

**MINUTES OF LAYTON CITY
COUNCIL WORK MEETING**

JANUARY 18, 2024; 5:40 P.M.

**MAYOR AND COUNCILMEMBERS
PRESENT:**

MAYOR JOY PETRO, ZACH BLOXHAM, CLINT MORRIS, TYSON ROBERTS, BETTINA SMITH EDMONDSON, AND DAVE THOMAS

STAFF PRESENT:

ALEX JENSEN, CLINT DRAKE, CHAD WILKINSON, WESTON APPLONIE, STEPHEN JACKSON, TRACY PROBERT, ED FRAZIER, DAVID PRICE, KIMBERLY ZYGMANT, AND KIM READ

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

Mayor Petro opened the meeting.

AGENDA:

COUNCILMEMBER REPORT

Councilmember Smith Edmondson reminded the Council of the Layton Communities That Care (CTC) kick-off meeting scheduled for Tuesday, January 30, 2024, from 12:00 noon to 2:00 PM, lunch would be provided. She stated an overview of past activities and the direction moving forward for the CTC program, and the reorganization of work groups. She mentioned although there would be limited space, organizers were hopeful to fill that space and requested attendees RSVP. She suggested invitations could be made to other community members passionate about drug and alcohol prevention in youth.

Councilmember Thomas reported he had attended the recent Davis Arts Council Board Meeting and its leadership was looking for the last RAMP (Recreation, Arts, Museum, and Parks) contribution from Layton City. David Price, Parks and Recreation Director, stated he would look into the issue.

UPDATE – UTAH INFRASTRUCTURE AGENCY/LAYTON CITY REVENUE SHARE

Alex Jensen, City Manager, reminded the Council, Councilmember Bloxham had previously touched on this during a previous meeting. He explained the history regarding the creation of UIA (Utah Infrastructure Agency), the sister agency to UTOPIA, and the opportunity for participating cities to backstop the debt to continue with the buildout of the infrastructure system. As part of that structure, those participating cities would then have the opportunity to participate with any potential revenue share. He announced Layton City was the only entity to step forward and accept the risk at that time and was now benefitting from that action. He mentioned the City now had the opportunity to formalize and settle terms regarding how the City would receive that revenue share and believed the agreement being proposed by UIA was fair.

Tracy Probert, Finance Director, shared a visual presentation pointing out the following:

- In 2018 Layton City entered into a service agreement with UIA to build out the fiber network to all existing homes.
- In 2018 Layton City backed the bonding effort of UIA to accomplish the proposed project.
- It was estimated the project needed to achieve 21% take rate to cover the annual payment on the bonds.
- UIA agreed to a revenue share program to pay the bonds and provide a potential revenue stream to the City.

He continued to review the highlights of the agreement:

- End users prior to the agreement and bonding – 2,609 connections.
- Maximum number of new end users covered by the agreement – 3,860.
- End user goal of 3,860 connections per the agreement was reached on December 31, 2019.
- Current end users were approximately 9,000 connections equivalent to a 41.7% take rate.
- Residential revenue split was proposed at 20%.
- Commercial revenue split was proposed at 50%.
- Bond Payments would be covered by the Layton revenue split.
- Future amounts owed to the City from the revenue split were estimated between \$137,000 and \$158,000 annually.

He identified specifics included in the proposed agreement:

- Amount owed to Layton City from 2019 through June 30, 2023 was approximately \$3,420,444.
- UIA would repay the current balance owed to Layton City over the remaining life of the service agreement – 21 years or April 1, 2044.
- Interest would be calculated and paid at 5.5%.
- Annual Payment of \$278,645.71.
- Cumulative payback of \$5,851,559.91.
- Total estimated annual payment was between \$415,663 and \$432,364.
- The combined amount over the 21 years would be around \$9 million to Layton City.

He expressed his opinion the proposed agreement was fair to both parties. Mr. Jensen clarified these funds were completely separate from the excess revenue received by participating entities for the initial debt service payment and a discussion followed.

Councilmember Thomas inquired how the funds from the annual payment would be appropriated. Mr. Jensen recommended appropriating those funds to a designated fund, allowing them to accumulate over time for future Capital Projects which would have a significant presence within the City similar to the Parks Shops facility or the Dispatch Center and the discussion continued.

Mr. Jensen summarized these results were better than originally anticipated.

AMENDMENT TO DEVELOPMENT GUIDELINES AND DESIGN STANDARDS – ORDINANCE 24-01

Stephen Jackson, City Engineer, reminded the Council, the Engineering Division maintained the Development Guidelines and Design Standards regarding development within the City. He mentioned from time to time it was necessary to update and amend the guidelines and informed the Council, the City was required to comply with legislative changes effective February 1, 2024. He reviewed the following key updates with the Council:

- Checklist for Review
 - Requirement to disconnect existing laterals at the main
- Sanitary Sewer Systems
 - Added maximum depth requirements
- Storm Drainage and SWPPP
 - Added maximum depth requirements
 - Added setback requirement for retention and detention basins
- Land Drain Improvements
 - Added maximum depth requirements
- Geotechnical Information
 - Additional infiltration test requirements
 - 5 feet between bottom of infiltration basin and groundwater
- Standard Plans
 - Updates to coordinate with written standards

He asked if there were any questions and a discussion followed regarding the updates.

PROPOSAL TO ADD A NEW CHAPTER TO TITLE 19 “ZONING”, CHAPTER 19.03 ENTITLED “LAND USE APPLICATION REQUIREMENTS AND REVIEW PROCESS”, TO AMEND REQUIREMENTS FOR PROCESSING LAND USE APPLICATIONS AND ESTABLISH COMPLIANCE AND CONSISTENCY WITH UTAH STATE CODE 10-9A-604.2; AND AMEND VARIOUS SECTIONS OF TITLE 18, “LAND USE DEVELOPMENT” AND TITLE 19 “ZONING”, RELATED TO CONSISTENCY FOR THE LAND USE APPLICATION PROCESS – ORDINANCE 24-03

Chad Wilkinson, Community and Economic Development Director, recognized Weston Applonie, City Planner, for the tremendous work of his Staff and his efforts in meeting all deadlines for this new legislation. Mr. Applonie announced the City would be required, as of February 1, 2024, to follow a specific ‘Review Cycle’ upon accepting Single-Family, Two-Family, and Townhome Subdivision applications. He shared a visual presentation and identified the review cycle for the developments and reminded the Council, Staff had generally followed this format in the past. He explained the City’s desire that all Land Use Applications would be required to follow the same review cycle, with a few exceptions, in an effort to promote consistency.

He asked if there were any questions from the Council and a discussion followed regarding the timeline and the assessment of fees. Mr. Applonie clarified the first two submittals were applicable to the initial fees. Mr. Wilkinson suggested only in rare circumstances would the application reach number of the review cycle, and if so, believed that would only happen in the case of significant issues. The discussion continued regarding the tracking of compliance and he indicated this process would make it easier for Staff to track changes.

CLOSED SESSION TO DISCUSS THE CHARACTER AND/OR COMPETENCY OF AN INDIVIDUAL(S), PENDING OR REASONABLY IMMINENT LITIGATION, PURCHASE, SALE, EXCHANGE OR LEASE OF REAL PROPERTY, WATER RIGHTS OR SHARES, AND/OR DEPLOYMENT OF SECURITY PERSONNEL, DEVICES OR SYSTEMS AS PERMITTED UNDER UTAH CODE 52-4-205

MOTION: Councilmember Roberts moved to adjourn the meeting and convene in a closed meeting at 6:29 p.m. to discuss the Character and/or Competency of an Individual and Pending or Reasonably Imminent Litigation. Councilmember Thomas seconded the motion, which passed unanimously.

MOTION: Councilmember Thomas moved to open the meeting at 7:04 p.m. Councilmember Smith Edmondson seconded the motion, which passed unanimously.

The Work Meeting resumed at 7:57 p.m.

DISCUSSION – PROCESS OF APPOINTMENTS FOR ELECTED OFFICIALS

Clint Drake, City Attorney, reminded the Council it was requested that he review the current ordinance regarding appointments made by the Mayor to determine whether changes were warranted. He reported he had dedicated a considerable amount of time researching the issue and informed the Council the ordinance would be applicable to all and different types of appointments.

He shared a visual presentation of the Ordinance which identified the current language and the suggested language changes. The Council discussed the proposed changes to the City’s ordinance with an emphasis regarding the language on how to remove someone from an appointment.

The Council concluded to include language requiring a supermajority of the City Council, four members to remove an appointment.

Councilmember Roberts believed the Mayor should present her report at the beginning of each meeting with the City Councilmembers and the Council expressed agreement.

The Council continued to discuss language in the ordinance regarding removal of an appointment.

Mr. Drake pointed out the elected officials from Layton City should remember their role was to do what would be in the best interests of Layton City and its residents, even if contrary to the secondary role of the appointment. The discussion continued.

Mr. Drake clarified the Council's direction was to include language a supermajority would be required to remove any appointment and indicated he would draft the ordinance for the Council to review and adopt during a future meeting.

OPEN AND PUBLIC MEETING ACT TRAINING

Mr. Drake shared a presentation and reviewed State Code regarding the Open and Public Meetings Act with the Council highlighting the following:

- Meetings must be public, except under certain conditions for a closed meeting
- Deliberations take place in a public meeting
- Actions/voting take place in a public meeting
- Items were required to be discussed in a public meeting
- Definition of a 'meeting'
- Electronic meeting
- Closed meetings
- No action was allowed in a closed meeting, including interviews
- Noticing requirements for closed meetings
- Emergency meetings
- Minutes and recordings
- Violations and penalties

CONFLICT OF INTEREST TRAINING

Mr. Drake also shared a presentation and reviewed the law regarding Conflict of Interest and Ethics and identified the following must be disclosed:

- Interest in any business or entity which conducted business with the City or was regulated by the City
- Any personal interest which conflicted with the Council's public duties

He cautioned the Council to consider how their respective actions could be viewed or perceived by the public in considering whether a conflict existed.

SEXUAL HARASSMENT TRAINING

This agenda item wasn't addressed by the Council.

MAYOR'S REPORT

Mayor Petro updated the Council on the following:

- The most recent decision by Wasatch Integrated Waste Management District (WIWMD) Board to hold a Special Board Meeting regarding the Property Purchase Agreement. She also shared an

update regarding the Resolution adopted by WIWMD during its meeting in December 2023. She stated she would continue to work with the District's Board regarding a recycling program.

- Updated the Council regarding Davis County's Homeless taskforce to identify a location for an appropriate location for a facility to house the homeless, as well as an appropriate location to meet compliance with the Code Blue legislation. She informed the Council of the different options being considered by the County and taskforce as well as funding options.
- Indicated the need for the Council to tour the North Davis Sewer District facility and requested they be prepared to accommodate her request this spring.
- Informed the Council she had been designated the Chair for the Active Transportation Committee affiliated with Wasatch Front Regional Council (WFRC).

Mr. Drake mentioned each councilmember would receive a certificate regarding their participation in tonight's trainings.

The meeting adjourned at 10:05 p.m.

Kimberly S Read, City Recorder

SWORN STATEMENT

The undersigned hereby swears and affirms, pursuant to Section 52-4-205(1) of the Utah Code Annotated, that the sole purpose for the closed meeting of the Layton City Council on the **18th day of January, 2024**, was to Discuss the Competency of an Individual and Pending or Reasonably Imminent Litigation .

Dated this 4th day of April, 2024.

ATTEST:

JOY PETRO, Mayor

KIMBERLY S READ, City Recorder