

**MINUTES OF LAYTON CITY
COUNCIL WORK MEETING**

MARCH 19, 2020; 5:30 P.M.

**MAYOR AND COUNCILMEMBERS
PRESENT:**

**MAYOR JOY PETRO, ZACH BLOXHAM, TOM
DAY, DAWN FITZPATRICK, CLINT MORRIS,
AND DAVE THOMAS**

STAFF PRESENT:

**ALEX JENSEN, GARY CRANE, TRACY
PROBERT, STEPHEN JACKSON, ED FRAZIER,
DAVID PRICE, AND KIM READ**

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

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

AGENDA:

PRESENTATION – US-89 CONSTRUCTION START-UP

Aubry Bennion, UDOT, was present to share an update with the Council. There were technical difficulties specific to her presentation and it was determined to proceed with the meeting while Staff attempted to address the issue.

COUNCIL MEMBER REPORT

Councilmember Fitzpatrick announced the Federal Government had suspended the Census field workers for a minimum of two weeks. She stated post cards were still being mailed out. She indicated information regarding the Census had been disseminated on the City's social media platforms. She also announced the Communities that Care meeting with Davis Behavioral Health would be suspended until further notice.

Councilmember Bloxham informed the public the Councilmembers had been participating in meetings with the Utah League of Cities and Towns to continue receiving information specific to the Coronavirus pandemic and yesterday's earthquake. He mentioned it had been a nice experience in networking with other municipalities in gaining access to elected officials at the State and Federal level regarding the pandemic.

Councilmember Fitzpatrick asked what Youth Court was doing specific to the pandemic recommendations. Mayor Petro reported she had instructed Ms. Kidman to cancel Youth Court. Councilmember Fitzpatrick mentioned the Youth Council had also been cancelled.

Mayor Petro added all meetings at the state level had also been cancelled.

DISCUSSION – KENLEY AMPHITHEATER PLAZA SPONSORSHIP

David Price, Parks and Recreation Director, updated the Council on the sponsorship efforts for the naming rights of the Kenley Amphitheater plaza. He reported Staff had been working to identify potential sponsors to help support the construction of the plaza completed last year. He referred to the rough draft letter which had been previously provided to the Council and reported he wanted to review updates with the Council prior to sending it out sometime next week. He distributed the letter to the Council and requested any questions or comments regarding the content be directed to him. He informed the Council of an additional update and indicated sponsorship proposals would be accepted until the middle of May, which would allow Staff time to identify the selection prior to the ribbon cutting.

He stated there would be three levels of sponsorship: Bronze, Silver, and Gold and pointed out there were some hard, forever elements associated with the naming rights memorialized with the project and mentioned the names and respective sponsorship levels would be reflected on a brass plaque. He explained there would be promotional material and information provided not only by the City, but the Davis Arts Council (DAC), and expressed appreciation for its cooperation and indicated the names of donors would be reflected in the concert programs.

Mr. Price reported he, and Alex Jensen, City Manager, had been working with a prominent Layton family, and a longtime supporter of the Kenley Amphitheater, whose donation they believed would qualify for the naming rights of the plaza. He pointed out the ribbon cutting would take place during the first concert of the DAC's season, anticipated around the first of June.

Councilmember Day clarified a donation would result in the name and sponsorship level would be displayed forever. Mr. Price responded in the affirmative and shared an illustration of what the signage would resemble, and emphasized it would identify the donors and level of sponsorship and not the amount of the donation. He pointed out the signage and naming rights of the plaza would be for a ten year period of time.

Councilmember Fitzpatrick asked what the City planned to do with the donated funds. Mr. Price responded the City intended to give a portion to the DAC to ensure that individual/family's continued support for the DAC; a more significant portion would remain with the City to be used for ongoing maintenance and projects associated with the amphitheater and plaza.

Councilmember Thomas clarified the funds donated to the City would be used for maintenance of the plaza and asked how the DAC intended to use its donated funds. Mr. Price responded this particular donor had been a prominent donor to the DAC annually and had requested their donation would continue to benefit the DAC. Councilmember Thomas asked if the donation would be made in a lump sum or in annual increments and Mr. Price stated the donor had the option to contribute annually for 10 years.

Councilmember Day asked if a separate fund would be designated for this donation or whether it would be earmarked. Mr. Jensen responded the funds would come to the General Fund and the Council could direct Staff to designate a special revenue fund for the purpose of continuing to improve and maintain the plaza area. Mr. Price believed the Council would be pleased and excited with who the donor was and the amount of the sponsorship.

Mayor Petro stated she was pleased to see the plaza and sponsorship come to fruition. She also liked the new proposal for the placement of the sponsorship plaque being placed in a prominent area of the plaza. Mr. Price stated the rock would be relocated closer to the entrance and the plaque would be replaced with a more durable product.

RECREATION, ARTS, MUSEUM, AND PARKS (RAMP) COMMISSION FUNDING RECOMMENDATIONS FOR THE 2020 RAMP GRANT AWARDS

Tracy Chatwin, RAMP Chair, referred to the final recommendation included in the agenda packet and distributed one to each Councilmember. He reported 36 applications were received with 22 unanimously funded at 100%, 7 were funded by a majority vote, 6 were unanimously not funded, and 1 was not funded by a majority vote. He explained the difference between a Tier I or Tier II project was based on the dollar amount and explained and reported on those which were funded. He also referred to the final votes of the Commission for each identified project. He announced \$1,313,000 worth of projects had been funded resulting in a carry-over of \$82,000. He asked if there were any questions from the Council.

Councilmember Fitzpatrick requested clarification between Tier I and Tier II projects. Mr. Chatwin responded a Tier II grant would be a request for funding for \$500 to \$9,999 and a Tier I grant award would be for funding from \$10,000 to \$199,999.

Mayor Petro expressed appreciation to Mr. Chatwin for the color coding to help better explain the Commissioner's voting for the grant awards. She requested he identify parameters associated with the grant application process.

Mr. Chatwin explained packets were distributed in January and the submissions were discussed during two meetings in February taking into account the following: the requestor had to be a non-profit, were there any matching funds, and would the grant benefit and remain within Layton City. He mentioned that was the reason behind denying the grant request submitted by CenterPoint Legacy Theatre in Centerville. He further explained OPPA had been denied on four of its five submissions because it was difficult to identify how the funding would remain within Layton City. He continued to explain no guarantees could be made that performances at Title 1 schools and assisted living facilities would be specific to Layton City. He also indicated bookkeeping by OPPA also made it difficult in approving the grant funding because it couldn't be used toward ongoing operation costs. He emphasized these were recommendations from the RAMP Commission and the Council had the authority for final approval. He expressed appreciation to the Councilmembers which had attended some of the meetings.

Councilmember Fitzpatrick believed the Councilmembers had each received a letter from OPPA and asked if the Commission had allowed OPPA representatives an opportunity to further explain and provide a response for a second time and Mr. Chatwin responded in the affirmative.

Councilmember Fitzpatrick asked if funds could be carried over from year to year and Mr. Chatwin stated that was acceptable and explained how this had allowed the grant funding to be used in previous years for the junior high school gymnasium. He continued to explain the Commission intended to designate a specific amount each year for this purpose and mentioned the practice of "funding forward" could result in losing out on another grant funding opportunity.

Councilmember Bloxham asked if the Commission took into consideration the recipients of last year's grant funding when considering this year's requests. Mr. Chatwin explained the Commission desired to consider each application separately and individually; however, unless there were circumstances such as previously earmarked funds for a specific large project, the Commission started each year as a clean slate.

Councilmember Morris mentioned he was familiar with OPPA and believed it contributed to the community and inquired if there was an opinion of competition between it and the DAC amongst members of the Commission. Mr. Chatwin responded not in the least and pointed out the Commission had also denied previous grant requests from DAC in the past. He added the RAMP Commission meetings were very spirited and expressed his opinion there was a good representation from the community serving on the Commission.

Councilmember Morris specifically inquired about the senior theater program which had previously been provided by DAC and Mr. Chatwin explained DAC guaranteed the grant funding would benefit Layton residents and OPPA couldn't provide that same guarantee. He informed the Council he voted against this grant submission because he believed there were too many avenues for OPPA to use the grant funds while not providing the guarantee that funds would remain in Layton City.

Councilmember Bloxham indicated he understood the concern with the grant funds benefitting Layton residents with the touring performances, senior programs, and even the arts education program. He specifically asked about the community theater season, which also hadn't been funded. Mr. Chatwin explained the RAMP grant funding shouldn't finance the entire season and pointed out the Commission had approved the grant for purchasing the rights for the Music Man. Councilmember Bloxham asked if RAMP grant funding was required to be distributed in specific areas and Mr. Chatwin responded that was not a requirement and indicated the grants were awarded based on the submission. Councilmember Bloxham expressed concern with how the benefit for Layton City residents was measured and shared the following comparison to illustrate his point; the Commission awarded grant funding of \$25,500.00 for the Vietnam War Dog Memorial but denied grant funding for a "season" of theater performances within the

City. Mr. Chatwin responded Vietnam Veterans of America had approached the City with significant funding already in place and was only requesting a small percentage to complete its project. He indicated that was one of the grading parameters used by the Commission when considering submissions.

Councilmember Bloxham asked about other applicants which hadn't met the operating cost requirements which weren't funded and Mr. Chatwin recalled a school had previously been denied and shared some other examples in which operating costs had to be reconsidered. He pointed out the Commission provided educational seminars specific to requirements and the application process in the fall for those considering application. He also mentioned the Commission scheduled a secondary meeting with representatives from OPPA to verbally address questions on behalf of the Commission.

Councilmember Thomas asked if the Commission informed the applicant whether only a portion of the grant request could be awarded and Mr. Chatwin responded in the affirmative. A discussion took place with different scenarios being presented by the Council and Mr. Chatwin to further illustrate how this was applied.

Councilmember Bloxham mentioned the handout and discussion was a great recap of the submission requests and the Commission's considerations. He also expressed appreciation for the information provided in the packet regarding the submissions. Mayor Petro agreed and suggested Councilmembers visit the Commission meetings when they discuss the applications to witness the process.

Councilmember Thomas asked what a "music station" was, application #9, Grey Hawk Park, and Mr. Chatwin explained it's a playground type facility.

Councilmember Fitzpatrick inquired if the DAC Active Pages activity would be able to proceed since it didn't receive full grant funding and Mr. Chatwin responded the event would still take place, it would only affect the number of sessions.

Councilmember Thomas asked if the grant recipients were held accountable after it received funding and Mr. Chatwin believed not only did the public hold these entities accountable, but the recipient was required to identify how the funding was expended. Mr. Price clarified every recipient was required to submit a completion report including receipts and the Commission paid from those. He informed the Council the requirements which set forth the parameters for the grant funding, explained by Chair Chatwin, was set by ordinance which was designated by the previous Council.

Councilmember Morris inquired about the Highway 89 underpass funding which identified this grant was Year 1 of 3. Mr. Chatwin explained the Commission authorized the requested amount of grant funding which was designated as Year 1. Mr. Price added this was one element of a funding package and the City was seeking additional grant funding, as well as other funding sources for this project. He commented this was an expensive project. He emphasized it would be up to the Council to pull the trigger on the project and up to this point UDOT had been supportive of the City's efforts and was willing to work the design into its project. Councilmember Bloxham expressed his support for the project and believed the timing was right.

Chair Chatwin expressed appreciation to the Council for its support. Councilmember Day also expressed appreciation to members of the Commission for their dedication to the City and indicated the reason for not funding a project was legitimate.

PRESENTATION – US-89 CONSTRUCTION START-UP

Aubry Bennion, UDOT, shared a presentation with the Council regarding the US 89 Construction Project. She shared an update on the project with the Council and spoke specifically about the noise wall balloting results. She reported 75% of all mailed ballots needed to be returned, and 75% of the returned ballots needed to have voted in favor of the noise walls. She informed the Council the residents voted for the sound wall package and believed they would be aesthetically pleasing to the residents.

She reviewed the construction impacts and reported on the early work activities which included:

- Utility relocation
- Home demolition
- Frontage road grading (moving dirt)
- Temporary pavement to maintain traffic flow
- Earthwork for bridge stabilization

She pointed out the impacts:

- Day and night work
- Noise, dust, vibration, and light
- Additional trucks and equipment
- Changes specific to access

She explained the construction phasing to the Council. She emphasized the intersection interchanges at Oak Hills Drive/Gordon Avenue would be completed first. She spoke specifically to the east frontage road construction and everything associated with that, including a temporary bypass lane. She reported the eastside trailhead would remain open and explained the challenges associated with moving the utilities.

She also reviewed the construction phasing specific to Gordon Avenue and mentioned most of the construction would be taking place in undeveloped areas. She reported Phase II would be accommodated by transferring traffic to the completed portion of the roadway, temporarily. She also mentioned construction phasing specific to Oak Hills Drive, including the new road on the west side from 2800 East to the frontage road, and explained how the temporary intersection would accommodate traffic flow. She emphasized the construction process would allow access to the traveling public.

She reviewed the communication plan with the Council which identified specific dates and information associated with the construction project and identified the different social media platforms which would be used to educate the public. She stated postcards had been mailed to Ogden and Morgan residents informing them of the project.

She spoke of the stakeholder meeting which took place in Fruit Heights in conjunction with City officials for the public and reported it was very successful and suggested this would be a good tool for the City to educate its residents. Mayor Petro responded that was a great suggestion if it could be accommodated in the future with current public meeting restrictions. Ms. Bennion provided contact information for the US-89 team contacts.

Councilmember Bloxham asked if she would send the presentation to the Council and she indicated it would be available to the Council as well as on UDOT's website.

FIFTH AMENDMENT TO THE RESIDENTIAL SOLID WASTE COLLECTION AND DISPOSAL AGREEMENT BETWEEN LAYTON CITY AND WASTE MANAGEMENT OF UTAH, INC. – RESOLUTION 20-19

Tracy Probert, Finance Director, explained the Council would be considering the Fifth Amendment to the waste collection agreement with Waste Management. He reported this would be an extension for one year only, allowing the City to complete a bid process.

He reported the extension reflected a .50 increase on the first and second can. Councilmember Morris inquired if this had been negotiated for the one-year extension only and Mr. Probert responded this increase was similar to the price they quoted for a five-year extension which prompted the City to explore the market.

DISCUSSION – FISCAL YEAR 2020-2021 BUDGET

Mr. Probert reminded the Council of the budget meeting on Tuesday, March 10, 2020 at which time information was shared with the Council specific to the General Fund (projects, equipment, and personnel requests). He explained as part of the budget process, he was prepared to share information specific to the Enterprise Funds:

- Water Fund Revenue - He mentioned the 10% increase in revenue reflected in this budget was previously approved by the prior Council. He stated Staff would provide an analysis to determine if the Council desired to implement the increase or leave the rate as it was. He added as part of that analysis Engineering would inform the Council of future projects and the ramifications of not proceeding with the increase.
- Expenditures –
 - Personnel - He explained the increase in personnel costs was significant. He reminded the Council of his suggestion to change the philosophy on how the City would allocate administrative costs. He clarified the actual personnel costs hadn't really increased that much for water personnel, the administrative costs were now being allocated instead of the cash transfer from the Enterprise Fund to the General Fund at the end of the fiscal year.
 - Operations - He stated there was also an increase with Weber Basin's contract for water the City purchases from that entity. He clarified the increase identified in Operations costs was related to increases in administrative costs that wasn't personnel.
 - Capital Projects – He indicated these were reviewed during the Budget Work Meeting from Tuesday, March 10, 2020. He reminded the Council over \$2 million in revenue funded projects and approximately \$550,000 in Impact Fees funded projects were proposed in this budget.
 - Contributions from developers and transfers was specific to a transfer from the water fund and another fund for a shared piece of equipment. He indicated this had also been addressed during the Budget Work Meeting. He continued to explain the different factors which was included in that figure and informed the Council why that figure could fluctuate.
 - He spoke to the Fund Balance and Unrestricted Fund Balance and pointed out it was growing. He pointed out the intention with the water increases was to build this fund to allow the City to pay for expensive items like water tanks and large pressure regulators.

Councilmember Day requested clarification regarding water exaction fees on behalf of developers. Gary Crane, City Attorney, mentioned this was the end of the tri-lateral agreement regarding property out west which allowed developers to pay cash for water and reported the respective value of water shares wouldn't be included in this figure.

- Storm Sewer Fund – Mr. Probert reviewed the revenue and explained \$215,000 of the \$235,250 was for equipment. He clarified the \$215,000 was a transfer from the General Fund to the Storm Water fund for the purchase of two large pieces of equipment to be shared by Streets and Storm operations.
- He pointed out the personnel and operations figures changed slightly due to the administrative allocation he explained during the water fund. He clarified a three percent merit increase would be applicable for personnel increases in all Enterprise Funds and the rest of the difference was the increase in administrative overhead allocation and stated this was less than what the City had been equally transferring from each Enterprise Fund as the analysis reflected a decrease in the Storm and Sewer Funds. Councilmember Day clarified the analysis reflected more proportional figures than what the City had been transferring and the new accounting would be more representative of actual costs and a discussion took place. Mr. Probert emphasized these figures would be evaluated annually for all Enterprise Funds. He stated the fund balance was healthy.
- Sewer Fund – He reviewed the Sewer Fund with the Council and reported the fund had decreased because he had re-arranged the estimate based on actuals and indicated changes in personnel and

operations was similar to what had been previously discussed with Water and Storm. He emphasized the fund balance was a little slimmer. He pointed out the North Davis Sewer District had implemented significant increases annually for five years and the City hadn't increased its portion for several years. He stated the fund balance was healthy.

- Refuse Fund – He reviewed the fund and explained this was surrounding the new contract. He indicated some administrative allocations had been identified as there were personnel costs associated with it. He stated this was generally pass through costs and believed its fund balance was healthy. He pointed out City Staff completed all billing and accepted all phone calls from residents regarding trash cans and related services. He believed this allowed the City to negotiate a better rate with the service provider which benefitted residents. A discussion took place whether residents could directly contact the provider and what other cities did. Mayor Petro expressed her opinion this provided better customer service to the resident and appreciated the City doing this. She also believed this was a great indicator of service provided by Waste Management.

MAYOR'S REPORT

No Mayor's report was shared or presented.

The meeting adjourned at 6:56 p.m.

Kimberly S Read, City Recorder