MINUTES OF LAYTON CITY COUNCIL WORK MEETING **MAY 7, 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, CHAD WILKINSON, TERRY COBURN, STEPHEN JACKSON, TRACY PROBERT, DAVID PRICE, AND KIM READ**

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

Mayor Petro opened the meeting.

AGENDA:

COUNCIL MEMBER REPORT

Councilmember Fitzpatrick updated the Council on the following:

- Youth Council - not formally meeting, but the participating youth were still serving the community by making masks.
- Census - announced Layton's response matched that of the state average. She stated packets would begin being delivered to doors of homes which didn't receive mail at the home, such as a P.O. Box.
- Communities that Care – would be hosting a BINGO contest and announced information could be located on its recently updated Facebook page. She announced this new program was being offered in conjunction with Davis Behavioral Health and was hopeful the Stakeholder's meeting could take place in August.

Mayor Petro asked when the Census had to be completed and Councilmember Fitzpatrick responded adjustments had been made to the deadline. She explained the challenges associated with completing the Census due to the Coronavirus COVID-19 pandemic and suggested it could drag on for sometime.

Councilmember Morris announced UTOPIA subscriptions had increased which had been attributed to the pandemic due to people working from home and requiring fiber connections. He informed the Council he had received a report from UTOPIA which indicated Layton had the most subscribers in the entire network; just under 6,000, which was 30% take rate. He suggested there was more opportunity for business subscribers.

AMEND THE BUDGET FOR FISCAL YEAR 2019-2020 – ORDINANCE 20-07

Tracy Probert, Finance Director, reminded the Council of previous budget meeting discussions. He stated additional amendments would come before the Council on June 18, 2020. He presented the proposed amendments to the 2019-2020 budget and reviewed the following:

General Fund

- $462,166.26 Fund balance - Fire SCBA equipment (breathing apparatus), West Gentile Property purchase, Vae View Park parking lot
- $88,474.22 Revenue received from Police and Fire special services
- $51,402.93 Unanticipated grant revenue

Other Funds

• CDBG	COVID 19 Relief
• Capital Projects	Appropriation of funds for Oak Hills and East Gentile intersection project, SCBA equipment, Gordon, Fairfield and Church Street traffic signals
• Storm Water	Box Culvert with participation from Davis County near Kays Creek and Weaver Lane

He asked for questions and there were none.

ADOPT A TENTATIVE BUDGET FOR FISCAL YEAR 2020-2021 AND SETTING A PUBLIC HEARING FOR JUNE 18, 2020 – RESOLUTION 20-30

Mr. Probert stated the Tentative Budget, being presented for adoption, would remain as it had been prepared by Staff until factual data reflected the need to make any necessary adjustments. He emphasized the City was in a good position and he didn't want to over react due to the pandemic. He believed any needed adjustments could be done prior to the budget being adopted on Thursday, June 18, 2020, and mentioned preliminary numbers from the state would soon be received.

Councilmember Fitzpatrick inquired if the City was anticipating impacts to not only Sales Tax but other taxes such as the Transient Room Tax. Mr. Probert responded he had created a model which he would be using as figures are received from the State and indicated Staff would be reviewing each individual line item specific to the different taxes. He pointed out some of the different areas could recognize an increase such as taxes on food.

ANNEXATION AGREEMENT AND ANNEXATION REQUEST – ROBINSON – RESOLUTION 20-35 AND ORDINANCE 20-08 – APPROXIMATELY 3645 WEST 100 SOUTH

Chad Wilkinson, Community and Economic Development Director, reminded the Council it had previously reviewed this annexation request as part of the certification process. He shared an illustration and indicated an Annexation Agreement was included as part of the annexation request. He explained the Annexation Agreement addressed different scenarios including if the adjacent property to the west was developed prior to this property developing. He mentioned it addressed various payback agreements and timing of reimbursement for improvements if that should happen.

He informed the Council this property was currently identified in the City's Annexation Plan and indicated the property owners desired to construct a single family residential home. He explained the Annexation Agreement called out the provision of easements, and at a future date, the provision of access via right-of-way for future streets and needed improvements for development if the western property happened to be developed first.

He asked if there were any questions and announced Staff recommended approval. There were no questions from the Council.

LETTER OF AGREEMENT BETWEEN LAYTON CITY AND THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS REGARDING THE INSTALLATION OF IMPROVEMENTS – RESOLUTION 20-36 – APPROXIMATELY 1400 EAST OAK HILLS DRIVE

Stephen Jackson, City Engineer, stated this was a follow up to the agreement which was approved for the Oak Hills and Gentile Street intersection. He added The Church of Jesus Christ of Latter-Day Saints had requested the City install some utilities in that area to avoid the impact at a later date for future installation of power and storm drainage facilities for the Temple. He stated in exchange the Church had agreed to install curb and gutter and sidewalk improvements. He explained the letter identified other specifics of costs and payments associated with the project.

Councilmember Morris inquired about the sidewalk along Rosewood. Mr. Jackson responded the small portion currently without sidewalk between Oak Hills Drive and Adamswood, along the west side of Rosewood, would be completed in conjunction with the project.

Councilmember Bloxham clarified the Letter of Agreement had been provided by the Church and Mr. Jackson responded in the affirmative.

REVIEW OF UPCOMING LAYTON CITY EVENTS

This item was not addressed by the Council.

MAINTENANCE AND OWNERSHIP COOPERATIVE AGREEMENT BETWEEN UTAH DEPARTMENT OF TRANSPORTATION AND LAYTON CITY ESTABLISHING THE MAINTENANCE AND OWNERSHIP OF STORM DRAIN IMPROVEMENTS AS PART OF THE HIGHWAY PROJECT IDENTIFIED AS US-89; FARMINGTON TO I-84 IN DAVIS AND WEBER COUNTIES, UTAH, PROJECT NUMBER S-0089(406)398 – RESOLUTION 20-31 – VARIOUS LOCATIONS

Mr. Jackson explained UDOT (Utah Department of Transportation) would be constructing improvements, which included detention basins and other piping, in conjunction with the Highway 89 project. He explained as these improvements were constructed, additional improvements would also be completed which would directly benefit Layton City for development in the future with drainage areas which would flow into these detention ponds. He added as part of UDOT's agreement to complete these facilities, Layton City was agreeing to maintain and own those in the future, with the opportunity to use those for future development as drainage areas were needed and to reserve capacity for UDOT"s right-of-way as outlined. He indicated there were also properties which would be transferred to Layton City after the Army Corps of Engineers wetland requirements had been established for five years.

He asked if there were any questions and there were none.

MEMORANDUM OF AGREEMENT BETWEEN LAYTON CITY, THE UNITED STATES ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT, THE UTAH STATE HISTORIC PRESERVATION OFFICER AND UTAH DEPARTMENT OF TRANSPORTATION REGARDING THE US-89 FROM SHEPHERD LANE TO I-84 PROJECT, DAVIS COUNTY, UTAH – RESOLUTION 20-32 – VARIOUS LOCATIONS

Mr. Jackson explained the City had previously entered into an agreement with UDOT and SHPO (State Historic Preservation Officer) for the preservation of the historic Civilian Conservation Corps stone flood control wall. He explained the walls would be removed and relocated to an area near the Snow Creek/Gordon Avenue interchange to be used as a historic representation of their purpose and explanation. He reported part of the permitting process required an agreement which re-stated those same issues previously agreed to by all parties, which required the City to be a concurring party.

He asked if there were any questions.

Councilmember Fitzpatrick pointed out language included in the agreement made reference to the need to stop work if artifacts were discovered and asked if this was anticipated. Mr. Jackson responded it wasn't anticipated; however, the City had been informed of a possible burial ground near that area. He added these were standard clauses to ensure appropriate action was taken.

Councilmember Day asked if there were only the two walls near Adams Canyon and Mr. Jackson responded in the affirmative.

There were no other questions.

THIRD-PARTY RELOCATION AGREEMENT BETWEEN UTAH DEPARATMENT OF TRANSPORTATION AND LAYTON CITY FOR THE RELOCATION OF SEWER FACILITIES IN THE OAK HILLS DRIVE AND GORDON AVENUE AREA 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 20-33

Mr. Jackson stated this agreement was between Layton City and UDOT for the relocation of sewer infrastructure because construction would impact the City's sewer system improvements along the US-89 corridor. He explained as part of the project, UDOT's contractor would relocate, adjust or protect the City's sewer facilities, at its expense, and once completed the City would take over the ownership and maintenance of the new improvements. He emphasized this agreement was specific to the sewer system along the Oak Hills Drive and Gordon Avenue interchange system.

He asked if there were any questions and there were none.

THIRD-PARTY REIMBURSEMENT AGREEMENT BETWEEN UTAH DEPARTMENT OF TRANSPORTATION AND LAYTON CITY FOR THE REIMBURSEMENT OF WATER FACILITIES IN THE OAK HILS DRIVE AND GORDON AVENUE AREA WITHIN THE SCOPE OF THE US-89; FARMINGTON TO I-84 IN DAVIS AND WEBER COUNTIES, UTAH, PROJECT NUMBER S-0089(406)398 – RESOLUTION 20-34 – APPROXIMATELY OAK HILLS DRIVE AND GORDON AVENUE

Mr. Jackson explained the Third-party Reimbursement Agreement was for the same area of Oak Hills Drive and Gordon Avenue specific to the installation of water lines in Gordon Avenue, requested by the City, which was above and beyond the normal requirements and considered to be a "betterment". He reported the betterment costs to Layton City would be $778,000 and reviewed the specific scope of the betterments. He added these projects had been identified in the City's Water Master Plan to be completed and it made sense to complete these at this time in conjunction with the road construction.

Councilmember Day requested clarification regarding the connection at Gordon Avenue. Mr. Jackson responded UDOT anticipated the Gordon Avenue connection wouldn't happen until this Spring or possibly Fall of 2021, depending on when permits were received.

Mayor Petro asked about the need for the two different sized waterlines and Mr. Jackson explained the 12" line was a transmission line, moving water between the two tanks. The 8" line was the high pressure line to service future development anticipated for that area.

There were no additional questions from the Council.

CO-SPONSORED SPECIAL EVENTS PROCEDURES

David Price, Parks and Recreation Director, shared a visual presentation and reminded the Council of previous discussions regarding this issue. He reported Staff had followed the Council's guidance to amend the policy. He reported Staff proposed the policy be amended, similar to RAMP grant application process. He stated the Parks and Recreation Commission, an appointed commission, was ideally suited to make the recommendation to the Council. He reported Staff was also recommending to update the Special Event Policy to include co-sponsorship policies and procedures, an evaluation criteria, application, award or denial letter, and a completion report. Staff was proposing this policy be effective Spring 2021 and reviewed the proposed criteria with the Council:

- City Council would determine a tentative budget amount for City Co-Sponsored Events during the next year.
- Organizations complete a Co-Sponsored Event application for fee or service waivers.
- Parks and Recreation Commission would review all applications and make recommendations for funding.

- City Council would review recommendations and make final funding awards.
- Staff would work with organizations to ensure event is safe, fun, and compliant with City and County policies and ordinances.
- Organizations turn in a completion report to the Parks and Recreation Commission.
- Staff turns in an evaluation report to the Parks and Recreation Commission.

He reported the proposal had been reviewed by the Parks and Recreation Commission which unanimously approved support of the process and application.

He reviewed the City Co-Sponsored Special Events budget and expressed concern with potential escalating costs and requested direction from the Council. He suggested this would be a good starting point for next year's events and asked if there were any questions.

Councilmember Morris expressed appreciation to Mr. Price and his Staff for the recommendation and believed the proposal was responsive to the Council's request. He inquired whether the employee need or manpower would be part of the discussion on behalf of the Parks and Recreation Commission and Mr. Price responded in the affirmative. Councilmember Thomas believed the Commission was fully aware of the demands on Staff the costs identified for City employees.

Mr. Price believed the Commission was surprised at the number and volume of employees used for the events, in addition to the number of events. He pointed out there currently wasn't any way for the public to identify whether the event was supported by City dollars and those which were paid for by an organization and believed this would provide transparency.

Councilmember Bloxham expressed appreciation to Mr. Price's Staff for their work in bringing this to the Council's attention. He also complimented Mr. Price and his Staff with the proposed model for parks/activities as the State transitioned per the Governor's direction specific to the COVID-19 pandemic.

Mayor Petro asked about other events which didn't make this list such as those in conjunction with the Davis Arts Council. Mr. Price responded the City currently had agreements with the Davis Arts Council and Davis School District; additionally, the City always tried to honor Armed Forces events. Mayor Petro requested clarification regarding the Veterans Day events and other Veteran events. Mr. Price explained the Veterans Day events associated with November 11 was a City event; other identified Veteran events throughout the year would be applicable to the proposed policy.

Councilmember Bloxham inquired about the duties and decisions on behalf of the Parks and Recreation Commission. Mr. Price responded its main focus and functions is to be a planning body and to review the Parks Master Plan on a regular basis. He stated it also reviewed a current program each month and provided feedback to Staff for both of those responsibilities.

Mr. Price indicated a dollar amount would need to be discussed and included during the budget process or whether a budget amendment would be needed when the program was implemented in the next year.

MAYOR'S REPORT

Mayor Petro announced she had no report and asked if there was anything the Council would like to discuss.

Councilmember Bloxham asked if the City Council had to approve the budget as one single document in its entirety or whether portions could be separated. Mr. Crane responded there were no provisions in state law for the Council to approve the budget by line item or sections and stated the budget was voted on as a whole. He mentioned the public hearing would be the appropriate place to call out and discuss specifics to see if other councilmembers could be influenced and pointed out approval of the budget required a majority vote of three.

Councilmember Bloxham asked what would happen if the budget didn't receive enough votes to approve the budget. Mr. Crane responded another budget meeting should take place to discuss the issue. He emphasized the City was required to approve a budget by Thursday, June 18, 2020. Councilmember Bloxham clarified any councilmember should identify their respective concerns prior to that date.

Mayor Petro inquired if the Council intended to have additional discussion on the budget and remove adoption of the Tentative Budget from the Consent Agenda. A discussion following and the Council indicated it had no objections with approving the Tentative Budget as part of the Consent Agenda.

Councilmember Day indicated he would like a review and discussion specific to projects requested by Staff.

Mr. Probert suggested an additional budget discussion should take place prior to the public hearing.

Councilmember Fitzpatrick expressed her desire to review the water rate increase and issues specific to conservation. Councilmember Bloxham believed additional analysis would be provided for the Council's consideration regarding the water rate increase. Mr. Probert clarified no data would be available for the next analysis until after the summer and suggested removing that increase from the budget at this time and then amend the budget in November following the analysis. He mentioned other concerns such as street lighting should be included in a budget discussion during the next work meeting. He reviewed proposed dates for the public hearing and approval of the budget with the Council and a discussion followed.

Councilmember Bloxham stated he would be in favor of having the public hearing one week followed by adoption of the budget at the council meeting two weeks later.

Mayor Petro directed Staff to proceed with that suggestion.

Councilmember Fitzpatrick stated she would like additional discussion regarding the water rate increases and subsequent recommendations during a future work meeting. Councilmember Day stated he would also like to see a list of the proposed water projects and identify completion or where they were in the process of being completed relative to the previous rate increases and the discussion continued.

Mayor Petro clarified water rates would be discussed at the next work meeting and possibly remove the water rate increase from the budget at final adoption and amend the budget at a later date. Councilmember Bloxham stated he would like to see the analysis verify the ten percent increase was required prior to it being in the budget. Mr. Probert responded that could be done; however, there was a fine balance between conservation and the amount of money required to run the water system.

Mr. Jensen emphasized the budget document was a living document which didn't obligate the Council to follow through with that plan. He pointed out the highest demand for water would happen during the summer months, therefore, the data wouldn't be available until after that time. He explained based on direction from previous Councils it was included in a tentative budget, and the data would need to support the implementation of the water rate. He pointed out the revenue estimates, as presented in the model, was within 5% of anticipated figures. He emphasized Staff didn't request money it didn't need and would also want the increases implemented based on data. He shared some examples of some variables associated with projects which could potentially change whether the rate increase was needed. The discussion continued.

Councilmember Morris stated questions had been directed to him as an elected official, regarding information related to COVID-19 and shared his experience in trying to obtain information from the Health Department and suggested the Mayor might be able to raise the question or obtain information during her updates. Mayor Petro responded the information she obtained during the meetings had already been made available to the public. She provided the Davis County Health Department's response to similar questions she asked regarding the increase in cases in Davis County and a discussion followed.

Councilmember Bloxham requested clarification regarding the original intent for the Street Lighting Fund and stated he understood it allowed the City to purchase the street lights from Rocky Mountain Power, as explained to him by Councilmember Day.

Mr. Jensen responded the City had concern with maintenance and infrastructure associated with the street lights owned by Rocky Mountain Power. He emphasized the City had experienced a great working relationship with Rocky Mountain Power. He reported other cities had pursued purchasing the lighting, and as the City witnessed this, it believed street lighting was an important infrastructure and explored the option to purchase as other cities had. He explained the difference of opinion between Staff and Rocky Mountain Power during discussions regarding the value of the poles; therefore, the City decided it would begin its own system. He emphasized the idea was driven mostly with the intent specific to aesthetics and the underserved areas of the need for lighting and also mentioned the need for additional lighting along roads, highways, and near intersections. He explained the phased plan Staff believed would accomplish the City's goals. Councilmember Bloxham thanked Mr. Jensen for the explanation and stated he would keep this in mind in making a decision. Mr. Jensen added it would be difficult to provide funding for this purpose from the General Fund.

The meeting adjourned at 6:52 p.m.

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Kimberly S Read, City Recorder