MINUTES OF LAYTON CITY COUNCIL WORK MEETING — **MAY 16, 2019; 5:35 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, TERRY COBURN, PAUL APPLONIE, STEPHEN JACKSON, WES ADAMS, CHAD WILKINSON, 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 Freitag opened the meeting and turned the time over to Staff.

AGENDA:

UPDATE – UTAH TRANSIT AUTHORITY/LAYTON CITY PARTNERSHIP

Beth Holbrook, UTA Commissioner, (Utah Transit Authority) introduced Laura Hansen, Planning Director, and Andreas Coleman, Business Manager of the Ogden area.

She reminded the Council of the new organizational structure of UTA, consisting of three full-time commissioners, and indicated she represented Davis, Weber, and Box Elder counties. She stated it had been a great experience and announced the Commission had worked very hard to make some positive changes allowing the organization to move forward in a more open and collaborative way. She stated the meetings were open to the public and scheduled weekly, with the intent to gather information.

She announced her intent was to discuss current service within the City and the future of FrontRunner. She spoke of the key routes within the City highlighting the FrontRunner station and provided ridership statistics. She also referenced the different bus routes available to riders within the City.

Mayor Freitag left the meeting at 5:40 p.m.

She reported a study had been completed for the Commission regarding FrontRunner detailing how it could be implemented in the future. She pointed out there was no designated funding currently identified for FrontRunner and explained an investment in double tracking would allow more service and frequency. She stated the more frequency of a system, the more often the train would be used. She explained how double tracking and electrification would benefit the frequency of service to the system. She reported the Commission had worked with WFRC (Wasatch Front Regional Council) taking into consideration the recently passed legislation specific to housing, Senate Bill 34, transit would be instrumental.

Councilmember Davis mentioned electrification would certainly assist with the air quality and requested clarification it would eliminate the use of fossil fuel; therefore, a cost savings would be recognized. Andreas Coleman, Manager of the Ogden area indicated the electrification would be similar to what was used with the TRAX system and indicated a savings would be anticipated and a discussion took place.

Councilmember Petro asked about the possibility of a second ski bus to the Ogden resorts. Mr. Coleman responded Snowbasin had requested a second bus and explained the bus was provided by a partnership with Davis County. He stated all parties would need to agree on the cost and subsequent funding.

Mayor Freitag rejoined the meeting at 5:50 p.m.

Laura Hansen, UTA Planning Director, provided a timeline associated with Service Choices for UTA. She stated UTA Staff was in the process of completing a planning project titled "UTA's Service Choices" specific to bus services and would be reaching out to the community to identify the public's priorities for tax dollars as it related to bus service. She shared a visual presentation regarding bus service and reviewed the goals of UTA. She pointed out the difference between ridership compared to coverage, discussing the differences, and emphasized both were important to residents. She reported this area was currently 30% ridership and 63% coverage focused and indicated the statistics associated with Utah and Salt Lake counties were the opposite. She requested direction from the Council as to what it believed the right or desired split should be and requested the councilmembers complete the survey on the website and reviewed the questions which would be asked from members of the community and the Council to consider.

Councilmember Davis asked what proportion of revenues were generated by ridership verses taxes. Ms. Hansen responded UTA's revenues were 18% of UTA's General Fund and added revenues were generated by fares. She added local taxes were the majority of the General Fund and suggested an approximate 80 – 20 split.

Councilmember Davis asked about alternatives to transportation coverages such as ride sharing, Uber, or Lyft would impact UTA's business model. Ms. Hansen reported a pilot program similar to Uber and Lyft would begin this fall which would address this issue and explained the concept to the Council. She also explained other options which could be considered in the future.

Ms. Holbrook expressed appreciation to the Council and left some handouts for the public/residents on behalf of UTA.

Ms. Holbrook, Ms. Hansen, and Mr. Andreas left the meeting at 6:02 p.m.

PLANNING COMMISSION APPOINTMENTS

Mayor Freitag announced the Planning Commission would soon experience three vacancies: two members had served the maximum time allowed and one had submitted a resignation letter. He stated applications expressing interest in the vacancies had been submitted for consideration.

Chad Wilkinson, Community and Economic Development Director, stated applications had been accepted. Mayor Freitag announced an application period would be advertised on the City's website and through social media. He proposed a deadline of Friday, May 31, 2019. He indicated the application was currently on the website.

Councilmember Brown asked about the qualifications and Mayor Freitag read and reviewed them from the application. He announced an interview date would be announced at a later time.

SECONDARY WATER DISCUSSION

Mayor Freitag indicated the discussion would address concerns expressed by residents regarding the staining associated with the use of secondary water. He reported Alex Jensen, City Manager, had additional information for the Council and added this was an opportunity for the Council to receive additional information from Staff. He emphasized no formal direction would be made at this time.

MAYOR'S REPORT

Mr. Jensen requested time for Staff to present the illustration of the design of the proposed intersection for Fairfield and Church Street. Stephen Jackson, City Engineer, shared the illustration and explained how the right hand turn lane configuration would take place at the intersection. He added curb and gutter would be installed along the west side of Church Street to allow for the continuous sidewalk. He indicated the proposed start date was mid-June with a maximum completion date of 90 days. A discussion took place regarding the landscaping for the island and Mr. Jackson emphasized the Parks Department had requested a low maintenance product. City Staff expressed a desire for the Council to be aware of the layout should any of the members receive inquiries.

SECONDARY WATER DISCUSSION

Mr. Jensen, City Manager, reminded the Council of the concerns and questions regarding water rates and stated Staff was prepared to discuss the tiered rate structures identified in the City's Water Master Plan specific to culinary water rates and secondary water. He mentioned the differences specific to the tiers was conservation driven. He indicated the Council had requested Staff to provide the context and purpose behind the recommended decisions based on data regarding costs. He emphasized the purpose of the presentation was intended to be used as an education tool based on factual information. He indicated all water staff was present to address the Council's concerns or questions.

Tracy Probert, Finance Director, reviewed the Council objectives in promoting conservation and rights and pointed out the City's Water Master Plan addressed all concerns and resources. He mentioned if the City didn't take advantage of the available secondary water within the City; then the culinary system would have to be built much larger and rates would increase substantially more than what they have. He reviewed the available water resources included in the Layton City Water Master Plan and shared the costs of secondary water to the City. Mr. Jensen pointed out the inequity of secondary water costs depending on where a citizen resides; however, using secondary water resources in the long run benefitted all Layton City residents. He reported approximately 50% of the culinary water was drawn from City wells with the remainder coming from long standing contracts with Weber Basin. He pointed out most cities didn't have the advantage of being able to access and control that amount of its own culinary water. He suggested culinary water costs from other agencies would increase significantly in the future.

Mr. Probert explained challenges with the secondary water system City-wide and reviewed those with the Council:

- Low pressure
- High pressure
- Smell
- Clogged filters
- Staining

He stated all secondary systems within the City experience one or more of these issues and pointed out there would always be some extra maintenance involved when using these systems. Mr. Probert reviewed the number of secondary water system connections within the City and identified the number of residents which didn't have access to any secondary water system.

He informed the Council Kays Creek Irrigation was aware of the staining issue and was working to resolve the matter. He reported Kays Creek had identified a product which could remove the staining caused by the secondary water and had been promoting the product for some time. He stated City Staff had tested the product earlier today. He also mentioned the installation of bubblers at Andy Adams reservoir to breakdown the minerals and the future plans to connect to Hobbs reservoir would dilute the mineral content. Mr. Jackson added that connection was part of the Master Plan and future development would require that connection.

Councilmember Brown asked when that was anticipated to take place and Mr. Jackson responded he believed the Water Master Plan had identified that to take place by 2025-2026.

Mr. Jensen pointed out the objective of the Water Master Plan was to identify the best way to use the available water resources. He stated the irrigation companies were separate entities from the City and continued to explain as part of the Master Plan, the secondary provision system would be managed and operated by the City, in partnerships with these various companies, and explained the logic for that to take place. He emphasized this would be a long term plan and eventually lead to a common rate for the secondary water throughout the City.

Mr. Probert reported Staff completed some testing with the product and shared some visual slides illustrating the application of the product and the effective results. Mr. Coburn added the product wouldn't negatively affect landscaping, plants, and grass. A discussion took place regarding the cost of the product, how often it would need to be applied, and whether it was difficult to remove the staining.

Councilmember Petro believed the responsibility associated with the staining belonged to the supplier and asked if discussions had taken place with them. Mr. Jackson responded City Staff had discussed the issue with Kays Creek Irrigation who had indicated it would be cost prohibitive to determine what was going on with the water. He pointed out the cost of merging the two reservoirs together was approximately $500,000 and emphasized there were various issues by the different water suppliers.

Mayor Freitag stated residents had expressed concern with how much it would cost to use culinary water for irrigation purposes under the tiered system. Mr. Probert shared the proposed water rates for the use of culinary water compared to the use of Kays Creek irrigation water and reviewed them with the Council. He explained the difference between the cost of the culinary water and Kays Creek water would be less than the cost of the Kays Creek water. Councilmember Day inquired about the costs associated with not using secondary water. Mr. Jackson indicated that would be difficult to identify and suggested there could be contractor costs associated with switching to culinary water. Mr. Probert shared a "consumption example" and reviewed those costs with the Council and concluded those residents choosing to use the culinary system for outdoor watering was much more expensive than using secondary water.

Mr. Jensen pointed out the tiered water rate structure was required by the State and explained the philosophy that those using more water would need to pay more. Mayor Freitag reminded the Council of previous discussions regarding the rate increases and indicated the State would continue to force conservation on residents through water providers as the population continues to increase. He suggested the residents of Layton City were very fortunate for the planning of previous City officials which had the foresight to secure water resources. He added if that hadn't occurred the water rates would be significantly higher. He also pointed out the costs associated with maintaining the water infrastructure to deliver water to the residents. He reminded the Council it had determined to implement costs associated with encouragement of the use of secondary water with the adoption of the Water Master Plan.

Mr. Probert continued to share bill comparisons with the Council and pointed out if residents chose to consume the culinary instead of the secondary, there would certainly be an increase on the utility bill. He also explained the process required for residents switching from the secondary system to the culinary water system. Mr. Jensen requested residents contact the City for an inspection if they had completed the conversion process on their own. He reiterated cross contamination between the two systems could inadvertently take place and the free inspection would ensure the integrity of the City's culinary water system.

Councilmember Brown clarified this would be the first year the tiered system would be implemented. Mr. Probert stated the rates went into effect in November and indicated this would be the first summer season with the effective new rates. He reported the new rates reflected in the Water Master Plan rate study would go into effect this coming November. He pointed out Staff had worked closely with the consultant regarding the initial Water Master Plan rates and fee schedule and indicated the rates had been significantly modified to benefit the residents, at the direction of Mr. Jensen and the City Council. He also indicated several large water projects had been shifted to help support the water infrastructure long term. He also mentioned the Water Impact Fees would be appropriated toward the System. Councilmember Brown inquired if Mr. Probert had identified how a resident impacted the City's water source if they had access to secondary water, yet had chosen to use culinary water. He pointed out that practice could negatively impact the secondary system and Mr. Jackson explained those scenarios.

Mr. Probert also explained how residents could participate in equalization billing now that the City had gone to a monthly billing system. Councilmember Day stated he would be in favor of offering an incentive to participating residents.

The Council adjourned the Work Meeting at 6:56 p.m.
The Council reconvened in a Work Meeting at 8:20 p.m.

MAYOR'S REPORT

Mayor Freitag announced the Strategic Planning Meeting scheduled for May 23, 2019 would be re-scheduled to May 28, 2019 following the joint meeting with the Planning Commission.

SECONDARY WATER DISCUSSION - continued

Councilmember Brown believed the City should encourage residents to use secondary water and suggested the Council could consider delaying the implementation of the tiered structure for those residents that had access to secondary water, but wanted to use culinary water, for one year until a determination could be made as to whether the bubblers would mitigate the minerals staining fences and concrete. Councilmember Petro believed that offer would need to be available to all residents and a discussion followed.

Mr. Jensen asked what the Council believed would take place in one year. Councilmember Brown suggested the bubbler could improve the iron content in the water. Mr. Jensen expressed his opinion the City spent two years working on the Water Master Plan, with multiple public hearings for residents to express comment prior to its adoption, and believed the proposed one year reprise would exacerbate the issue after that time.

Councilmember Carter pointed out this was a Kays Creek issue and asked about its involvement with the issue and expressed concerns. Mayor Freitag responded he was comfortable with information the City's representative was providing specific to the issue. Mr. Jensen believed there were two separate issues and suggested the residents were requesting an adjustment for its rate structure and a discussion followed.

Councilmember Petro asked if there was a long term solution or plan in case the installation of the bubblers weren't effective in solving the issue with the iron content. Mr. Jensen stated the long term solution would be when the two separate water systems can be combined mixing the water for delivery. He also referred to the options available to homeowners which were effective in removing the discoloration to their property. He added these issues were fairly common with untreated water systems and pointed out residents could purchase "systems".

Councilmember Petro expressed her opinion the City shouldn't take on the issue and emphasized the staining issue should be addressed by Kays Creek, the water supplier and a discussion followed.

Mayor Freitag asked if there was any direction from the Council moving forward. Councilmember Brown believed the Council should make a decision and stand by it and present a united front to the residents on whatever was decided. Mayor Freitag pointed out the Council had approved the water plan, which included the rates, through the normal process, via ordinance and everything that entailed. He continued the impact of decisions such as that can be significant to residents. He indicated the Council had made a recommendation to the Administration, with Mr. Jensen ultimately determining how that would be carried out. Mr. Crane agreed the Council's decision had already been made via ordinance. Mayor Freitag suggested anything different would require amending the ordinance through proper noticing.

Mayor Freitag asked if there was further direction from the Council and there was none.

Councilmember Carter suggested a meeting with representatives from Kays Creek and Staff should take place to determine if there were any available options to speed up the process. Councilmember Davis agreed there would be some advantage in having the water quality issue addressed before the City accepted the secondary system. Councilmember Brown indicated all residents should be treated the same when addressing water fees.

RESTROOM/TRAILHEAD DISCUSSION

Mayor Freitag reminded the Council it had approved the rest rooms in conjunction with the approval of the Parks Planning process in 2016 which also included the trailhead. He announced the neighboring community recently became aware of the imminent plan for the restrooms and have expressed concern with the proposal. He clarified the Council could make a recommendation for an Administrative decision.

Mr. Crane clarified Parks Master Plan had been approved, and Staff had made certain commitments included in the Plan, and suggested there would be a cost associated with any potential changes.

David Price, Parks and Recreation Manager, pointed out the developer had provided the City with the property for the trailhead and trail.

Councilmember Petro pointed out the parcel seemed smaller in person than what it appeared on the illustration. Mr. Price pointed out specifics associated with the restroom in conjunction to the parcel. He also shared some photos identifying the proposed amenities for the trailhead. He also pointed out the proximity of the homes in conjunction with the parcel and a discussion followed with resident participation.

Councilmember Brown commented on her experience of living near Andy Adams pond and reviewed some of the concerns and objections by adjacent property owners and residents in the area specific to both pedestrian and vehicle traffic, the restrooms, and the type of people which would frequent the pond when it became an urban fishery. She stated none of the expressed concerns were problematic and suggested most of the residents in the area would agree.

Councilmember Davis believed there were some valid concerns of the residents and suggested they could be mitigated by good policing and maintenance of the trailhead. He didn’t recall a developed subdivision existed at the time the Council adopted the Parks Master Plan and a discussion followed.

Councilmember Day shared his knowledge and experiences associated with Andy Adams and Holmes Creek Reservoir and believed there was validity and merit with the residents’ concerns specific to the location of the restroom and the discussion continued.

Councilmember Brown expressed her opinion a public restroom was needed for the Rail Trail in that general area and pointed out many comments made on Facebook following the KSL news segment were in favor of the public restroom. Councilmember Petro also agreed a public restroom was needed in the area especially if the City’s trail system would be connected to one another; however, she believed the parcel was too small to accommodate the restroom.

Mr. Jensen pointed out the importance of placing the restrooms in a visible area as opposed to a secluded site and suggested the same people currently accessing the trail would be the very same once the restrooms became available. He believed the restrooms wouldn’t result in bringing in a bad element.

Mr. Price emphasized the trail would be a much larger connection to the City’s trail system and pointed out the connections which illustrated the need for the restroom. He requested the Council consider keeping the restrooms in this original location to accommodate pedestrians on the trail and the Council continued to discuss the restroom.

Mayor Freitag inquired if there were other restrooms planned along the trail system and a discussion followed. Mr. Price stated a restroom was planned for the Adams Canyon trailhead.

Councilmember Brown asked what would happen to the property if the restroom wasn't installed and asked if there was anything the City could do to mitigate concerns of the neighborhood. Mr. Price responded the City would complete the area with the proposed landscaping and amenities. He added there would be an electronic locking system on the doors with 24-hour surveillance, the same system which was currently in use at City offices and indicated all activity would be recorded.

Councilmember Carter reported he was a Staff member when the original plan was being implemented and stated Staff had identified this location as a perfect place for a restroom since it intersected two separate trails and believed the residents' concerns could be managed and the discussion continued.

Councilmember Brown asked about incidents of questionable or criminal behavior taking place along the City's trail systems. Mr. Price indicated the issues along the trail were people relieving themselves and graffiti on the fences, but emphasized these were rare occurrences. He reported Staff had to displace homeless campers on average once a year, although this could take place through the entire trail corridor, not just the Rail Trail.

Mr. Price emphasized the City had already signed contracts with the supplier of the restroom facility and was fully invested within the project.

Mr. Crane announced the City hadn't prosecuted any cases of perpetrators in restrooms with the exception of Surf'n Swim incidences. He stated the City had issues with places which were undeveloped and shared some examples.

Mr. Jensen ensured the Council Staff would implement the Council's direction regarding the restroom and the discussion continued. Councilmember Day didn't believe the parcel was large enough to accommodate the restrooms and its proximity to the homes was too close. Councilmember Davis suggested exploring the possibility of partnering with a private entity such as the Chevron Station on Gentile. Councilmember Petro also expressed concern regarding the size of the parcel. Councilmember Carter reported the City had originally desired a larger parcel of property for the trailhead and restrooms and during negotiations with the developer ended up with this smaller parcel. Councilmember Brown agreed a larger parcel would have been preferred; however, she believed this would be a benefit for the entire City. Mayor Freitag stated as trails had become part of the Transportation Master Plan, City Master Plan, and Parks Master Plan, the amenity made sense. He also agreed this might not be the appropriate place for restrooms given the size of the parcel and also agreed with some of the concerns and issues expressed. He suggested a better location could be identified along the trail system. He directed Staff to continue with the development of the trailhead with the exclusion of the restroom.

LIBERTY DAYS PARADE

Councilmember Davis inquired if distribution of the popsicles delayed the progress of the parade and Mr. Price indicated last year worked well because Staff kept the parade moving along. Councilmember Petro announced she had secured the popsicles for this year's parade and a discussion followed.

The Council determined to continue with the tradition of distributing popsicles along the parade route again this year and Councilmember Davis suggested acknowledging the donation.

BUDGET DISCUSSION

Mayor Freitag asked about the process of adopting a budget if the Council chose to hold a Truth in Taxation Public Hearing. Mr. Probert explained the Council would adopt the Tentative Budget in June and a series of public hearings would follow, with adoption of the Final Budget taking place in August.

He suggested the City identify a clear purpose for raising property taxes and indicated the need for the Fire Station and its staffing would be appropriate. He mentioned road maintenance would also be a legitimate reason as well as recreation centers, swimming pools, or maintaining current facilities.

Councilmember Freitag asked what the deadline to the Council would be in making that determination and Mr. Probert responded he would need to know by June 6, 2019 in order to prepare for approval of the Tentative Budget. A discussion specific to meeting dates and a possible timeline for adopting the Budget in conjunction with the Truth in Taxation process. Mr. Probert pointed out even if the Council chose to maintain the Certified Tax Rate from last year it would need to proceed through the Truth in Taxation process and a discussion took place.

Mr. Probert explained revenues had doubled yet Property Tax was approximately 23% lower than if the City had been allowed to increase the Property Tax Rate for inflation. He pointed out how fortunate the City was in regards to Sales Tax with the unprecedented 10-year growth in the economy. Mr. Jensen reported the City hadn't increased Property Taxes within the previous 30 years. Mr. Probert reviewed some costs associated with a new fire station.

Councilmember Brown also pointed out the Legislature hadn't yet made a decision specific to revamping Sales Tax and suggested the City hold off until some decision had been made at the State level.

Mr. Probert reiterated even if the Council desired to hold the Certified Tax Rate, the City would need to hold a Truth in Taxation public hearing.

MAYOR'S REPORT

Mayor Freitag expressed Congratulations to both David Price and JoEllen Grandy.

Mr. Jensen announced the individual hired as the Public Relations Specialist started this past Monday, May 13, 2019.

Mayor Freitag thanked Mr. Price for his professionalism in dealing with those residents expressing concern regarding the trailhead restroom and with the City Council.

The meeting adjourned at 10:00 p.m.

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Kimberly S Read, City Recorder