MINUTES OF LAYTON CITY COUNCIL WORK MEETING **FEBRUARY 20, 2020; 5:32 P.M.**

MAYOR AND COUNCILMEMBERS PRESENT: **MAYOR JOY PETRO, ZACH BLOXHAM, TOM DAY, CLINT MORRIS, AND DAVE THOMAS**

EXCUSED: **DAWN FITZPATRICK**

STAFF PRESENT: **ALEX JENSEN, GARY CRANE, TERRY COBURN, STEPHEN JACKSON, CHAD WILKINSON, DAVID PRICE, MICHELLE HOWARD, AND TORI CAMPBELL**

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

Mayor Petro opened the meeting.

AGENDA:

<u>COUNCIL MEMBER REPORT</u>

Mayor Petro excused Councilmember Fitzpatrick.

Councilmember Thomas shared an update on the Valentine's Dance, Family Recreation activity for February. He indicated it had been well attended and enjoyed by all. He complimented the Recreation Staff for the fun things it had implemented.

Councilmember Day expressed appreciation on behalf of the Youth Court for allowing them to use the monitors and technology in the Council Chambers during their meetings. He reported it contributed to better efficiency of the Court. He reported two candidates had been interviewed to be considered for vacancies on the Planning Commission. He indicated Mayor Petro would soon be making a recommendation for appointment. He announced the RAMP Commission was in the process of reviewing grant applications. He stated he had attended two meetings for this purpose and was very impressed at how thorough it was in reviewing the submissions. He expressed confidence in every member of the Commission for their involvement and participation. He indicated the Commission's recommendations would soon come before the Council for approval.

Councilmember Bloxham stated he and Councilmember Morris had been involved with ULCT (Utah League of Cities and Towns) during the 2020 Legislature. He informed the Council, Gary Crane, City Attorney, had testified on the eminent domain bill and complimented Mr. Crane for his experience and influence.

Councilmember Morris also mentioned another bill coming before the Legislature which would remove the immunity from the government specific to land issues. He explained if there was a dispute between the City and developer, it would be forwarded to the ombudsman's office, a neutral third party with the Executive Branch. If the City chose not to follow the ombudsman's recommendation, the developer or other party could potentially sue the City and be responsible for any compensatory damages. He expressed his opinion passage of the bill would allow the ombudsman's office, the neutral party, to be used as a weapon against the City. Mr. Crane complimented the councilmembers for their support on the Hill.

Mayor Petro reminded the Council of comments previously expressed by Tyson Plastow, resident, and suggested appointing a citizen to serve as a member of the Audit Committee. She reviewed the current positions which served on the Committee and participated in those meetings. A discussion followed regarding her recommendation and the Council expressed its desire to proceed with that appointment.

Councilmember Morris referred to the minutes from the November 21, 2019 work meeting which was on the Council Agenda for approval, in which Mayor Freitag requested Tracy Probert, Finance Director, recommend an alternative review process. He asked if this had been implemented and Mr. Jensen responded Staff was currently in the process of reviewing policies in making them consistent with current practices. He believed some of the observations had been made based on assumption without knowledge of best practices.

Mayor Petro reminded the Council she served on the North Davis Sewer District Board as one of her duties as Mayor and suggested the Council tour its facility to witness it’s operation. She mentioned the facility had issues regarding “disposable” wipes which shouldn’t be flushed in the sewer system as they can clog the system. She suggested the tour take place sometime in April when the weather improved.

She also updated the Council on the transfer station at Wasatch Integrated. She stated significant progress had taken place and a trial run on the process was anticipated in April. She added once the process was fine-tuned an open house would be scheduled for the Council to tour the facility and witness the process.

Councilmember Thomas requested clarification regarding the need for “sorting” when implementing the new transfer station. Mayor Petro explained the facility desired to capture items which could be recycled.

Mayor Petro displayed an “I Love Layton” t-shirt requesting the Council to sign. She announced the Staff would also be asked to sign it before placing it in the time capsule.

Councilmember Morris referred to minutes from the November 21, 2019 meeting during which a new zone had been designated specific to cannabis and asked if the specific areas had yet been identified in the respective allowable zones. Chad Wilkinson, Community and Economic Development Director, responded Staff was still in the process of working with representatives from HAFB (Hill Air Force Base) and updated the Council on what had been completed thus far.

UTOPIA FIBER UPDATE

Alex Jensen, City Manager, introduced Roger Timmerman, CEO, Josh Chandler, General Counsel, and Aaron Leach, COO, of UTOPIA Fiber and announced it was doing exceptionally well. He stated the representatives would be providing an update specific to the overall network, including background and history, and the relationship between UIA (Utah Infrastructure Agency) and Layton City. He reported Layton was currently a hot area within the entire network.

Mr. Timmerman addressed the Council and shared a brief history of UTOPIA from when it initially started in 2002 and mentioned the years of difficulty and shared a timeline. He also identified the founding member cities and new partner participating cities He explained there were two interlocal entities: UTOPIA and UIA, which had been responsible for expanding the system since its inception and pointed out UIA’s success in bonding and subsequent buildout of projects. He pointed out the debt service and operating expenses were being paid by revenues.

He shared the companies that were with UTOPIA which allowed residents to select their own provider. He stated residents pay $30 per month for the fiber connection in addition to the service provided by one of the companies which was generally around $65 per month for 250 mbp symmetrical connection. He stated demand had considerably increased as residents could add-on Netflix, Disney Plus, and other streaming services for significant savings compared to cable.

He reviewed the importance of open access fiber and identified the following benefits:
- Air Quality
- Transportation and Traffic
- Education
- Government Spending
- Jobs and Economy
- Healthcare

He emphasized there was no sharing of bandwidth with other neighbors and stated this created a much faster internet connection. He stated each resident had its own dedicated fiber connection and no connections were split/shared connections. He announced 10 gig connections were now available, the fastest connection available to homes in the Country.

He reported air quality sensors were installed in all UTOPIA huts in Layton City and indicated KSL obtained data from the City's sensors and explained the importance of obtaining that information. He explained BYU students were obtaining information to implement an early wildfire detection system using connections to thermal cameras.

He pointed out other connectivity options in the City were facing lawsuits because of false advertising and their deception and practices by other providers. He emphasized UTOPIA hadn't increased its rates for many years other than increases associated with different speeds of service. He also shared Facebook postings and Google ratings which reflected UTOPIA was at the top. He reported the demand was increasing and UTOPIA had over 580 new customers in Layton City last month and was projecting over 600 this month.

He shared active and recent approved UIA projects for other cities. He reported the Layton 25 area was the only neighborhood that hasn't been completed, about 1,200 homes, and reported it would be completed soon. He indicated the City's take rate was good and indicated it was higher in other parts of the City. He explained it takes time for residents to sign up and Staff was expecting a 40% take rate in the near future.

He explained the history associated with the City's participation and commitment to cover the UIA bond and explained how revenues were shared after the UIA Revenue Requirement was met. He presented the business service revenue, residential service revenue, and the hook-up lease revenue with the Council. He stated there was an opportunity to relieve debt from previous projects with this model.

He reported Layton City had approximately 6,000 total customers, but specific to the second half project there were 3,032 residential customers and 97 business subscribers, which was far ahead of projections. He emphasized UTOPIA had accumulated funds in the event there was a shortfall, the City wouldn't need to pay any funds. He reported the project was anticipated for completion the end of February 2020.

Mr. Timmerman explained how the participating cities contributed funds for operation costs in the past and now UTOPIA was in a position to pay back those funds. He reported the Board had approved to pay back Layton City $162,000 and mentioned an additional $80,000 was anticipated for next fiscal year, subject to Board approval. He announced the buildout of the entire system was anticipated to happen by year end of 2022 and reported Layton was in a very strong position with the following:
- OPEX Re-Payments
- UIA debt relief, once the system was built out, and it started paying the UTOPIA bond
- Additional funds from the revenue share

Councilmember Thomas inquired about the projected payoff and Mr. Timmerman stated the refinance was a 33-year bond. Councilmember Thomas asked about the possibility of it being paid off before 33 years and a discussion took place. Mr. Timmerman indicated he was hopeful. Mr. Jensen stated it would depend on how many more cities wanted to participate by contractual relationships. He emphasized the

UTOPIA Board decided what to do with any excess revenue, which currently was divided to the 11 initial cities.

Councilmember Morris asked about threats moving forward with UTOPIA fiber and Mr. Timmerman responded that was a common questions since technology changed so quickly. He reported most all upgrades in technology required fiber and UTOPIA provided the best capacity. Councilmember Bloxham mentioned UTOPIA didn't have the same advertising capability compared to another provider such as Verizon and the public may not know about UTOPIA. Mr. Timmerman mentioned UTOPIA was not widely advertised, areas were targeted where UTOPIA was located and suggested it didn't make sense to market the product in cities where it didn't exist. He pointed out the flexibility with UTOPIA fiber and was a full generation ahead of the available technology was a huge benefit to UTOPIA.

Councilmember Bloxham inquired about the percentage of residents who purchase the line compared to those renting and Mr. Timmerman responded the prepayment option wasn't advertised, but some residents still request it.

Councilmember Thomas commented on past advertising on behalf of UTOPIA. Mr. Jensen and Mr. Timmerman explained UTOPIA's philosophy on advertising.

Councilmember Day asked how the estimated construction costs for the last phase in Layton City and Mr. Timmerman responded there were still funds in reserve for installation and was optimistic the project would be finished under budget. He pointed out there would be no risk to the City; UIA would cover any budget shortfall.

<u>DISCUSSION – WASTE COLLECTION CONTRACT</u>

Mr. Jensen announced the City's contract with Waste Management for solid waste collection services was due to expire in July 2020. He explained Staff had identified some concerns specific to the renewal contract submitted by Waste Management and was recommending the City proceed through the RFP (Request for Proposal) process and select the most competitive collection company. He explained due to the size of the City and the time needed to complete the RFP, Staff was recommending a one-year extension to the current contract with Waste Management for collection services. He indicated this would allow appropriate time for the RFP and mentioned there were other contractors interested in submitting proposals and believed Waste Management would also respond to the RFP.

<u>REVIEW OF PARKS AND RECREATION DEPARTMENT FEE SCHEDULES</u>

Mr. Jensen explained the Parks and Recreation Department's philosophy related to fees specific to the recreational programs and sports. He stated the expectation was that fees assessed for any sport would be sufficient to cover costs associated with that program and that general tax dollars from those residents not participating weren't paying for the program. He indicated there was a process used by the City to ensure the fees were sufficient to cover costs specific to each sport or program. He informed the Council, based on that review, Staff had identified the need to increase some fees.

Councilmember Day asked if there was a program in place which allowed children to participate in recreation programs if their parents couldn't afford to pay the program fee. David Price, Parks and Recreation Director, mentioned the scholarship program would be discussed during the presentation.

Mr. Price and Michelle Howard, Recreation Supervisor, reviewed the City's philosophy pointing out the City provided recreation programs which couldn't be provided by the private sector and explained the City chose not to compete with activities such as tennis clubs or karate clubs

He referred to an illustration which identified the community service areas for each division were activities which were very basic in nature. Ms. Howard stated that an in-depth analysis has been completed to make sure the fees were within the costs parameters. She explained Staff had recognized a trend of steady decline in the Athletic Fund and Staff recommended fee increases for recreation activities. She pointed out most programs had not recognized a fee adjustment in five or more years. She reviewed the process used to determine whether a fee increase would be appropriate with the Council and pointed out the City had recognized a loss the last couple of years. She shared a cost comparison reflecting fees from neighboring cities.

Ms. Howard also mentioned the scholarship program available to those residents which couldn't afford to pay for sports programs and reviewed the application process. She also spoke to the cap and indicated Staff was proposing the cap also be increased, which would allow a child to participate in two to three programs per year. She reviewed the sponsors which contributed to the scholarship fund and announced it was very healthy. She believed approximately 30 to 50 kids benefitted because of the scholarship program.

Mr. Price also indicated Staff was recommending changes to the Administrative Fee Schedule and specifically mentioned the fees proposed for Shoreline Jr. High Gym drop in fees. Councilmember Day stated he didn't recall a discussion pertaining to fees for use of the gym at Shoreline Jr. High. Mr. Price responded Shoreline was the only facility which allowed drop in facilities and clarified the other facilities had designated programs. Ms. Howard pointed out the registration fee associated with boys' and girls' basketball, allowed open gym at Legacy Jr. High. Councilmember Thomas pointed out the pickleball courts were available, as well as the track at Shoreline.

Mr. Price directed the Council to the proposed fee specific to special events and explained 84 applications for special events were approved last year and believed the fee would cover costs associated with reviewing the applications. He referred to the illustration which identified the different types of special events. He requested the Council review this proposal and asked if there were any questions or comments.

Mr. Jensen suggested this could be presented a second time to allow the Council adequate time to review the proposal and to better understand the logistics associated with these events and to provide direction.

REVIEW OF LAYTON CITY SPONSORED SPECIAL EVENTS

This agenda item was not address by the Council.

AMEND LAYTON MUNICIPAL CODE – TITLE 19, CHAPTER 19.05, SECTION 19.05.030 TABLE 5-1 BY AMENDING CORNER SIDE YARD SETBACKS AND FRONT YARD SETBACKS FOR SINGLE FAMILY HOMES IN THE RESIDENTIAL SUBURBAN ZONING DISTRICT – ORDINANCE 20-05

This agenda item was not addressed by the Council.

THIRD-PARTY RELOCATION AGREEMENT BETWEEN UTAH DEPARTMENT OF TRANSPORTATION AND LAYTON CITY FOR THE RELOCATION OF VARIOUS WATER FACILITIES WITHIN THE SCOPE OF THE HIGHWAY CONSTRUCTION PROJECT IDENTIFIED AS US-89; FARMINGTON TO I-84 IN DAVIS AND WEBER COUNTIES, UTAH, PROJECT NUMBER S-0089(406)398 – RESOLUTION 20-13

This agenda item was not addressed by the Council.

THIRD-PARTY RELOCATION AGREEMENT BETWEEN UTAH DEPARTMENT OF TRANSPORTATION AND LAYTON CITY FOR THE RELOCATION OF VARIOUS SEWER FACILITIES WITHIN THE SCOPE OF THE HIGHWAY CONSTRUCTION PROJECT, IDENTIFIED AS US-89; FARMINGTON TO I-84 IN DAVIS AND WEBER COUNTIES, UTAH, PROJECT NUMBER S-0089(406)398 – RESOLUTION 20-14

This agenda item was not addressed by the Council.

MAYOR'S REPORT

No Mayor's report was shared.

The meeting adjourned at 6:58 p.m.

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Kimberly S Read, City Recorder