

**MINUTES OF LAYTON CITY
COUNCIL WORK MEETING**

APRIL 16, 2020; 5:34 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, DAVID PRICE,
MICHELLE HOWARD, CHAD WILKINSON, LON
CROWELL, MORGAN CLOWARD, ED FRAZIER,
TERRY COBURN, PAUL APPLONIE, STEPHEN
JACKSON, AND KIM READ**

This was a virtual meeting with individuals participating electronically via Zoom in accordance with Executive Order 2020-1; Suspending the Enforcement of the Provisions of Utah Code 52-4-202 and 52-4-207 by Governor Gary Herbert on March 18, 2020, due to Infectious Disease, Coronavirus (COVID-19).

Mayor Petro opened the meeting.

AGENDA:

COUNCIL MEMBER REPORT

Councilmember Morris stated he had participated in a meeting with UTOPIA and reported growth was exploding with new sign up for subscriptions. He stated with so many people working from home and students learning from home, the need for fiber was significant. He indicated Clearfield City had committed to participate.

Alex Jensen, City Manager, stated he and Tracy Probert, Finance Director, would be reviewing the Layton Project with UTOPIA representatives. He reported the Layton Project had currently generated more than enough revenue to cover the debt and for the first payment due in July. He added the Council would be involved with discussions regarding the excess revenue once that figure had been identified. He stated there were remaining funds from the original bond which could be used to fund additional subscriptions as a result of efficiently building the system allowing the City to continue to use bond proceeds for new customers. He mentioned this also allowed the City to have ownership of the revenue stream from these customers. He informed the Council the majority of connections that were happening within the network was in Layton City and demand was extremely strong. He also reported the combined network (UTOPIA and UIA) was generating more than \$2 million per month in revenue stream.

Councilmember Bloxham mentioned comments made by Governor Herbert encouraging the purchase of season tickets for different activities and arts. He encouraged residents to purchase season tickets with Davis Arts Council's Summer Night's with the Stars performances.

Mayor Petro stated the season ticket price was very reasonable. Councilmember Bloxham indicated it was \$116 for nine performances. Councilmember Morris stated the Arts Council was holding off on charging credit cards until a decision was made whether any performances would be cancelled.

Mayor Petro announced Wasatch Integrated had re-opened the landfill.

REVIEW OF UPCOMING LAYTON CITY EVENTS

Michelle Howard, Recreation Supervisor, shared a visual presentation regarding City Programs. She displayed a calendar illustrating recreation programs scheduled for May and indicated the Parks and Recreation Staff had informed participants a decision would be made by Friday, April 24, 2020, whether those programs would be postponed and/or cancelled. She reported the track and field program would definitely need to be cancelled as the school district had closed its facilities.

Mayor Petro asked how many youth would be impacted by cancelling the programs. Ms. Howard mentioned hunter education hadn't accepted any registration. She estimated approximately 1,500 - 2,000 were registered for youth baseball and softball. She informed the Council Staff was exploring whether these activities/programs could be offered virtually and shared examples of what that would look like and how it could be accomplished.

Councilmember Fitzpatrick expressed her opinion team sports should not be taking place at least until the end of May and re-evaluated at that time. She stated she came to this conclusion based on direction given by both President Trump and Governor Herbert which indicated mass gatherings should not occur until after June 1, 2020.

Councilmember Thomas joined the meeting at 5:45 p.m.

Councilmember Morris expressed agreement with Councilmember Fitzpatrick the City shouldn't schedule or encourage public events until after June 1, 2020 to discourage the gathering of people.

Ms. Howard mentioned Staff was also in agreement with those same expressed concerns and reported they would proceed with cancelling the May 2020 programming by Parks and Recreation.

Mayor Petro asked if there was any objection to cancelling the May 2020 programming by any Councilmembers.

Councilmember Thomas stated he had no objection.

Councilmember Day stated he had no disagreement with what was previously stated and believed the challenges associated with providing virtual programs would prove difficult and recommended cancelling the May 2020 programming.

Councilmember Bloxham asked if the City would be cancelling one month of activities or the entire program/season. Ms. Howard responded the City would be cancelling the program for the entire year. Councilmember Bloxham asked if the program could take place later in the year and Ms. Howard explained the challenges associated with delaying the programs and not being able to have them completed by the Fourth of July. Councilmember Bloxham expressed agreement with the timeframe of events and suggested no one knew what the world would resemble in another month or two and indicated he would like to postpone rather than cancel programs; however, he would yield to the other councilmembers. Ms. Howard displayed a June calendar which didn't include any May programming except for Adult Softball and pointed out the summer calendar events continued to increase in number.

Mayor Petro pointed out if circumstances continued into the month of June it would certainly affect the Davis Arts Council's concert performances and free Friday movies.

Councilmember Fitzpatrick mentioned some of the other activities scheduled during the summer which could possibly take place based on the number of participants, like Arts in the Park or swimming lessons. She pointed out large events such as the Sounds of Freedom and the Centennial Celebration would need to be reconsidered and inquired how much planning should continue to take place without a determination on whether they should be cancelled or when that decision should be made. She also mentioned she didn't want Staff to continue programming for the month of June, then have to cancel and issue refunds just a

few weeks later; however, she didn't know what would cause the Council to give that direction.

Ms. Howard stated in addition to direction from the Council specific to May's programmed recreation activities, Staff was also seeking direction for the large upcoming events mentioned by Councilmember Fitzpatrick. She reviewed the large events, activities and challenges associated with each of them and informed the Council Staff was currently in the process of planning for them now. She discussed the following:

- Centennial: Birthday Party Under the Stars
- Sounds of Freedom (Not a City Sponsored Event)
- Liberty Days
- Pioneer Day (Taste of the Town)
- Layton FEST

She presented options of Staff moving forward with planning and having the activities take place later in the year, in the fall, or postponing the Centennial Celebration until 2021. She identified the activities which could still continue to take place and reviewed them with the Council and a discussion took place.

Councilmember Thomas stated he would be in favor of cancelling the June events and either have the Centennial Celebration in August or postponed until summer of 2021.

Councilmember Fitzpatrick pointed out the 2020 Summer Olympics were cancelled and would take place in 2021; however, it would be known as the 2020 Olympics. She stated she would be in favor of cancelling for a year

Mayor Petro stated she didn't want to shortchange the committee and everything it had planned in conjunction with the celebration and would be in favor of cancelling for a year

Councilmember Morris indicated he wasn't sure if postponing until the fall would even be a safe time and stated he wouldn't be in favor of sponsoring events which encouraged mass gatherings.

Councilmember Thomas expressed agreement and stated he would be in favor of cancelling the Centennial Celebration for this year and plan for it to take place next year. He mentioned people might be hesitant to attend anytime this year.

The discussion continued and Councilmember Fitzpatrick stated she would be extremely leery of promoting a mass gathering.

Mr. Price reported Staff fully understood these events were not essential services or life safety, they merely wanted to keep an open mind regarding the events. He indicated it would accept direction from the Council and if it believed it would be irresponsible to proceed with certain activities, Staff would follow that lead and the discussion continued. Mr. Price reported unfortunately some part-time seasonal Staff had been furloughed and other Staff had been dispersed to work in parks or other areas to complete tasks.

Councilmember Day expressed his opinion the end of August was a reasonable postponement and suggested holding off on making a decision for another month. He believed the public would be looking for and needing something for enjoyment. He also suggested the lecture series continue as planned at the museum.

Ms. Howard asked about Liberty Days, the City's July 4 celebration and provided options for the Council to consider and identified those activities which could continue as planned, while others were scaled back or eliminated altogether providing a new vision of Liberty Days. She also identified activities associated with Pioneer Day, July 24, and Taste of the Town, providing some suggested options for consideration for the events. Layton FEST was scheduled from July 10-August 28 (Friday evenings) and suggested Staff could begin to continue in planning and taking registrations at this time, taking a wait and see approach.

Mayor Petro asked if the Council was prepared to give direction to Staff regarding the summer events at this time. Councilmember Morris indicated there were reports with the virus being cyclical and wasn't sure August would be a safe month as well. The discussion continued regarding the Centennial, Liberty Days, Pioneer Day, and Layton FEST. Ms. Howard pointed out the concert performance had been scheduled; however, the City could cancel or re-schedule at this time.

Councilmember Fitzpatrick asked if Mr. Price was aware of what other cities were doing regarding their City celebrations this summer. She expressed concern with other cities cancelling their Fourth of July events and Layton chose to move forward, there was the potential of more people attending, and suggested this should be a consideration in making a decision. Mr. Price responded most cities were having the similar discussions with their respective Councils this week; however, he was aware of some which had already cancelled their summer celebrations.

Mr. Price informed the Council if the Fourth of July events were cancelled, UDOT was anxious to begin the Gentile overpass and was prepared to immediately begin construction, allowing it to be completed earlier. Stephen Jackson, City Engineer, reported the Church Street bridge would be open for traffic beginning Tuesday, June 9, 2020, and UDOT would like to accelerate the Gentile Street bridge schedule, allowing it to be completed mid-August, prior to the beginning of the school year.

Mayor Petro mentioned that definitely should be considered in making a determination for summer events. She concluded the Council was in agreement to cancel recreation programmed events for May and directed Staff to notify residents and begin reimbursement of registration fees and believed the Council had made that same determination for recreation programs in June. She believed the Council wasn't ready to determine how to proceed for the month of July just yet and suggested holding off on making a final decision for a week or two and the discussion continued.

Councilmember Thomas stated he was in favor to cancel all summer events for this year, knowing they would be postponed until next year.

Councilmember Fitzpatrick expressed agreement with Councilmember Thomas and stated she didn't want to miss the opportunity to begin the Gentile Street bridge. She expressed concern how the City's decision regarding summer events would impact the Davis Arts Council's decision specific to its summer concert series. She commented the Gentile Street bridge acceleration would be a bonus.

Councilmember Bloxham pointed out Pioneer Day and Layton FEST events weren't scheduled to begin until mid-July and didn't see the need to cancel those events at this time. He indicated he was in agreement to cancel the Centennial Celebration and Liberty Days at this time but suggested waiting until later in the year based on statements made by Governor Herbert regarding activities in July.

Councilmember Day expressed agreement with Councilmember Bloxham's comments but suggested fireworks could still take place at Ellison Park for celebrating Fourth of July. He was in agreement the parade might need to be cancelled, which could accommodate earlier construction for the Gentile Street bridge. He believed it was premature to cancel all summer events at this time.

Councilmember Morris expressed agreement with Councilmembers Thomas and Fitzpatrick regarding mass gatherings and was in favor of cancelling all events. He believed it would be difficult to enforce people to remain in their cars to watch fireworks at Ellison Park.

Mayor Petro requested Parks and Recreation Staff present a plan to the Council for the summer events considering all opinions expressed by the Council.

CO-SPONSORED SPECIAL EVENTS PROCEDURES

This item wasn't addressed by the Council.

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ADDITIONAL FUNDING FOR PROGRAM YEARS 2019-2020 AND 2020-2021

Morgan Cloward, CDBG Coordinator, informed the Council Congress had released \$5 billion of relief funds for communities through HUD to prevent, prepare for, and respond to the Coronavirus. He reported Layton City's allocation was \$217,013 and stated these funds were in addition to what had been identified in the current Consolidated Action Plan. He stated the Consolidated Annual Action Plan for 2019-2020 reflected the City would receive just over \$414,000, and just under \$370,000 for the 2020-2021 Annual Action Plan. He explained the decrease in funds had been based on unemployment figures.

Mr. Cloward informed the Council of changes implemented for the CDBG Allocation Provisions:

- Suspended the 15% cap on public services funded in the Consolidated Annual Action Plans for 2019-2020 and 2020-2021.
- Modified the 30-day public comment period down to 5-days.
- Suspended in-person public hearings, allowing virtual public hearings.
- Provisions must meet one of the three National Objectives:
 - Benefits persons of low or moderate incomes
 - Elimination of slums/blight
 - Meets urgent development need that poses health/welfare threat to community
- The City must amend its 2019-2020 Consolidated Annual Action Plan, as well approve the 2020-2021 Annual Action Plan, during the May 7, 2020, City Council Meeting.

He emphasized the City would still be subject to HUD requirements to utilize funds and reviewed some of the identified potential activities which could be funded:

- Public Services – support to youth, senior, low-to-moderate income populations with transportation, health services
- Economic Development
- Public Facilities
- Interim Assistance

He reported Staff had reached out to three of the sub-recipients within the community assessing each of their current needs due to the Coronavirus and proposed setting aside the following funds for these services:

Lantern House Homeless Shelter	\$10,000
Open Doors	\$20,000
Safe Harbor	\$55,000

He stated the remainder of the grant award would be approximately \$132,000 for a possible small business grant as an economic development opportunity to benefit businesses within the community. He reported no new applications were received from new potential providers for the 2020-2021 Annual Action Plan.

Lon Crowell, Economic Development Director, explained Staff wanted to identify the largest number of people. He reported a survey was placed on the City's website for small businesses and received over 300 responses and reviewed information identified by the responses with the Council. He stated the industry most impacted by Coronavirus was Professional Services.

Mr. Crowell identified and reviewed the HUD qualifications in order to receive CDBG grant funding and the formula used to identify potential qualifying recipients. He informed the Council of three options identified by Staff for the additional grant funds:

1. Funding the three (3) sub-recipients as requested; and
2. Employers may submit an application for the following on a first come, first serve basis until all HUD CARES Act funding is expended:
 - Up to five (5) employees per business, may include one (1) qualified owner

- Up to two (2) weeks of actual wages per applicant
 - Up to \$1,265.85 maximum per employee per week
 - Applicants must be the owner of a currently licensed Layton City business with a registered business address in Layton City to which the application is being applied.
 - Each Layton City business employee requesting assistance must also be a resident of Layton City; or
3. Open Annual Action Plan and funding to new additional qualifying “Service Providers”. He pointed out if this option was selected it could significantly impact the timing of the disbursement of the funds as an application, public hearing and required vetting process would take time.

Councilmember Fitzpatrick asked if the business would have to serve Layton City residents and shared an example. Mr. Crowell responded the CDBG funding was meant to benefit Layton residents and the City’s attempt to assist employers and employees. He indicated Staff would proceed with whatever direction it received from the Council. Chad Wilkinson, Community and Economic Development Director, clarified the recipient of the CDBG grant funding would need to be a Layton City resident per HUD requirements.

Councilmember Bloxham stated he really liked what this looked like and asked if the City could somehow verify the Layton City business hadn’t also been a recipient of the Federal Paycheck Protection Program which had been used by many small businesses. He expressed his opinion the funds should benefit a business which didn’t have the opportunity to take advantage of funds from another program and suggested those businesses be prioritized in receiving the CDBG funding. Mr. Crowell indicated the City could add that requirement to its application. He wasn’t sure if the City could guarantee the question was answered correctly but pointed out this was a federal program and it would be a federal crime to intentionally lie on a federal application.

Councilmember Day expressed concern with the City’s involvement with using the funds to benefit just a few residents of the City and expressed his opinion he would rather see the remaining funds benefit a larger organization similar to the identified sub-recipients which could benefit the public as a whole.

Councilmember Morris recognized the benefits to what Staff was recommending with helping local businesses and their respective local employees; but understood Councilmember Day’s perspective. He stated he could be persuaded either way.

Alex Jensen, City Manager, expressed support of Mr. Crowell and Mr. Cloward for identifying an uncommon benefit for the additional funding. He reminded the Council only three sub-recipients had requested funding which was fully awarded by the City. He mentioned Staff had also asked each one if additional funding was needed and the City was able to award all of their requested funds which he believed met their respective needs. He stated the small businesses within the community were experiencing difficulty staying afloat during this crisis and believed this could significantly impact the success of a small local business.

Mr. Cloward mentioned the funds would be spread out during the two program years.

Councilmember Petro stated she liked the idea of helping small businesses and believed this would provide some small relief and expressed agreement with Councilmember Bloxham’s suggested requirement that businesses which hadn’t received funds from the Paycheck Protection Program be advanced to the top of the list.

Councilmember Morris asked how many people the proposal was projected to benefit. Mr. Crowell reviewed the figures and stated the funding would benefit approximately 52 people a weekly wage for two weeks or 104 people a wage for one week. He mentioned the exact number of beneficiaries would be based on the actual wage.

Councilmember Morris also asked how the City intended to announce or advertise the funds were

available. Mr. Crowell responded the City intended to send out a press release, the City's website, and notification via email by the City.

Mr. Crowell informed the Council that if the City couldn't identify an additional sub-recipient, the City would be required to return the funds back to HUD. He suggested the funds had an opportunity to be utilized within the community as Staff had recommended.

Councilmember Petro complimented Staff for being pro-active in securing the additional CDBG funding and for providing options for the Council to consider in distributing the additional CDBG funds.

UPDATE – LEGISLATIVE SPECIAL SESSION

Gary Crane, City Attorney, announced the Legislative Special Session began today and indicated a lot was going on and mentioned many bills had been presented, re-written, and even dismissed. He indicated he would provide a written report to the Council sometime tomorrow on issues related to local government. He stated this was an unusual circumstance and events taking place were unprecedented.

MAYOR'S REPORT

Stephen Jackson, City Engineer, shared a visual presentation with the Council regarding contamination from Hill Air Force Base (HAFB). He reported the Air Force Civil Engineer Center had identified contamination to drinking water sources in Layton and South Weber Cities. He identified the chemicals and explained how they had been used in the past and during the use and disposal, had found their way into shallow ground water, such as private wells. He reviewed the background associated with implementing a policy from 2009 followed by identifying bases or facilities where contamination was possible.

He shared a map which identified the HAFB contamination areas located in South Weber and Layton Cities which also identified the location of the former fire station on the Base and other pertinent structures related to the possible contamination. He reported a one mile area south of the Base was being investigated. He emphasized no impacts had been identified for On-Base and Municipal Water Systems and reported the drinking water was safe. He stated the concern was with the shallow ground water and that people with private drinking water wells weren't ingesting any of these contaminants through their private wells. He stated 41 private wells had been identified and shared an illustration which highlighted the areas of concern in both cities. He stated the Air Force would like to reach out to the users of the wells for water sampling to identify if any contamination was present.

He shared an illustration which identified where the City received its deep ground water wells and emphasized this water hadn't been exposed to chemical contamination. He pointed out the clay layer protected water in the Delta Aquifer from contamination. This illustration also identified the location of the shallow aquifer which could be contaminated.

He reported the City previously participated in a program in 2015 during which unregulated contaminant testing took place via water sampling. He reported the results reflected only 1.3% of the samples recognized levels of concern.

He indicated the American Water Works Association (AWWA) was also working with the Federal Regulatory Agencies to identify process and plans to mitigate risks and concerns throughout the country to identify a removal and treatment program that would effectively ensure the safety of drinking water supplies. He informed the Council the City conducted its own sampling and didn't find any trace of contamination and assured the Council the City's water was safe. He also indicated the AWWA was pushing for legislation from the Federal Government to enforce level of treatment which would encourage safety and scientific processes as well as to hold industries accountable and not pass these issues onto municipalities to ensure the safety of drinking water.

Mayor Petro requested affected residents be notified by phone as opposed to a letter regarding sampling and possible contamination. Mr. Jackson stated he would pass that request onto HAFB representatives. Councilmember Fitzpatrick asked how many of the identified 41 wells were located in Layton City. Mr. Jackson believed most were in Layton City and were used for farming purposes.

There were no more questions from the Council.

The meeting adjourned at 6:59 p.m.

Kimberly S Read, City Recorder