Budget Version is 4.0, dated May 26, 2010.

19:50:52 Mr. Morgan and Mr. Harrington gave explanation regarding recent legislation affecting tax yields and potential options for using 5-year average redemption rates.

19:57:03 It was clarified that the higher tax yield amount is already included in the current version of the budget and using the higher amount does not require a truth and taxation hearing. It was the consensus of the Council to maintain the higher tax yield amount.

Mr. Harrington said that if the City wants to use the higher tax yield amount, a truth and taxation hearing will be required next year.

19:58:25 Court fines and forfeitures were addressed. It was noted that Judge Kwan has indicated that he can increase revenue by retaining individuals in the court who were initially scheduled for reduction in force.

19:59:53 Chairman Pratt clarified that the Court will still have a projected net loss of \$125,000 by keeping current personnel and adjusting fines and forfeitures.

20:01:02 Mr. Harrington noted that the Judge has anticipated that retaining current staff will improve collection rates because of the availability of additional personnel to track cases. It was clarified that, according to Judge Kwan, if staff reductions are made, net loss in the court is projected at \$160,000; however, if staff is maintained the net loss is projected at \$140,000.

20:04:18 Mr. Harrington made a distinction regarding fines imposed by the administrative law judge versus fines imposed in the municipal court.

20:07:19 Mr. Harrington gave explanation on state surcharges and said that approximately 32% of fines collected currently go to surcharges, but noted that the actual hard number is difficult to predict.

20:09:28 Council Member Barbour referenced other cities that are doing away with programs such as drug courts because of budget constraints and requirements that are stricter.

20:10:31 Judge Marsha Thomas addressed questions regarding problem-solving courts. She said that the State has recently implemented a recertification requirement for problem solving courts, i.e. the Taylorsville substance abuse court. She referenced the City's cost estimate of \$35,000 to \$39,000 per year for maintaining the substance abuse court. The Judge confirmed that problem-solving courts are not mandatory, but are optional.

20:14:13 Judge Thomas clarified that she now does separate reviews for domestic violence defendants.

20:15:10 Explanation was given regarding batterers intervention programs that are paid for by defendants. Judge Thomas confirmed that the City pays for defense counsel for individuals who are indigent. She said that many costs in the program are fixed.

20:17:32 Mayor Wall indicated that City Administration has not taken a position regarding problem-solving courts, but acknowledged that there is a difference of opinion regarding costs to maintain the programs.

20:18:14 It was noted that mid-year adjustments may be made to the Court budget if necessary.

20:19:08 Judge Thomas was asked to give additional justification for the Substance Abuse and Domestic Violence Courts. She relayed that domestic violence and drug abuse cases are very prevalent in Taylorsville. She stated that the City is responsible for the safety of its citizens and expressed her belief that problem-solving courts are effective in decreasing recidivism. The Judge stated that the programs are a great benefit to the City of Taylorsville. She cited the court's efforts to ensure compliance and best practices.

20:36:03 Council Member Barbour suggested adding line items in the Court Budget that allow closer tracking of problem-solving courts.

20:41:10 After further discussion, it was suggested that Judge Kwan be asked to make progress reports on the problem solving courts as part of his monthly report to the Council.

20:43:18 Chairman Pratt recommended imposing a condition that the Judge collect at least half the amount of fines from defendants up front, or the programs go away.

20:44:06 Mr. Morgan reviewed recent grants that have been accepted and recognized in the budget.

20:46:29 Discussion was held regarding the Veterans Celebration line item. Mayor Wall cited difficulty in soliciting contributions for the Veterans Celebration, but said heavy campaigning will be done in October and November when most businesses are preparing calendar year budgets. He noted that the City accepted a three-year commitment to participate in the Veterans Day Parade and realistic costs have now been obtained. The Mayor reviewed justifications for those costs. He said the intent is still to have the Veterans event pay for itself through contributions. He relayed that the City is working with ChamberWest on the event and will also do sponsorship recruitments at Taylorsville Dayzz. He said that donation jars will be placed in businesses later in the year.

20:50:27 Discussion ensued regarding the overall hospitality/promotion budget. Mr. Morgan reviewed hospitality and promotion costs. It was noted that a cost breakdown for the Veterans event are attached to the budget narrative. Mr. Harrington detailed costs for community events. Chairman Pratt expressed concerns about growing the Veterans Day too big. It was the consensus of the Council to leave \$8500 in the budget for the Veterans event, but Administration was asked to be cognizant of expenses for hospitality and promotion overall.

20:58:54 Chairman Pratt noted that there are no adjustments to revenue in the current budget.

20:59:30 Expenses for lobbyists were reviewed. It was clarified that \$120,000 was previously reallocated from the lobbyist line to economic development. Council Member Johnson cited his concern with the \$80,000 amount for state lobbyists. Council Members Barbour, Rechtenbach, and Barbour expressed belief that there is value in local lobbyists. The budget for lobbyists was not adjusted.

21:01:46 Chairman Pratt encouraged elected officials to make individual lobbying efforts. Mayor Wall noted that funds for federal lobbyists have been completely removed and there are now no resources for going back to Washington. He cited the value of local lobbyists.

21:03:58 Chairman Pratt noted that there is still a \$35,000 amount under Council studies that can be reallocated if needed.

21:06:20 Council Member Johnson inquired about the job description for the position currently held by City employee Donald Adams. Mayor Wall reviewed the history behind hiring Mr. Adams, who now serves as a Grant Writer and also as a Mayoral Assistant. He acknowledged that the circumstances surrounding the permanent hiring of Mr. Adams were unusual. He agreed to provide an amended job description and a salary range for that position for Council consideration.

21:09:39 Chairman Pratt stated his opinion that the Grant Writer position is valuable in securing grants and that it contributes to the general welfare of City.

21:10:20 Mayor Wall noted that, through one single grant, Mr. Adams brought in \$500,000 in revenue to the City. He said that \$500,000 basically equates to the annual amount of a 10% property tax increase.

21:11:32 Mr. Catlin stated that he does not have a problem with the grant writer position, but does have concerns with the process used for making it a salaried position.

21:12:09 No changes were made to the Mayor's budget.

21:12:16 The Justice Court Budget was addressed, and Council Member Catlin said he would like to see tracking of the problem-solving courts. He requested close fiscal accounting to determine productivity. Mr. Morgan agreed to notify Judge Kwan via memo of the Council's recommendations on accounting and quarterly progress reports for the problem-solving courts.

21:15:14 It was the consensus of the Council to make no amendments to the Court Budget in the current version. Council Member Johnson noted that progress has been made under Judge Kwan's administration. Chairman Pratt said that the Court will be monitored and if the negative amount grows, adjustments must be made.

21:16:52 No changes were noted to the Administrative Services Budget or the Non-Departmental budget.

21:18:02 Mr. Morgan gave clarification on the janitorial budget, which includes expenses other than personnel for carpet cleaning, window washing, etc.

21:18:59 No changes were made to the Planning Commission budget.

21:19:09 Mr. Johnson inquired about the budget for Youth Sports. Mr. Morgan explained that the City may make contributions to youth baseball or other youth leagues, but that a public hearing must be held before such allocations are approved.

21:20:25 Mr. Morgan affirmed his anticipation that the county will cover full maintenance of the Babe Ruth Baseball Field.

21:22:46 The cost of fireworks for Taylorsville Dayzz was discussed. It was noted that the City receives approximately \$50,000 worth of fireworks for only \$30,000 and cost for fireworks have remained level over the years. Mayor Wall relayed that the provider receives advertising benefits at the event.

21:24:40 It was noted that an additional officer was added to the Police Department and one position was refilled to replace an officer on long-term disability. Chairman Pratt explained that if the officer on disability returns, a mid-year budget adjustment will be needed.

21:26:00 Clarification was made on direction given previously regarding retirement contributions. Mr. Morgan gave explanation on retirement contribution rates included in the budget. He relayed that new employees hired after July 1, 2010, who have previously retired, have the option during the first year of retirement to either cancel their past retirement or forfeit the current retirement benefit. He referenced other tiers that may also apply. Mr. Catlin said that because the City currently has a seasoned police department, there is no reason not to hire younger/newer officers at a lesser cost.

21:29:27 Chief Craig reported that the department currently has 60 active applications through the last recruitment, resulting in a good hiring pool. He cited some advantages to hiring experienced officers because they can hit the ground running. He said considerable time is lost up front when individuals are hired and sent through the academy. The Chief stated that demographics have changed since the department was first formed and there is now a better balance of seasoned and new officers.

21:32:42 Chief Craig confirmed that officers taking second jobs must first obtain permission from the City.

21:33:28 Chairman Pratt said he would like to explore options for implementing a Reserve Program in the future. Liability issues were cited and Chief Craig said that he has gathered information on a potential Reserve Program.

21:35:15 Clarification was given on salaries and wages for Code Enforcement Officers.

21:36:33 Explanation was rendered regarding salaries and wages for the new part-time public works positions. It was noted that they will not have insurance benefits but will receive paid leave time and retirement benefits.

21:39:00 No changes were noted in the Parks and Land Budget.

21:39:09 The Community Development Budget was addressed. Mr. Catlin stated his desire to reduce the Community Development Staff by one planner. He cited a dramatic decrease in building within the City. Council Member Rechtenbach said he feels the department is already lean and stated that he is not in favor of a staff reduction.

21:41:21 Community Development Director Mark McGrath relayed that the Perry Homes Project has just given notification that they will obtain their building permit in June, which will result in slightly over \$100,000 in additional revenue.

21:42:16 Council Member Barbour said that since the City is gearing up to focus on economic development, it is not the appropriate time to cut back on planning or community development staff.

21:42:44 Council Member Johnson suggested that if staff was cut, services could be obtained through a contract provider. Mr. Pratt said that contracting for services is an option, but the contract amount would need to be increased in the budget.

21:43:45 Mayor Wall stated that the Community Development Staff has been tasked with doing a development code re-write that was initially allocated for an outside source in the amount of

\$150,000. The majority of the Council was in favor of keeping the current Planning Staff in place. Chairman Pratt indicated that he is taking a leap of faith in the code re-write project.

21:45:10 Chairman Pratt cited his concern with the cost for maintaining software in the Community Development Department. Mr. McGrath acknowledged that updates and registrations are pricey for the complex software program.

21:45:52 No changes were made to the Community Development or Economic Development Departmental budgets.

21:46:04 Discussion was held regarding the current revenue over expenditures. Amounts for debt service and the capital fund were referenced. It was noted that if revenue comes in higher than anticipated, it will fall to the bottom line.

21:47:17 Chairman Pratt asked that the budget resolution be considered at this time. He stated his position that the budget should be amended to adjust salaries and wages to be consistent with Ordinances 06-32 and 07-21.

21:48:20 Mr. Morgan noted one more housekeeping item on Line 554 and gave explanation regarding an amount that needs to be transferred/allocated. It was the consensus of the Council to move the \$17,868 amount noted to the Council line item for Economic Development.

21:50:02 Mr. Harrington clarified that the fund balance is currently close to 17 or 18% which is the maximum allowed.

21:51:51 Council Member Rechtenbach cited issues regarding Ordinance 06-32 and questions of whether that ordinance was violated. He stated his philosophical belief that the ordinance has never been amended and should stand. He relayed, however, that he does not believe the Council has the option to single out employees who have been affected. He said the Council is faced with two options, i.e. rolling back salaries or leaving them as they stand. Mr. Rechtenbach voiced his personal opinion that an ordinance was violated, but said he understands that Administration is taking action to ensure correction. He indicated that he is interested in looking at the bigger picture and at what is best for the City in the long run. He stated his belief that the ramifications of rolling back salaries would not be in the best interest of the City or tax payers. Mr. Rechtenbach suggested that Administration take disciplinary action as merited and implement procedures to prevent this situation from happening in the future. He cited the importance of not punishing the innocent employees in this case. He said that he disagrees with the way the process has happened to this point, but believes it is in the best interest of the City not to drag the situation out any further.

21:55:45 Council Member Catlin stated that Ordinance 06-32 was in place and was not changed by the budget. He said selections were made outside the ordinance. He suggested that the situation is problematic because those employees who received increases are happy and those who did not are not happy. Mr. Catlin said that it should have been done right in the first place and the ordinance should have been amended properly. He stated that those who did not receive increases outside the ordinance, will have a grievance.

21:57:53 Council Member Rechtenbach agreed with the aspect that if this had been done properly and brought before the Council for previous consideration, each employee upgrade, with only a few exceptions, would have been approved. He stressed that this is not an incidence of blatant misuse of City funds, but is an issue of procedural error. He disagreed with the theory that employees who were not elevated have a grievance because they were each fairly evaluated and their wages just didn't happen to fall above salary ranges. Council Member Rechtenbach stated that the biggest loser in rolling back salaries would be taxpayers. He said that the most important principle is doing what is beneficial for the City. He reiterated that this is not a case of criminal violation, but rather improper procedures. He asked that consideration be given to what is best for the City overall.

22:00:51 Chairman Pratt indicated that he and Mr. Rechtenbach met with Mayor Wall on June 15, 2010 and worked to come up with a solution and a remedy to these issues. He stated his belief that everybody has interest in figuring out a solution and moving forward. Mr. Pratt said that as City Council Chair, he has taken responsibility to get independent legal advice. He relayed the opinion he received that Ordinance 06-32 is the ordinance that is currently in effect and that it has not been modified by the passing of the budget ordinance. Chairman Pratt said that he must rely on the opinion sought. He stated that "the law is the law." He referenced his oath of office and said he must uphold the law. He agreed that the City will suffer because there are costs involved in upholding the law. Mr. Pratt cited the possibility that in future meetings, when salary adjustments are appropriately presented, he will consider such adjustments.

22:03:40 Council Member Rechtenbach expressed his belief that the law can be upheld with "time already served."

22:04:03 Chairman Pratt said that technically the Council could seek reimbursement for overpayments, but he is not recommending that. He said he is asking that the mistake not be continued. He expressed his belief that the City must move forward and that the law must be upheld.

22:04:56 Council Member Johnson expressed his opinion that an ordinance was definitely violated, and not by just one person, but by three or four who knew what was going on. He said that he feels the law has been broken and there needs to be some justification. He cited internal problems in the City. He said that he is not asking that the overpaid amounts to 12 or 13

employees be reimbursed, but wants those employees to be rolled back to the grade where they are supposed to be. Mr. Johnson said that later they can be brought back before the Council for consideration.

22:06:57 Council Member Barbour noted that these incidents took place before she sat on the City Council. She agreed that they should not have happened, but said she is only interested now in moving forward. She pointed out that each year's approved budget and related ordinance included a salary schedule, where grades were not necessarily highlighted, but were plainly documented. Ms. Barbour said that the previously approved budgets were not exceeded. She stated that her number one concern is moving this City forward. She acknowledged the City's great employees and said she is not willing to take anything away from those employees at this point. Council Member Barbour pleaded with the Council to move forward in approving the budget as is and concentrating more fully on economic development.

22:09:27 Chairman Pratt said that Administration has been invited to do what should have been done in the first place and change the ordinance. The definition of "salient" changes was questioned.

22:10:18 Chairman Pratt called for a motion on Resolution 10-21 regarding the budget.

22:10:36 Mayor Wall stated that Administration still has a fundamental disagreement regarding the previous ordinances. He cited the large amount of documentation previously given to the City Council and said that there was no devious intent on the part of Administration to hide anything. The Mayor said that he stands by decisions that were previously made regarding salaries and that any other decision would be counter-productive at this point. He stated that he refuses to look his employees in the eye and tell them that they are no longer as valued as they were previously.

22:12:08 Council Member Morris Pratt **MOVED** to adopt Resolution No. 10-21 to approve the FY 2010-2011 Budget with a modification to adjust salaries and wages to adhere to Ordinance 06-32 and Ordinance 07-21. Council Member Larry Johnson **SECONDED** the motion. Chairman Pratt called for discussion on the motion. Council Member Bud Catlin inquired whether a resolution is binding with a three-person vote and whether it is subject to a line item veto. City Attorney John Brems answered in the affirmative. There being no further discussion, Chairman Pratt called for a roll call vote. The vote was as follows: Rechtenbach-no, Johnson-yes, Catlin-no, Barbour-no, and Pratt-yes. **The Motion failed with a 3 to 2 vote.**

Council Member Jerry Rechtenbach **MOVED** to adopt Resolution 10-21 to approve the FY 2010-2011 Budget, with no modifications to the budget presented. Council Member Dama Barbour **SECONDED** the motion. Chairman Pratt called for discussion and asked the motion maker to clarify the status of Ordinance 06-32 and Ordinance 07-21. Mr. Rechtenbach stated his belief

that both ordinances are in need of amendment or replacement. There being no further discussion, Chairman Pratt called for a roll call vote. The vote was as follows: Rechtenbach-yes, Johnson-yes, Catlin-no, Barbour-yes, and Pratt-no. **The Motion passed with a 3 to 2 vote.**

Council Member Johnson expressed confusion and said that he had voted incorrectly on the budget resolution. He **MOVED** for a re-vote on Resolution 10-21 and Council Member Catlin **SECONDED** the motion. The vote was as follows: Rechtenbach-yes, Johnson-no, Catlin-no, Barbour-yes, and Pratt-no. **The motion failed with a 3 to 2 vote.**

22:18:58 Chairman Pratt stated that there is now a situation where the City does not have a budget. Mr. Morgan expressed that the City cannot operate without a budget.

22:20:55 Mayor Wall called for a point of order. He clarified that the last motion was only on whether to reconsider the vote on the motion. He explained that the Council must first vote on whether to allow a re-vote and then may vote on the resolution itself.

22:21:03 Council Member Johnson **MOVED** to reconsider Resolution 10-21 and Council Member Catlin **SECONDED** the motion. The vote was as follows: Rechtenbach-no, Johnson-yes, Catlin-yes, Barbour-no, and Pratt-yes. **The motion passed with a 3 to 2 vote.**

22:22:35 Chairman Pratt called for a new roll-call vote on Mr. Rechtenbach's original motion to adopt Resolution 10-21 as outlined. Because there was still confusion on the part of some Council Members, Council Member Rechtenbach restated his motion to approve Resolution 10-21 to adopt the FY 2010-2011 Budget, as it has been presented, and without modifications. The vote was as follows: Rechtenbach-yes, Johnson-no, Catlin-no, Barbour-yes, and Pratt-no. **The motion failed with a 3 to 2 vote.**

22:23:54 Council Chairman Pratt observed that no budget has been adopted. He suggested that budget issues must either be resolved this evening or a Special City Council Meeting will need to be held on June 21, 2010. Council Member Rechtenbach pointed out that Council Member Catlin voted "no" on both motions made. He inquired whether Mr. Catlin wishes to make an alternate motion. Council Member Catlin said that he has a difficult time setting aside an ordinance that was in force at a time this all took place. He said he voted "no" on the motion to approve the budget with the salaries being rolled back because of the potential for a line-item veto.

22:25:31 Mr. Catlin said the proper remedy is to put salaries where they should be according to the ordinance and then to reconsider individual classifications and move through the process to change the ordinance.

22:25:48 Mayor Wall confirmed that he does intend to line item veto Resolution 10-21 if salaries are rolled back. Mr. Rechtenbach noted that the Council would still have opportunity to override the Mayor's veto.

22:28:03 Chairman Morris Pratt **MOVED** that Resolution 10-21 regarding the FY 2010-2011 Budget be tabled until Monday, June 21, 2010, at 6:00 p.m. for reconsideration at a Special City Council Meeting. He expressed hope that some agreement will be reached during that meeting. Council Member Bud Catlin **SECONDED** the motion. Chairman Pratt called for discussion. Council Member Rechtenbach stated that he has been studying these issues for weeks, has looked at all the details, has met with many different people, and has come to his decision. He said a meeting may be held on June 21<sup>st</sup>, but his opinion will remain the same. He said the City either moves on or it doesn't. Chairman Pratt indicated that it may be appropriate for the Council to seek further legal advice from its own attorney before the June 21<sup>st</sup> Meeting. He said that there are sometimes costs to uphold the law and it is appropriate to incur such costs at this time. There being no further discussion, Chairman Pratt called for a roll-call vote. The vote was as follows: Rechtenbach-no, Johnson-yes, Catlin-yes, Barbour-no, and Pratt-yes. **The motion passed with a 3 to 2 vote.**

22:32:19 Council Member Jerry Rechtenbach **MOVED** to table Other Matters 7.1. and 7.2, as listed on the agenda, to the Special City Council Meeting scheduled for Monday, June 21, 2010. Council Member Larry Johnson **SECONDED** the motion. Chairman Pratt called for discussion. Mayor Wall expressed his belief that the matter involving court hours should be addressed immediately because the hours may have already been adjusted. Judge Thomas clarified that court hours have not yet been changed. Mayor Wall apologized for his misunderstanding. There being no further discussion, Chairman Pratt called for a roll call vote. The vote was as follows: Rechtenbach-yes, Johnson-yes, Catlin-yes, Barbour-yes, and Pratt-yes. **The motion passed unanimously.**

## 7. OTHER MATTERS

### 7.1 Ordinance No. 10-18 – Changing the Hours of Court Operations – John Inch Morgan

This matter was tabled until the Special City Council Meeting on June 21, 2010.

### 7.2 Discussion Regarding the July Meeting Schedule – Chairman Pratt

This matter was tabled until the Special City Council Meeting on June 21, 2010.

## 8. NEW ITEMS FOR SUBSEQUENT CONSIDERATION (No Action)

There were no items for subsequent consideration.

## 9. NOTICE OF FUTURE PUBLIC MEETINGS (NEXT MEETING)

- 9.1 CDRA Meeting – Wednesday, June 16, 2010 – 7:00 p.m.
- 9.2 Town Meeting – Wednesday, June 30, 2010 – 6:00 p.m.
- 9.3 City Council Briefing Session – Wednesday, July 7, 2010 – 6:00 p.m.
- 9.4 City Council Meeting – Wednesday, July 7, 2010 – 6:30 p.m.
- 9.5 City Council Work Session – Wednesday, July 14, 2010 – 6:00 p.m.

22:35:51 It was noted that a Special City Council Meeting will be held on Monday, June 21, 2010.

## 10. CALENDAR OF UPCOMING EVENTS

- 10.1 **General CERT Meeting – Thursday, June 17, 2010 – 7:00 p.m. – City Hall, Room 202 – mini refresher class for CERT-trained individuals. Contact Lisa Schwartz at 801-301-8100**

22:36:11 Emergency Response Coordinator Lisa Schwartz noted a location change for this event. She relayed that the General CERT Meeting will be held at 6250 South 2200 West.

- 10.2 **Taylorsville Dayzz Carnival Opens – Thursday, June 24, 2010, 4:00-11:00 p.m. – Valley Regional Park, 5100 S. 2700 W. – Opening night only, each ride will be \$1**
- 10.3 **Taylorsville Dayzz Events – June 25, 26, and 28 – Go to the City website for specific event information and times, [www.taylorsvilleut.gov](http://www.taylorsvilleut.gov)**

Council Member Johnson thanked City Engineer John Taylor for providing signs along 2200 West.

## 11. ADJOURNMENT

22:37:44 Council Member Jerry Rechtenbach **MOVED** to adjourn the City Council Meeting. Council Member Dama Barbour **SECONDED** the motion. Chairman Pratt called for discussion. There being none, he called for a vote. The vote was as follows: Rechtenbach-yes, Pratt-yes, Catlin-yes, Barbour-yes, and Johnson-yes. **All City Council members voted in favor and the motion passed unanimously.** The meeting was adjourned at 10:37 p.m.

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Cheryl Peacock Cottle, City Recorder

Minutes approved: CC 07-07-10

*Minutes Prepared by: Cheryl Peacock Cottle, City Recorder*