

**MINUTES OF LAYTON CITY
COUNCIL WORK MEETING**

MARCH 21, 2019; 5:33 P.M.

**MAYOR AND COUNCILMEMBERS
PRESENT:**

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

STAFF PRESENT:

**ALEX JENSEN, GARY CRANE, LON CROWELL,
TIM WATKINS, TRACY PROBERT, DAVID
PRICE, AND KIM READ**

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

Mayor Pro Tem Petro opened the meeting and turned the time over to Staff.

AGENDA:

**DISCUSSION – MINOR CORRECTIONS TO THE GORDON STREET II LLC
DEVELOPMENT AGREEMENT**

Tim Watkins, City Planner, explained there were three instances within the Development Agreement which were not consistent with what was stated in the public record and identified each one:

- Language in the agreement reflected the HOA (Homeowner's Association) would maintain not only common areas, but private front yard areas as well. During the meeting it was represented the HOA would maintain the common areas and would also ensure the private areas were properly maintained.
- Clarification that the HOA would maintain "shared" amenities: open space, pathways, and shared fencing.
- The applicant represented it would work with property owners sharing the eastern boundary to install appropriate fencing. He reported current fencing for those property owners was white vinyl and they had requested the new fencing match what was currently in place. He indicated language in the Development Agreement reflected white fencing which would reflect bright light would not be installed within the development. This wouldn't be applicable along the east boundary and the white vinyl would be allowed.

He indicated the minor corrections could be made to the Agreement following them being presented to the Council.

Councilmember Petro clarified the full length of the eastside boundary could be fenced with white vinyl fencing. Mr. Watkins responded the language would reflect flexibility in that white vinyl fencing would be allowed; however, another color could also be installed.

Ed Grampp, CW Land Co., added most of the homeowners desired the developers make an adjustment to the property line with the fencing reflecting the new property line. He stated his preference would be for all the fencing to be the same color. He indicated the adjacent property owners to the east had expressed a desire for the fencing to be white as it would match their respective side yard fencing; however, no commitments had been made to that effect. He believed there should be some uniformity to the fencing and suggested maybe the fencing to the east would be the only portion white.

Alex Jensen, City Manager, asked the Council if it concurred with the presented changes to the Development Agreement and it expressed agreement.

DISCUSSION – TRAILS IN WEST LAYTON

David Price, Parks and Recreation Director, updated the Council on the Kays Creek Trail and shared a visual illustration which identified the sections which had been completed and identified the proposed portion to be completed in summer of 2019. He also identified the other portions which would be completed in Summer of 2020.

He informed the Council discussions had taken place with adjacent property owners regarding the City's amenity of installing black chain link fencing and one property owner had accepted the offer and indicated the fencing had been installed. He explained by accepting the offer, the property owner could use the parcel for personal use in addition to maintaining the property. He reported the other property owner hadn't expressed agreement to accept the offer. He indicated that same property owner had expressed interest in obtaining ownership of a separate small parcel of property which the City needed for storm water management specific to the creek.

Mr. Price mentioned the City had proposed transferring ownership of the parcel if the City could keep a storm water easement which would allow City access if needed to maintain the creek. He indicated the offers were made to both homeowners in August of 2018 and pointed out only one had accepted the City's offer. He added if the property owner desired a different fencing product the property owner would need to pay the difference between the black vinyl chain link and the vinyl fence which was approximately \$3,000. He stated Staff was prepared to present the same offer to the property owner with a 15 day deadline to accept the offer. He mentioned if the property owner declined the offer, the City would install the black vinyl chain link along the trail. He pointed out the property line went through the shed which had been installed on the City's property. He emphasized it wasn't the City's intention to cause undo harm; however, the City needed to install the fence along the trail. Mr. Price shared an illustration which identified both parcels of property and a discussion took place.

Mayor Freitag arrived at 5:49 p.m.

Councilmember Davis inquired if homeowners living adjacent to trails or parks choose to install a gate in the fence. Mr. Price responded as part of the construction process the City asks homeowners if a gate is desired to access the amenity. He reported once the fence has been completed the cost for the gate would be incurred by the property owner.

Mr. Price referred to the illustration and explained how the property owner could access the shed with a vehicle and a discussion took place.

Mr. Jensen asked if there were any concerns of the Council and there were none.

CLOSED MEETING:

MOTION: Councilmember Davis moved to close the meeting at 5:55 p.m. to discuss Pending or Reasonably Imminent Litigation. Councilmember Carter seconded the motion, which passed unanimously.

MOTION: Councilmember Petro moved to open the meeting at 6:31 p.m. Councilmember Davis seconded the motion, which passed unanimously.

AMEND BUDGET FOR FISCAL YEAR 2018-2019 – ORDINANCE 19-10

Tracy Probert, Finance Director, reviewed the proposed 2018-2019 Budget Amendment Summary with the Council pointing out the following:

- City Center remodel project
- Interfund loan between the General Fund, EDA, and the Transportation Impact Fee Fund for the East Gate development.

- Andy Adams reservoir aeration system. Mr. Jensen indicated state biologists had recommended the installation of the aeration system to contribute to a healthy urban fishery and reminded the Council the reservoir experienced dying fish last year.
- Police and Fire special services unanticipated revenue
- DATC equipment rental for police and fire, certain class fees
- Developer payments and forfeitures
- Unanticipated grants
- CDBG appropriations
- 9-1-1 small equipment grant
- Davis Metro grants
- Capital Projects – Amphitheater plaza project
- Davis Arts Council RAMP grant for Amphitheater plaza project
- Vietnam Memorial Wall project
- Davis County spring orchestra concert
- Prop 1 Fund for the South Angel Street widening project
- Water Fund – overage use of Weber Basin Water contract

He informed the Council the Resolution authorizing the Budget Amendments would come to the Council for approval and he recommended approval.

BUDGET DISCUSSION

Mr. Probert reviewed the proposed 2019-2020 FY Budget with the Council and highlighted the following:

- Water Fund
 - Increase in revenue due to the proposed rate increase
 - Funds appropriated for capital projects
 - Funds appropriated for impact fee related projects
 - Unrestricted fund balance was increasing as anticipated to cover projects identified in the Master Plan
- Storm Sewer Fund
 - Increase in revenue due to the proposed rate increase
 - Infrastructure improvement projects were being completed
 - Healthy fund balance to accommodate projects identified in the Master Plan
- Sewer Fund
 - Carry-over projects were being completed in 2019
 - Healthy fund balance for future improvement needs
- Refuse Fund
 - Main change in revenue was related to new residents
 - Substantial increase over the last year
 - Change of a part-time to full-time utility personnel
 - Mr. Jensen inquired if the \$2 increase for Wasatch Integrated had been included in the budget. Mr. Probert responded he hadn't received notification of any increase and reported it hadn't been included.
- Street Lighting Fund
 - Mr. Probert requested direction from the Council whether it favored an increase from \$2 to \$3 and reported that increase would generate an additional \$319,000 in revenue which would allow the City to hire two positions for maintenance and repair of City street lights and traffic signals. He added it would also provide funding for future projects.
- Pool Fund
 - Mr. Probert anticipated revenue would remain essentially the same
 - Reported personnel increase for an Assistant Aquatics Manager and reducing a limited part-time position
- Emergency Medical Fund
 - Increase in calls and a potential rate change related to EMS (Emergency Medical

- Services) would result in increasing revenues
 - Increase in personnel costs as the department transitions from a part-time department to full-time department
 - He spoke to the increase in write-offs. Councilmember Davis asked if the percentage of revenue had remained the same and Mr. Probert responded it had decreased over time but indicated it was in a reasonable range. Mayor Freitag asked how difficult it would be to provide data for EMS and inter facility separately. Mr. Probert responded he didn't track the data. He believed staff at the Fire Department could access that information in the billing system. He would ask if that information could be provided.
- UIA Telecom Fund was unchanged
- Secondary Water Fund
 - The fund was unchanged and indicated it was based on the City's contract for maintenance
 - He requested the Council review the identified Water Fund Projects
- Victims Services
 - Merit increase associated with personnel costs
- Alcohol Enforcement was unchanged
- E911 Fund recognized a decrease in operations due to timing of licensing
- Metro Strike Force
 - This was a grant based fund with the only identified change, were costs associated with bulletproof vests for officers
 - This funded itself and the fund balances were fine moving forward
- CDBG Fund
 - No major changes to the fund
 - He reminded the Council how re-programming of funds occurred
- RDA Fund
 - Reported this figure would be dependent upon participation from Davis Schools and anticipated a reduction
 - Fund balance was healthy
- EDA
 - Announced all funds had been paid back to the City by the tax increment and indicated any future tax increment would go toward future projects
- Impact Fee Fund
 - Not much to report
 - Mr. Probert reviewed the Impact Fee Fund Balances with the Council
- Class "C" Road Funds
 - Funds would be used toward road maintenance
- Debt Service Fund was unchanged
- Prop 1 Transportation Fund
 - Funds would be designated toward road maintenance
 - Mr. Jensen added these maintenance projects would be various roads located in older, established neighborhoods

Mr. Probert suggested discussing Property Tax during a future budget meeting. He asked the Council to contact him with any questions.

MAYOR'S REPORT

No Mayor's report was given.

The meeting adjourned at 6:55 p.m.

Kimberly S Read City Recorder

SWORN STATEMENT

The undersigned hereby swears and affirms, pursuant to Section 52-4-205(1) of the Utah Code Annotated, that the sole purpose for the closed meeting of the Layton City Council on the **21st day of March, 2019**, was to discuss the pending or reasonably imminent litigation.

Dated this 20th day of June, 2019.

ATTEST:

SCOTT FREITAG, Mayor

KIMBERLY S READ, City Recorder