

City of Taylorsville
CITY COUNCIL MEETING
Minutes

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

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
Jessica Springer, Council Coordinator
Mark McGrath, Community Development Director
John Taylor, City Engineer
Donald Adams, Grants Manager
Keith Snarr, Economic Development Director

BRIEFING SESSION

1. Review Administrative Report

18:00:56 Chairman Morris Pratt conducted the Briefing Session, which convened at 6:00 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 the Community Development Department, and there were none.

2. Review Agenda

18:01:36 The agenda for the City Council Meeting was reviewed. Council Member Johnson noted that he will have an item for discussion under Other Matters during the regular meeting.

3. Adjourn

18:06:59 The Briefing Session was adjourned at 6:07 p.m.

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
Jessica Springer, Council Coordinator
John Taylor, City Engineer
Keith Snarr, Economic Development Director
Donald Adams, Grants Manager
Patrick Tomasino, Building Official

Citizens: Raili Jacquet, Jay Ziolkowski, Rhetta McIff, Dean Paynter, Jerry Milne, Lynn Handy, John Gidney, Joe Fraser, Paula Fraser, Trevor Brown, Chris Panels, Kevin Fenn, Meaghan Maughan, Tim Ryan, Roger Borgenicht, Ralph Daminann, Louetta Daminann, Steve Turner, Kymrie Turner, Curtis Tapia, Mai Ngon, Scott Thompson, Nick Sandberg, Mitch Haycock, T.J. Wilken, Keith Barlow, Riley Bryan, Mary Ellen Bryan,

1. WELCOME, INTRODUCTION AND PRELIMINARY MATTERS

18:30:17 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 Barbour

18:30:46 Council Member Barbour recognized Mr. and Mrs. Riley Bryan and noted that Mr. Bryan is a veteran. She described the service rendered by Mr. Bryan and the commendations he received as a Veteran of the Vietnam War.

18:32:06 Mr. Riley Bryan directed the Pledge of Allegiance.

1.2 Reverence – Council Member Barbour (Opening Ceremonies For December 1, 2010 to be arranged by Youth Council)

18:32:45 Mary Ellen Bryan offered the Reverence.

1.3 Citizen Comments

18:35:13 Chairman Morris Pratt reviewed the Citizen Comment Procedures for the audience. He then called for any citizen comments.

18:35:16 Jerry Milne commented on ordinance enforcement efforts in the City of Taylorsville. Mr. Milne said that he has reported on ordinance violations, but has had no response from officers. He suggested that officers be mandated to respond to complaints within five days.

18:37:27 Mayor Wall agreed to personally follow up on why Mr. Milne did not receive a return call. He relayed that City policy requires a response within one business day. He noted that code enforcement officers are currently dealing with approximately 1000 open cases and are extremely busy.

18:37:57 Mr. Milne indicated that the duplex property in violation is at 732 West 4800 South.

18:38:11 Chairman Pratt asked Community Development Director Mark McGrath whether the landlord for the property discussed is participating in the City's Good Landlord Program. Mr. McGrath indicated that he does not know that without checking.

18:38:33 Mayor Wall asked for clarification on the subject property. He assured Mr. Milne that someone would follow up with him by November 11, 2010. He apologized for the lack of a return call to Mr. Milne.

18:39:24 There were no additional citizen comments, and Chairman Pratt closed the citizen comment period.

1.4 Mayor's Report

18:39:29 Mayor Russ Wall reported on a meeting held with Taylorsville elected officials and legislators earlier in the day. He relayed that the meeting was very productive. He reported on discussion held regarding potential townships and annexation. The Mayor cited problems with the infrastructure in the County area west of Taylorsville. He said that it would be very expensive to bring that area up to City standards.

18:40:46 Mayor Wall cited other current legislative topics, i.e. potential reinstatement of the grocery tax, and the evaluation of a substance known as Spice and businesses known as Huka Lounges.

18:42:15 Mayor Wall invited those present to the Veterans Day Parade and Event to honor Veterans to be held tomorrow, November 11, 2010, at 11:00 a.m.

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

18:43:12 LARP Chair Rhetta McIff recognized Ralph and Louetta Daminann and presented them with the *Best of Taylorsville Home Beautification Award*.

18:45:21 Council Member Johnson inquired whether a sign recognizing the beautification awards could be placed on winners' properties. Ms. McIff agreed to follow up on signage.

18:46:20 Ms. Barbour thanked the recipients for their efforts in beautifying the community.

18:47:01 Ms. McIff also recognized employees of America First Credit Union and presented them with the *Best of Taylorsville Business Beautification Award*. Kymrie Turner, Chris Tapia, Scott Thompson, Mike Sanders, and Mia Ngon were introduced.

18:49:17 Mike Sanders described the process for establishing the Credit Union's location in Taylorsville. He affirmed that some trees on parts of the property could not be saved during construction.

18:52:36 Ms. McIff described the awards process for the upcoming year and said that certificates of recognition will be distributed to all nominations next year.

18:53:08 Chairman Pratt thanked Ms. McIff and Dean Paynter for their efforts.

2. APPOINTMENTS

There were no appointments.

3. REPORTS

There were no reports.

4. CONSENT AGENDA

There were no items for consideration on the Consent Agenda.

5. PLANNING MATTERS

5.1 ***Public Hearing*** – 6:30 p.m. – To Receive Public Comment for a Proposed Zoning Ordinance Text Amendment to Sections 5.24.020, 13.28.040, 13.30.040 Regarding Liquor Use Definitions Specifically for Clubs

18:54:57 Community Development Director Mark McGrath noted that this matter is largely a housekeeping issue as a result of the State's comprehensive revamp on liquor licenses during the last legislative session. He indicated that the proposed ordinance is designed to make City code consistent with the new State law. He relayed that the categories for private clubs and taverns were eliminated from the State statute and those have now been replaced with four new categories, as follows: equity clubs, fraternal clubs, dining clubs (at least 50% of sales must be for food), and social clubs (no provision for minimum food sales and no private membership is required). Mr. McGrath said that the subject ordinance eliminates the out-of-date categories and replaces them with the four new categories. He explained that all four have been made conditional uses in C-2 and C-3.

18:56:41 Mr. McGrath referenced City Code 5.24.100 and said that section was included early in the City's history. He suggested that this part of the City code could be eliminated or amended to specify no new social clubs, equity clubs, etc.

18:58:09 Mr. McGrath affirmed that the definitions in the proposed ordinance are identical to those found in state code.

18:58:27 Chairman Pratt opened the public hearing on this matter and called for citizen comments.

18:58:41 There were no comments, and Chairman declared the public hearing closed.

5.1.1 Ordinance No. 10-32 – Accepting a Proposed Zoning Ordinance Text Amendment to Sections 5.24.020, 13.28.040, 13.30.040 Regarding Liquor Use Definitions Specifically for Clubs – *Mark McGrath*

18:58:52 Mr. McGrath confirmed that the proposed ordinance places no restrictions on new clubs. He also mentioned that the proposed changes received unanimous recommendation for approval from the Taylorsville Planning Commission.

18:59:27 Council Member Rechtenbach referenced the current re-write of the entire City code and inquired whether this particular section of code needs to be changed right now or could actually be done as part of the re-write.

19:00:09 Council Member Catlin cited his agreement with changing the definitions to reflect state code. He suggested, however, that further discussion on the ordinance be held during a Council Work Session.

19:00:35 Council Member Barbour inquired whether there is a need for immediate action on this ordinance. Mr. McGrath cited a restaurant, the *About Time Pub*, who is going to apply for a local dining club license. He explained that, as the dining club category doesn't currently exist, the license cannot be processed until the changes are made to the City ordinance.

19:01:44 Council Member Barbour said that if a business needs some action, the ordinance should not be held up.

19:02:10 Chairman Pratt noted that the ordinance is not being changed, but only being updated to match State Code.

19:02:28 Mr. McGrath suggested that the ordinance could be considered in two parts if desired, by adopting the new land use designations now and then considering whether future uses should be prohibited at a later time.

19:02:35 Mayor Wall cited an urgency related to this matter because of the business who is applying for a license and a current shortage in the availability of licenses from the State. He described the process that must be followed and urged City support for the new business.

19:04:50 Mr. McGrath reviewed the definition of a Social Club. He clarified that the State no longer requires memberships for Social Clubs and it is not required that they serve food.

19:06:30 Mr. McGrath noted that the application expected from the new business is for a dining club and not a social club.

19:05:48 Mayor Wall listed examples of dining clubs and social clubs.

19:07:53 Chairman Pratt confirmed the option of making a motion to approve the ordinance, with the exclusion of social clubs.

19:08:26 It was suggested that the ordinance be discussed further during the December Work Session.

19:09:28 Council Member Catlin asked for additional clarification, and Mr. McGrath and Mayor Wall gave further explanation. Mayor Wall noted that the ordinance is basically just a word change and there is still no ability to get a license for a tavern in the City of Taylorsville.

19:11:33 Council Member Rechtenbach explained that nothing is really being changed in the ordinance, but adopting it would simply be a remedial action to assist a new business. He said that the right is still reserved for further examination of the ordinance. Mr. McGrath confirmed that adopting this ordinance now will not negatively impact the City in any way.

19:11:34 Chairman Pratt gave additional clarification on the name change from a private club to a social club.

19:11:58 Council Member Catlin indicated that he doesn't have a problem with a simple change, but noted that legislation implementing the change has been in force for several months. He expressed concern over the delay in changing the ordinance to match State code.

19:12:27 Mayor Wall cited delays in interpretation of the law by the State before it was received by the City. He explained that Staff has been working on a whole new development code, which included a re-write of this ordinance; but now there is a need to move this ordinance ahead to accommodate a business in the City.

19:13:06 Council Member Dama Barbour **MOVED** to adopt Ordinance No. 10-32 – Accepting a Proposed Zoning Ordinance Text Amendment to Sections 5.24.020, 13.28.040, 13.30.040 Regarding Liquor Use Definitions Specifically for Clubs. 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: Barbour-yes, Pratt-Yes,

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

5.2 Public Hearing – 6:30 p.m. – To Receive Public Comment Regarding Amending Title 5 Business Licenses and Regulations) of the Taylorsville Code of Ordinances

19:13:52 Community Development Director Mark McGrath noted that these changes have been discussed previously, specifically on October 13, 2010. He referenced specific recommended changes to the ordinance, as follows:

1. Add definition of “per location” (5.06.010) on page 4 – a modification was proposed to say “for the purposes of this title, per location means a site occupied by a business, rental dwelling unit, or multiple rental dwelling units.”
2. Landlords with multiple properties (5.76.050) – it was confirmed that landlords who own multiple rental properties are only required to hold one business license, but will pay fees for each location.
3. Good landlord training (5.76.060) – a provision was added that if a person who took training is no longer associated with the rental property, someone else will have to take the training sessions.
4. Notice for inspections (5.76.100) – requests for inspection will be in writing and delivered via certified mail.
5. Appeals to the provisions of the good landlord program (5.76.120) – Appeals go to the Administrative Law Judge, rather than the City Council.

19:17:50 Mr. McGrath clarified that the requirement to hold only one license with multiple rental properties is based on State law.

19:19:16 Council Member Johnson inquired about any breaks being given to good landlords. Mr. McGrath relayed that this idea was previously discussed, but his understanding was that the majority of the Council did not wish to make any changes to current code in that regard.

19:20:23 Chairman Pratt acknowledged that a property owner can be a good landlord without participating in the Good Landlord Program.

19:20:40 Chairman Pratt opened the public hearing on this matter and called for citizen comments.

19:20:58 There were no comments, and Chairman declared the public hearing closed.

5.2.1 Ordinance No. 10-33 – Amending Title 5 (Business Licenses and Regulations) of the Taylorsville Code of Ordinances – *Mark McGrath*

19:21:19 Council Member Jerry Rechtenbach **MOVED** to adopt Ordinance No. 10-33 – Amending Title 5 (Business Licenses and Regulations) of the Taylorsville Code of Ordinance, including the proposed wording amendment to the definition of “per location.” 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: Barbour-yes, Pratt-Yes, Rechtenbach-yes, Johnson-no, and Catlin-yes. **All City Council members voted and the motion passed with a four to one vote.**

19:22:32 Chairman Pratt explained that he voted in favor of the ordinance because he believes improvements have been made, but said he still sees problems with the Good Landlord Program.

6. FINANCIAL MATTERS

6.1 Public Hearing – 6:30 p.m. – To Receive Public Comment on the Community Development Block Grant (CDBG) Funds – *Kathy Ricci*

19:24:07 Chairman Pratt opened the public hearing on this matter and called for citizen comments.

19:24:13 Council Member Bud Catlin requested that each participant state their administrative costs.

19:24:25 Meagan Maughn, of The Road Home, stated that the agency’s general operating budget is just over \$5,000,000 and administrative costs are approximately 3.3 to 3.6% of that amount. Ms. Maughn described needs in the community and cited a recent significant increase in families who are in need. She indicated that the winter shelter was opened early this year due to the overflow in other shelters. She said that the 63 families served at the shelter is a record high.

19:26:01 Ms. Maughn clarified that the downtown facility operates year-round and the community winter shelter in Midvale is open during winter months (mid October – March). She relayed that there is no criteria for receiving service at the shelter. She explained that any individual can receive basic shelter. Ms. Maughn noted that no one who is intoxicated is allowed in the shelter. She indicated that a detoxification shelter is also operated.

19:27:21 Ms Maughn reported that the year-round shelter has 31 rooms for families and the facility currently has 63 families.

19:28:28 Council Johnson commented on complaints he has received regarding drug use at the Road Home. Ms. Maughn acknowledged that there is an unsavory element in the area around the shelter, but said that the shelter itself has a "no tolerance policy" for drugs. She said that the shelter partners closely with the Police Department.

19:30:36 Mayor Wall noted that applications for CDBG funds are due on December 1, 2010 and relayed that the Council will receive a complete packet of applications for review at a future time. He also asked that CDBG Consultant Kathy Ricci be excused from the meeting due to a family emergency.

19:30:53 Keith Barlow, of the Taylorsville Food Pantry, thanked the City for funds awarded last year and for assistance with improvements to the building. He relayed a request for \$5,000 for the Food Pantry for the coming year. He said there are no administrative cost, as the pantry is operated through volunteer efforts.

19:31:41 Roger Borgenicht, of ASSIST, described the non-profit community design center that has been around for 40 years. He stated that two of the major programs run by ASSIST are an emergency home repair program and accessibility design for individuals with disabilities. He reported that administrative/fundraising costs are less than 5%; and 19% goes to program delivery. Mr. Borgenicht indicated that ASSIST uses a pool of 30 private, license insured contractors throughout the County to provide critical repairs. He clarified that no cosmetic repairs are provided. He also described accessibility assistance that is provided through programs.

19:33:44 Mr. Borgenicht cited the unusually high need for services this year. He indicated that funds are also being stretched because ASSIST is the default agency for the Utah Foodbank's Lifecare Program, which is no longer doing repairs. He reported that efforts are being made to work through the current issues.

19:35:04 Council Member Johnson inquired about the top three problems seen by the agency. Mr. Borgenicht relayed that energy efficiency efforts are a high priority in the unincorporated areas, i.e. upgrading furnaces, weather stripping windows. He said that 30-40% of the work done in municipalities is plumbing, 30% is roofing, with some electrical work, pest control, and accessibility design.

19:36:18 Mr. Borgenicht reported that the income level requirement for the program is below 50% of the area median; and this year the average income is \$1,000 to \$1,200 per month per household. He answered questions about screening for eligibility.

19:39:31 Mr. Borgenicht thanked the City for its support.

19:39:44 Economic Development Director Keith Snarr commented on his recent visit to the Road Home Facility in participation with the Exchange Club. He stated that he was very impressed with the facility.

19:40:10 There were no additional comments, and Chairman declared the public hearing closed.

6.2 Discussion of Economic Development Incremental Bonds Scheduled for Consideration by the Council on December 1, 2010 – *John Inch Morgan*

19:40:36 City Administrator John Inch Morgan noted that this matter was tabled at the last City Council Meeting. Due to time constraints involved in preparing the necessary documents, he requested that the matter be continued to December 1, 2010.

19:41:28 Council Member Bud Catlin **MOVED** to discuss the economic development bonds during the December 1, 2010 City Council Meeting. Council Member Jerry Rechtenbach **SECONDED** the motion. Chairman Pratt called for further discussion. Chairman Pratt inquired when the documents will be available for review. Mr. Morgan relayed a commitment from Bond Counsel Blaine Carlton and Financial Consultant Laura Lewis to provide them to the City Council by November 20, 2010. Mr. Morgan clarified that the TEDIF document was included for discussion and to identify guidelines for the use of bonds. He reviewed ideas for guidelines in setting parameters. Chairman Pratt said he doesn't agree with all the principles included and would like some further discussion. Mr. Morgan indicated that he has simply provided a basis for defining and discussing parameters. There being no further discussion, Chairman Pratt called for a roll call vote on the motion. The vote was as follows: Barbour-yes, Pratt-Yes, Rechtenbach-yes, Johnson-yes, and Catlin-yes. **All City Council members voted and the motion passed unanimously.**

7. OTHER MATTERS

7.1 Discussion of December Council Meeting Dates – *Chairman Pratt*

19:45:03 Chairman Pratt called for discussion on the schedule for Council Meetings during the month of December, 2010. He inquired whether there is a need to modify the schedule because of the holiday season. Council Member Rechtenbach suggested leaving all three meetings on the calendar, but reversing the order of the schedule so that regular meetings are held on December 1, 2010 and December 8, 2010, and then a Work Session can be held on December 15, 2010, if needed. The Council concurred with this recommendation, and City Recorder Cheryl Peacock Cottle agreed to notice the schedule modification accordingly.

19:47:18 Council Member Larry Johnson inquired about any signage planned that would prohibit trucks on the Canal Road. Mr. Morgan said that the signs will be ready within a couple of weeks. He indicated that only delivery trucks will be allowed on Canal Road.

19:47:36 Council Member Johnson commented on how good the new fence looks at the Recycling Center on 6200 South Redwood Road.

19:47:58 Council Member Barbour relayed that three members of the LARP Committee have reported not receiving their issues of the Valley Journal. Council Member Johnson also cited delivery service that is lax.

19:48:40 Mayor Wall stated that the City is currently considering other options for delivery. He noted that Valley Journal Reporter Raili Jacquet is in attendance and said the City has no problem with the Journal's reporting. He asked Ms. Jacquet to relay the delivery problems to her bosses at the Journal.

8. NEW ITEMS FOR SUBSEQUENT CONSIDERATION (No Action)

19:49:14 There were no new items for subsequent consideration.

9. NOTICE OF FUTURE PUBLIC MEETINGS (NEXT MEETING)

19:49:21

- 9.1 Strategic Planning Session – Saturday, November 20, 2010 – 8:00 a.m.–Noon**
- 9.2 City Council Briefing Session – Wednesday, December 1, 2010 – 6:00 p.m.**
- 9.3 City Council Meeting – Wednesday, December 1, 2010 – 6:30 p.m.**
- 9.4 City Council Work Session – Wednesday, December 8, 2010 – 6:00 p.m.**
- 9.5 City Council Briefing Session – Wednesday, December 15, 2010 – 6:00 p.m.**
- 9.6 City Council Meeting – Wednesday, December 15, 2010 – 6:30 p.m.**

It was noted that the order of City Council Meetings in December has been modified and will be appropriately noticed.

10. CALENDAR OF UPCOMING EVENTS

19:50:17

- 10.1 Annual Veterans Day Celebration and Parade – Thursday, November 11, 2010 –11:00 a.m. Contact Elaine Waegner at 801-963-5400 or ewaegner@taylorsvilleut.gov for more information. To submit photos or memorabilia, contact Jean Ashby at 801-963-5400 or jashby@taylorsvilleut.gov. To download parade application or parade flyer visit www.taylorsvilleut.gov**

- 10.2 **Annual Exchange Club Fundraising Dinner – Saturday, November 13, 2010 – 6:30 p.m. – City Council Chambers, 2600 W. Taylorsville Blvd. Tickets are \$15 each. Light dinner, followed by free Bingo with prizes. Come support Taylorsville Exchange Club’s annual dinner to raise funds for their service projects. To purchase tickets, contact Linda Hardman at 801-450-4058, or lhily@earthlink.net**

11. ADJOURNMENT

19:50:22 Council Member Dama Barbour **MOVED** to adjourn the City Council Meeting. Council Member Larry Johnson **SECONDED** the motion. Chairman Pratt called for discussion. There being none, he called for a vote. The vote was as follows: Barbour-yes, Pratt-Yes, Rechtenbach-yes, Johnson-yes, and Catlin-yes. **All City Council members voted in favor and the motion passed unanimously.** The meeting was adjourned at 7:50 p.m.



Cheryl Peacock Cottle, City Recorder

Minutes approved: CC 12-01-10

Minutes Prepared by: Cheryl Peacock Cottle, City Recorder