

**MINUTES OF LAYTON CITY
COUNCIL WORK MEETING**

JUNE 18, 2020; 5:36 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, TERRY COBURN,
STEPHEN JACKSON, TRACY PROBERT, ED
FRAZIER, CHAD WILKINSON, DAVID PRICE,
KEVIN WARD, 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 Day requested the Mayor report on Youth Court graduation.

Mayor Petro announced the Youth Court graduation had taken place and indicated three or four had expressed interest in pursuing a career in the judicial system. She mentioned several participants had a significant amount of volunteer hours. She complimented all participating youth for their service.

Councilmember Bloxham announced the Church Street bridge would re-open as early as Friday, June 19, 2020 and Gentile Street bridge would close beginning Sunday, June 21, 2020. He reported traffic would be detoured on Main Street to Layton Parkway. He indicated work on the bridge would take approximately 65 days. Mayor Petro mentioned this project would begin sooner than originally anticipated and hoped Gentile would be re-opened in time for the beginning of the school year.

Councilmember Fitzpatrick announced the following:

- Youth Council had completed volunteer work at the food bank at Open Doors.
- Communities that Care had experienced a successful BINGO activity in conjunction with the City's history. She announced five winners received gift certificates from local businesses. She stated a "Zoom" meeting was scheduled for Wednesday, July 8, 2020, for all interested stakeholders.

Mayor Petro mentioned she had already received an email from Open Doors expressing appreciation for the youth that had also completed some landscaping projects at its facility.

Councilmember Morris reminded Council the pandemic was still being experienced in the community and positive tests were continuing to increase. He encouraged vigilance on behalf of everyone as the virus was still very active. He reviewed the precautions the public should implement in order to be safe and encouraged members of the public to govern themselves appropriately. He reported on the most recent numbers. Mayor Petro mentioned although the numbers were increasing, hospitalizations were not increasing.

Councilmember Thomas had nothing to report.

AMEND THE BUDGET FOR FISCAL YEAR 2019-2020 – ORDINANCE 20-17

Tracy Probert, Finance Director, explained a public hearing was scheduled to accept comment on the amendments proposed to the FY2019-2020 Budget. He directed the Council to the packet which identified the proposed budget amendments and reviewed the following with the Council:

- \$78,911.00 – Streets self-insurance, salt, sand, and asphalt
- \$93,392.41 – Police and fire special services, wildland fire, and CERT
- \$91,510.65 – Grant revenue which was unanticipated such as CARES Act Grants and Grants for bullet proof vests

He asked if there were any questions. Councilmember Day requested clarification regarding the streets self-insurance. Mr. Probert explained each department had to cover any costs associated with vehicle accidents. He pointed out City employees were very careful and conscientious with City vehicles.

Councilmember Fitzpatrick asked about the \$54,000 of RAMP funds being transferred for the Centennial Celebration activities and pointed out the celebration had been cancelled. Mr. Probert responded the funds would remain in the Athletic Fund and believed it would come back next year as a budget amendment. Mayor Petro pointed out there had been some expenditures, so the full amount would not be reflected next year.

There were no additional questions.

ADOPT THE BUDGET, PROPERTY TAX RATE AND COMPENSATION SCHEDULE FOR ELECTED, STATUTORY AND APPOINTED OFFICIALS FOR FISCAL YEAR 2020-2021 – ORDINANCE 20-18

Mr. Probert reminded the Council a Public Hearing had taken place on Thursday, June 4, 2020, to accept public comment should the Council desire Staff to make any adjustments. He emphasized the motion would need to include language to not only adopt the budget, but to adopt the Tax Rate and compensation schedule for elected, statutory, and appointed officials. He reported the proposed tax rate was .001645, certified by the County and the State, was being accepted by the City. He clarified this meant the City was accepting the rate which would generate the same amount of revenue as was generated this current year, plus new growth. He explained properties were re-assessed by the County on a regular basis and also included new growth in determining the Certified Tax Rate.

He reviewed the following items which had changed since adoption of the Tentative Budget was adopted on Thursday, May 7, 2020:

- \$500,000 – Fire Engine
- \$120,000 – HVAC improvements at City Hall
- \$200,000 – Eliminating the transfer to the Street Lighting Fund
- Removing the Chapel Park Playground
- Reduction of an employee request in the Finance Department
- \$1.3 million of projects be put on hold specific to Projects, Personnel, and Equipment

The following Revenues had also been adjusted:

- \$50,000 - Reduced Fee in Lieu from automobiles
- \$847,000 – Reduction in Sales Tax
- \$125,000 – Telecommunications Tax
- Room Tax
- Interest

Mr. Probert reviewed other funds affected by the Tentative Budget:

- Increase from \$1 to \$2 for the Street Lighting Fund

- Elimination of transfer from General Fund
- \$269,000 – Elimination of Chapel Park Playground from the RAMP Fund
- \$138,000 – Reduced Revenue
- \$30,000 – Interest
- Return to Fund Balance
- Capital Projects Fund had been adjusted
- Water Fund – shared vehicle with secondary water

He asked if the Council had any questions.

Councilmember Fitzpatrick requested further clarification on the positions which had been put on hold for the time being and Mr. Probert provided the following response:

- Code Enforcement Supervisor
- Two new Patrol Officers
- Two new Crossing Guards
- A pay increase for all Crossing Guards
- Recreation Supervisor
- Parks Maintenance Worker

He added the Accounting Clerk position had been completely eliminated from the Budget. He pointed out the only positions proposed to move forward effective July 1, 2020 would be a Fire Training Specialist, Part-Time Inspector for Engineering, specific to the Highway 89 project. Councilmember Fitzpatrick asked if the new Crossing Guard positions were directly related to the new elementary schools and if so were they needed for the school to be operational. Mr. Probert responded in the affirmative, the positions were related to new schools and stated he couldn't speak to whether the school could operate. Mr. Jensen responded the idea was to postpone filling the positions until September when the school year began. He stated the other identified positions would be postponed until the December/January, at which time received data would determine whether the City could proceed in filling those positions. He pointed out the importance of having crossing guards in place prior to the new schools opening.

Councilmember Day asked if the salary for the Public Relations position was still included in the budget and Mr. Jensen responded in the affirmative and stated that position was vacant.

Councilmember Fitzpatrick asked if the funds directly related to the Patrol Officer positions currently on hold included vehicle and equipment and Mr. Probert responded in the affirmative.

Councilmember Day pointed out he had mentioned several times his opinion on maintaining the property tax rate and asked how doing so would affect a \$300,000 home if the City chose to do that. Mr. Probert responded he hadn't completed those calculations. Councilmember Day stated prior to him voting on approving the budget he wanted to know if the Council was in agreement to not pursue the Truth in Taxation process.

Councilmember Morris believed the time had expired for the City to announce its intent to proceed through Truth in Taxation and requested clarification. Mr. Probert indicated there was still time to provide the appropriate notice if the Council chose to do so this budget year. Councilmember Fitzpatrick recollected the Council had determined due to the Street Lighting Fee increase it wouldn't do that this year, but would reconsider that option next budget year. Councilmember Bloxham stated he wasn't interested in doing that this year due to the Pandemic, but believed it should be part of the budget process in future budget years. Councilmember Morris pointed out how the tax rate had been affected over several years and suggested maintaining the tax rate would keep up with inflation and believed the City should consider this in future years and a discussion followed.

Councilmember Day stated he wasn't comfortable with postponing the hiring of police officers and crossing guards and suggested postponing the purchase of some vehicles. Councilmember Bloxham asked when would be the appropriate time to begin discussions specific to proposed changes requested by

individual councilmembers. Mr. Probert clarified the only items eliminated in the budget thus far was a fire engine, an accounting position, park playground, and some smaller items; anything that was on hold, would remain in the budget and the expenditure would be an Administrative decision by Mr. Jensen. A discussion took place specific to the fire engine and Mr. Probert pointed out it was originally intended to be purchased over two budget years, FY 21 and FY 22 and the discussion continued.

Kevin Ward, Fire Chief, reminded the Council an apparatus had been purchased from a neighboring City which was being used as a “stop gap” which would also allow the new fire truck to be postponed. He explained once the City purchased the new fire apparatus, it would take one year for it be built and explained how payments were expected to be made. He explained how the used apparatus would be used and indicated it would buy the City some time before purchasing the new item. A discussion followed.

Chief Ward explained how the City intended to use the pre-owned apparatus and continued to explain how the City would shift equipment amongst the different stations and pointed out eventually the new apparatus would need to be purchased. Mayor Petro announced she had given direction to Staff to move forward on purchasing the pre-owned equipment. Chief Ward added this purchase also eliminated the need for the City to purchase a heavy rescue vehicle and reported the vehicle was purchased with revenue designated for a purchase such as this. He emphasized the City still had time before it needed to commit to purchasing the new truck for the new facility.

Councilmember Fitzpatrick believed the Pandemic had resulted in uncertain times and circumstances and stated she wasn’t comfortable with the proposed full three percent merit increase. She asked about the possibility of setting the rate for the merit increase, putting it on hold until the City received Sales Tax Revenue figures, then implement the increase retroactive to July 1, 2020. Mr. Probert responded in the affirmative and explained the appropriated funds would remain in the budget. Councilmember Morris believed the overall amount appropriated for the merit increase had been decreased. Mr. Probert responded a full merit increase could be achieved with approximately \$140,000 less than originally anticipated. He also mentioned the new prescription benefit for employees which also recognized a decrease of approximately \$240,000. The Mayor suggested the motion should include language specific to the dollar amount designated for the merit increase. Councilmember Fitzpatrick asked how often Staff would review revenues with the Council and Mr. Probert responded he intended to do that monthly and stated he would provide an update during the Council Meeting in mid-July to receive direction from the Council regarding postponed items based on recommendations from Staff.

Councilmember Bloxham asked if the merit increase for employees could be appropriated piece meal throughout the year. Mr. Jensen responded there was flexibility in how the merit increase could be applied. He pointed out the evaluation and compensation system currently in place has been a stable and predictable system which employees were familiar with for the past 30 years and although the environment was different, the principles by which the budget was administered would remain the same.

Councilmember Fitzpatrick asked if the motion needed to include language identifying the amount of funds appropriated for the merit increase since it was different than what was included in the previous budget from June 4, 2020. Mr. Jensen responded that wasn’t required and explained how that figure could fluctuate and a discussion followed. Mr. Probert pointed out Human Resource Staff had reviewed evaluations and implemented the formula respective to the merit increase on an accelerated schedule to provide the Council with an accurate number.

Councilmember Morris complimented Staff for providing accurate information to the Council so it make educated recommendations to Staff. Councilmember Bloxham expressed agreement with Councilmember Morris’ comments and expressed his opinion there was an expectation associated with City employment that merit pay was part of that structure and emphasized postponing the increase until more data was received was being done out of an abundance of caution and not a new policy.

Mayor Petro asked if there anymore questions regarding the Budget. Councilmember Bloxham asked how the language in the motion should be stated and summarized several options for consideration. Mayor

Petro suggested the Council should identify the dollar amount specified in the budget. Councilmember Thomas asked how far in the future the merit pay would be postponed and a discussion followed. Councilmember Fitzpatrick expressed her opinion the Council would have consistent data by September and the increase could be implemented retroactive to July. She believed moving forward cautiously would prevent the City from having to cut services.

Councilmember Thomas believed the Council would be creating a deficit in some way by not moving forward with the merit increase and suggested giving Staff one percent now and postponing the remainder and a discussion took place.

Councilmember Morris believed a discussion was needed regarding the proposed ten percent water increase, the last of the three increases, identified in the Water Master Plan until further analysis was presented by Staff. Mr. Probert clarified the effect of the water increase, revenue, had been included in the budget; however, the increase hadn't been included in the Consolidated Fee Schedule, effective July 1, 2020. He pointed out including those funds in the budget now, it would eliminate the need to amend the budget at a later date prior to implementation.

Councilmember Bloxham would like that revenue to not be reflected in the budget until data was presented and discussed by the Council, at which time the budget could be amended if the data supported the original proposal identified in the Water Master Plan. He believed the first two increases were the most important and suggested the last and final increase wasn't as important. Mr. Jensen responded those first two increases allowed the City to complete significant infrastructure projects. Councilmember Bloxham didn't believe there was justification at this time to approve the water rate increase and a discussion took place.

Councilmember Day stated he approved the water rate increases and believed it was necessary. He pointed out the number of waterline breaks within his area and believed the original analysis justified that need and the discussion continued.

AMEND TITLE 3, CHAPTER 15, SECTION 3.15.010 OF THE LAYTON MUNICIPAL CODE – CONSOLIDATED FEE SCHEDULE – ORDINANCE 20-19

David Price, Parks and Recreation Director, explained changes to the Consolidated Fee Schedule were directly related to the amphitheater plaza. He reviewed the proposed fee increase and pointed out the new pavilion had additional features which allowed the use of the plaza in conjunction with events. Mayor Petro asked if this fee allowed the use of the kitchen in the new pavilion. Mr. Price responded that would require a special event application in addition to use of the ticket area. Mayor Petro asked if only one of those areas were needed if that would increase the rental fee and Mr. Price responded in the affirmative.

Councilmember Thomas asked if the plaza rental also included rental of the amphitheater and Mr. Price responded it did not. He explained those interested in renting the pavilion and plaza would need to reserve these facilities in person in the Parks and Recreation Office. He added reservation and use of these facilities were only allowed once no conflict was identified by either the Davis Arts Council and the City.

Mayor Petro announced other fee changes to the Consolidated Fee Schedule would be identified in the next meeting.

UPDATE – FIRE RESTRICTIONS

Chief Ward stated the City was expecting a very active fireworks season given the cancellation of all large firework displays and events. He believed the sale of fireworks would be significant this year. He indicated he had a packet of information for each councilmember which identified the lawful discharge dates and times and announced that same information could be found on the State Fire Marshal's website. He stated fireworks sales would begin on Wednesday, June 24, 2020 until Saturday, July 25, 2020. He mentioned many fireworks stands didn't stay open that entire time and some closed down in between

those dates. He announced discharge times were between Thursday, July 2, 2020 through Sunday, July 5, 2020 and again Wednesday, July 22, 2020 through Saturday, July 25, 2020; between the hours of 11:00 a.m. to 11:00 p.m., except on the actual holiday until 12:00 midnight.

He stated City Code allowed the Fire Chief to make restrictions based on environmental conditions and specific fire danger. He announced his decision this year was to continue with the aerial restrictions that had been in place for several years. He stated these restrictions were announced on the City's website and also on the State Fire Marshal's website.

He announced all fireworks continue to be banned east of Highway 89, which was also in City Code since 2004. He clarified this was applicable to all types of fireworks. He informed the Council added enforcement would be patrolling restricted areas to enforce restrictions and stated he intended to bring in additional law enforcement for this purpose.

He announced two City parks had been designated for the discharge of legal fireworks.

Councilmember Bloxham requested clarification regarding the decision of restrictions and Chief Ward explained the analysis which supported the City's restrictions could be found on the City's website and was included in the packet of information for each councilmember. He pointed out the analysis included identified hazardous areas in conjunction with the wildland interface

Councilmember Bloxham asked if aerial fireworks could be purchased from fireworks vendors located in Layton City. Chief Ward responded in the affirmative and explained the educational component the City required firework vendors provide to consumers. He stated Layton was the only city he was aware of which offered an alternative to allow the discharge of fireworks in designated City parks.

Councilmember Morris asked Chief Ward about the jurisdiction in enforcing open campfires along trails east of Highway 89. Chief Ward responded no open fires were allowed and reported he had participated in a meeting earlier in the day with the U.S. Forest Service Ranger District which restricted open fires above the Bonneville Shoreline trail area. He pointed out recreational fires were allowed in backyards, any place within the City, with specific guidelines. He emphasized open campfires in unincorporated County areas weren't allowed by the Forest Service and the City's Fire Marshals dismantle any fire rings. Councilmember Thomas asked if residents notify the City when they intend to have a recreational fire and Chief Ward responded in the affirmative and occasionally the Department receives complaints; however, if the resident complied with the guidelines or used a commercial fire pit purchased from a home improvement center, there wasn't an issue.

AMEND TITLE 19, CHAPTER 19.17, SECTION 19.17.040 AND TITLE 18, CHAPTER 18.07, SECTION 18.07.030 OF THE LAYTON MUNICIPAL CODE – AMENDING PUBLIC HEARING AND PUBLIC NOTICE REQUIREMENTS FOR GREATER CLARITY AND CONSISTENCY WITH STATE CODE – ORDINANCE 20-20 AND ORDINANCE 20-21

This item was not discussed by Council.

MAYOR'S REPORT

No Mayor's report was shared.

The meeting adjourned at 7:02 p.m.

Kimberly S Read, City Recorder