

**MINUTES OF LAYTON CITY  
SPECIAL COUNCIL MEETING**

**JANUARY 22, 2019; 8:06 A.M.**

**MAYOR AND COUNCILMEMBERS  
PRESENT:**

**MAYOR SCOTT FREITAG, JOYCE BROWN,  
BRUCE DAVIS, TOM DAY AND JOY PETRO**

**STAFF PRESENT:**

**ALEX JENSEN, GARY CRANE, STEVE GARSIDE,  
LON CROWELL, TERRY COBURN, STEVE  
JACKSON, ALLEN SWANSON, KEVIN WARD  
AND KIM READ**

**LEGISLATORS PRESENT:**

**SENATOR STUART ADAMS, REPRESENTATIVE  
STEVE HANDY, REPRESENTATIVE STEWART  
BARLOW, REPRESENTATIVE BRAD WILSON,  
REPRESENTATIVE KELLY MILES,  
REPRESENTATIVE KARIANNE LISONBEE**

**The meeting was held in the Council Conference Room of the Layton City Center.**

Mayor Freitag opened the meeting and announced how the discussion would take place. He informed the elected officials of some issues related to development recently approved by the City Council and mentioned the City was in the process of updating its General Plan.

Gary Crane, City Attorney, expressed appreciation to the elected officials representing Davis County. He announced an incredible number of bills had been pre-filed and suggested many of the items identified by the City on the agenda were also of concern to the Legislators. Representative Handy inquired if anyone was aware of the League's priorities for this year's Legislative Session and Mr. Crane responded he believed the League's concerns were similar to what had been identified by the City.

**DISCUSSION ON MATTERS OF INTEREST TO LAYTON CITY**

The following outline was used in identifying items of discussion:

1. Issues of Importance to Legislators
2. Homelessness, Affordable Housing and Housing Affordability
  - a. Sales Tax Distribution
  - b. Referendum
  - c. What Layton is doing
3. General Preemption
  - a. Land Use
    - a. Gravel pits
    - b. Work with PRC
  - b. Water – Metering
4. Fire Retirement Deficit
5. Retirement Issues

Mr. Crane stated there was a difference between housing affordability (the housing gap) and affordable housing. He clarified the housing gap meant there weren't enough housing options whether the consumer could afford to live in them or not and affordable housing was specific to what could be done to make housing for residents more affordable. He mentioned one of the possible solutions was being proposed by

Senator Jake Anderegg, R-Lehi, SB34 to address affordable housing within municipalities and mentioned the items included in the bill. He indicated the legislation would incentivize municipalities to provide affordable housing provisions within their respective General Plans.

Representative Wilson also mentioned the Sales Tax modernization and believed if the state was to be successful, it would result in a significant “windfall” to cities and suggested that could be an opportunity to identify some solutions toward the challenge of “housing”. He believed no solutions had been proposed or offered by the League and indicated he would be willing to meet with key individuals, including Mr. Crane, to agree on an acceptable “process”.

Mr. Crane announced one of his goals for this Legislative Session was to specifically address Referendum and Representative Wilson agreed “fair” solutions needed to be identified. Mr. Crane shared the City’s experience regarding the west Layton referendum and suggested it wasn’t a fair level playing field. He emphasized the process needed to be fair to both sides and believed City Councils should be able to explain its process in a fair way within the process.

Senator Adams indicated a fair amount of discussion was needed on the issue and pointed out government had been established by the people electing individuals to represent them. He suggested the referendum process was a great process; however, it wasn’t the best process used to govern and agreed it didn’t always provide the best solution.

Mr. Crane expressed concern with possible changes to the Sales Tax Distribution process and shared an example used to illustrate how the proposed changes could result in Layton City receiving significantly less than the current figures. He stated the City’s commercial development contributed to the sustaining of the residential component and suggested people chose to live in Layton because of the services offered by its commercial development.

Councilmember Brown pointed out communities which had large commercial development such as WalMart or Kohl’s not only received Sales Tax from them; the City’s had to service them and suggested the police department was at both of those businesses almost daily. She indicated cities needed their generated Sales Tax for those purposes in addition to providing fire trucks and other services.

Representative Wilson didn’t believe legislators had any intention of disrupting the current flow of Sales Tax revenue for cities.

Mr. Crane mentioned the Layton Forward General Plan and the methods used to educate residents explaining how densities work and reported the Council had recently approved new projects with higher density and explained how the approval process took place gradually over several meetings.

Representative Wilson stated experts on tax policy were working on the tax issue. He indicated it was a very complex issue and taxing “services” were being considered. He stated the system was currently broken and if not fixed would affect the State’s ability to fund roads and other services. Senator Adams explained the idea of taxing the final product as opposed to taxing every input. He reminded the Council the marketplace was competing against neighboring states like Nevada that had no sales tax and added a Utah company would clearly be at a disadvantage. He emphasized the State would need to be careful as to not drive manufacturing jobs out of the state which were critical to the State’s economy. He suggested broadening the base would eliminate the peaks and valleys associated with sales tax. Mr. Crane stated he and Layton City would like to be a part of those discussions.

Mr. Crane spoke to the Fire Retirement deficit and believed it had been solved and reminded the elected officials of the issue. He reminded the Council of last year’s proposal and reported Representative Dunnigan would be proposing a bill for the Public Safety retirement programs.

Mr. Crane spoke to General Preemption specific to zoning and gravel pits and shared an example he was involved in with Morgan City. He stated once local zoning power was no longer working, private

enterprise was allowed to do whatever it wanted. He indicated gravel pits was one use and he pleaded with the elected officials to consider all consequences.

Mr. Crane mentioned the City's efforts with the PRC (Property Rights Coalition) had gone very well. He explained it consisted of eighty percent of the biggest builders within the State of Utah coming together to resolve issues upfront. He indicated it had been a difficult year due to the referendum issues and expressed confidence issues could be resolved moving forward. He spoke to the importance of processing building applications, permits, building inspectors, etc., quickly as to not slow down the home construction process.

He asked the Legislative Body or Council if there were any comments of concern.

Senator Adams believed the Legislature's goal for orderly development, consisting of mixed housing was an important point to remember and asked what it could do to help the City Council during public hearings on this issue. He stated input from City Councils was important to the Legislature and suggested it was willing to assist that elected body.

Mr. Crane believed the issue had a lot to do with education and reported Layton City Staff had instructed the development community to be prepared to hold neighborhood meetings for the purpose of educating the public. He stated the meetings were important to propose new and innovative developments and to adjust the plan based on concerns of the public. He suggested the way in which a developer managed the situation during the neighborhood meetings was instrumental in receiving the buy in. He pointed out development has continued to change over the years and involvement from the community was part of the approval process.

Councilmember Day asked if the water metering issue could be addressed. He didn't believe anyone was opposed to water metering but he inquired about the funding for it. Senator Adams responded that would be part of the decision making process and a discussion followed. Mr. Crane mentioned a new rule which stated anything behind the meter, on the private side of the meter, would now make cities responsible for them or the developer would have to become the qualified water provider. He stated this would significantly affect development.

Representative Wilson stated certain cities had a disproportionate influence on how the State was doing or set the tone for many issues and Layton was one of those. He stated the City's example was extremely important. He expressed his opinion the Staff was the finest and had the greatest Council which was very important for the area. He suggested collaboration between Davis and Weber County was crucial to growth and economic development and anything Layton could contribute would be appreciated.

**The meeting adjourned at 9:00 a.m.**

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Kimberly S Read, City Recorder