

**MINUTES OF LAYTON CITY
COUNCIL WORK MEETING**

SEPTEMBER 17, 2015; 6:02 P.M.

**MAYOR AND COUNCILMEMBERS
PRESENT:**

**MAYOR BOB STEVENSON, JOYCE BROWN,
TOM DAY, JORY FRANCIS AND JOY PETRO**

ABSENT:

SCOTT FREITAG

STAFF PRESENT:

**ALEX JENSEN, STEVE GARSIDE, BILL WRIGHT,
TERRY COBURN, TRACY PROBERT, JAMES
“WOODY” WOODRUFF, DAVID PRICE, KEVIN
WARD, WESTON APPLONIE, KEM WEAVER
AND TORI CAMPBELL**

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

Mayor Stevenson opened the meeting and excused Councilmember Freitag. He turned the time over to Staff.

AGENDA:

**DISCUSSION – RECREATION, ARTS, MUSEUM AND PARKS (RAMP) TAX FUNDS
DISTRIBUTION**

Mayor Stevenson turned the time over to David Price, Parks and Recreation Director, to discuss the RAMP tax issue.

David asked if there were any additional concerns since the last discussion. He presented a very rough draft of an ordinance that would govern the use of the RAMP tax. He reviewed the use of revenues section of the draft ordinance.

Councilmember Brown said in the Parks and Recreation Commission meeting they discussed a scenario of a small dance group wanting to do a scholarship for underprivileged children. Most dance groups were not non-profit organizations. Would they be excluded from this?

David said under the proposed guidelines, no RAMP tax could go towards that.

Councilmember Day asked about funding ongoing expenses of non-profits and if funding could be used for a building.

David indicated that the intent would be that buildings or facilities would be owned by the City, but the City would partner with other organizations that could use the facilities. He said the RAMP tax would come from the citizens and the City felt that facilities should be the property of the citizens and not a private organization.

Councilmember Brown asked if other cities limited funding to non-profit groups.

David said most other cities and counties limited funding to non-profits.

Mr. Vaughn Jacobsen asked if the non-profit designation was based on IRS guidelines.

David said yes; it was an IRS defined non-profit.

Mr. Jacobsen said that seemed extremely restrictive. He said there were a lot of good groups that had good intentions and good track records that could benefit, but had not gone through the formality of an IRS designation.

Mayor Stevenson asked what the downside would be if it wasn't limited to non-profit organizations.

Steve Garside, Assistant City Attorney, said it was restricted by State law.

Councilmember Petro mentioned that if the RAMP tax passed, it would be a year before the City started receiving revenue. It would give organizations time to go through the process to become a non-profit.

David went over the advisory board section of the draft ordinance that would govern the RAMP tax funds. He indicated that there would be four standing members consisting of the Parks and Recreation Director, a Layton City Recreation Supervisor, the Heritage Museum Curator, and the Davis Arts Council Executive Director; and five at large members that would be appointed by the Mayor with advice and consent from the Council. He said, as a parks and recreation organization, Staff felt that they would like the four standing positions because they were the organization that would have to maintain the facilities.

Councilmember Petro asked if the four standing members would be voting members; there would be nine voting members.

David said yes.

Councilmember Day asked if the five at large members would be appointed by the Mayor or the Council.

Councilmember Brown said it was an appointment by the Mayor with the advice and consent of the Council, which was similar to Planning Commission appointments. She said she assumed that even though the Mayor might make recommendations, the Council would vote on the appointment. Councilmember Brown said if the Council didn't agree with a recommendation, they could deny the appointment.

Councilmember Petro said she thought the purpose of the RAMP tax was to be different than what was already in place. She said early on the discussion was that this would be the citizens' budget and would allow them control.

Discussion suggested that it should be an appointment by the Mayor and Council.

Councilmember Brown asked how the funds would be kept separate.

Tracy Probert, Finance Director, said that a separate special revenue fund would be created.

Discussion suggested including information about a separate fund in the ordinance.

Mr. Jacobsen proposed that the four designees from the City be advisors and that the voting be restricted to the five citizen committee members.

David said that was still part of the discussion. He said from the Parks and Recreation Department standpoint, because they were the organization that had the most experience in doing these things, and because they were the ones that were ultimately saddled with managing and maintaining the facilities, they believed that they should have a voice.

Councilmember Francis said he agreed with David. He said a common regular citizen may not realize all of the deep details that could come into play.

Mr. Jacobsen said they would be advisors, but the citizens should direct how the money was used.

Councilmember Day said he thought four out of nine seemed like too much input from the City, but he did think they should have some voice; possibly two out of nine.

Councilmember Petro said in reading what some other cities had done, they referred to the four as specialists. She said she could see advantages from both sides.

Councilmember Brown shared an example of another city wanting a facility, and once the cost was determined the citizens decided they didn't want it after all. She said there definitely needed to be input from Staff and organizations that could provide that type of information. Councilmember Brown said there was also another layer to this; even after the citizens group voted on something it would come to the Council for approval.

Alex Jensen, City Manager, said he thought they would find that the most impartial people in that room would be City Staff who were charged every day with representing the interests of all of the community. He said the challenge would be to appoint citizens that weren't biased. City Staff would be the example since that was their job every day.

Mayor Stevenson asked Mr. Jacobsen if he felt that there should be nine members on the committee, or did he think that was too many.

Mr. Jacobsen said he felt that nine was a good number. Citizens would be critical in who was selected.

Mayor Stevenson thanked Mr. Jacobsen for all he was doing with the RAMP committee. He said this was still in the early stage and it would continue to be refined.

There was discussion regarding the difficulty in choosing citizens that would not be biased in sports, arts, etc.

Councilmember Brown said she saw that the terms had been staggered so that they would not all turn over the same year.

Councilmember Petro suggested adding language to the vacancy portion of the ordinance indicating that vacancies would be filled the same as a regular appointment.

David reviewed information about the distribution of revenues. He indicated that there would be an administrative portion to the budget but by State statute that it could not exceed 1.5% of the RAMP tax funding. David said they anticipated that the administrative portion would be much less than that; they ran the Parks and Recreation Commission on much less than that.

David reviewed the grants portion of the ordinance.

Councilmember Brown said when the City received grants for the Police Department, or any other department in the City, the grant was for a set amount. If the grant program went over the grant amount, the City had to cover the difference. She said these grants were for a set amount and the City wouldn't have to worry about the overages from an outside organization. Councilmember Brown asked if there was anything in the ordinance indicating that the money could be held over from year to year if there weren't enough grant requests to use all the money in a given year.

David said that it did.

There was discussion about accountability and organizations reporting back to the City.

Councilmember Brown asked if this would be an audited fund.

Tracy said yes.

Mr. Jacobsen said he was the spokesperson for the group responsible for getting the RAMP tax passed. He said the Committee was concerned that there be some amount of money available for last minute, unplanned items that couldn't wait another budget or calendar year.

Councilmember Brown said her concern would be with organizations that would come in after the grant deadline asking for funds.

Mayor Stevenson reiterated that this was just a rough draft. Once it was closer to a final draft, Staff would review the information with the Committee to finalize the ordinance. He expressed appreciation to everyone involved.

REZONE AND PARCEL SPLIT REQUEST – FLINT/ASHBY – A (AGRICULTURE) TO R-S (RESIDENTIAL SUBURBAN) – APPROXIMATELY 2202 WEST GENTILE STREET – ORDINANCE 15-27

Bill Wright, Community and Economic Development Director, said this was a very simple and straightforward parcel split and rezone that would separate the home and a small parcel of property on the corner of 2200 West and Gentile Street from the balance of the property. The lot size would be consistent with the R-S zone and the General Plan.

ZONING ORDINANCE AMENDMENT – TITLE 19, SECTIONS 19.02.020, 19.06.010 (TABLE 6-1, 6-2) AND 19.06.080(3) “BEEKEEPING” – ORDINANCE 15-17

Bill Wright presented the beekeeping ordinance and what Staff and the Planning Commission had been working on. He mentioned the size of the property, flyaway zone, placement of the hives on the property, and fencing. He indicated that fencing would put a burden on the beekeepers and the recommendation from the Planning Commission was not to include a fencing requirement. Bill said no other cities had a fencing requirement.

Bill indicated that Staff received a letter from Mr. Joey Caputo with the Utah Department of Agricultural Food. He said Mr. Caputo could not be here this evening but he expressed in his letter how critical beekeeping was to the success of agriculture in the State.

Councilmember Brown said she talked with her insurance agent and he indicated that insurance agents did not ask their clients if they owned bees, but they did ask about swimming pools. She said her agent indicated that the question would probably begin to be asked when it became an issue. Councilmember Brown said people with chickens were required to put up a fence and it was a hardship for someone that wanted chickens to put up a fence; bees were a little different in that they could leave the yard, but she was concerned about children having access to the hives. She said sometimes she wished there was a zone in the City that allowed for small farms; when someone moved into that neighborhood they would know that in advance. People moving into a regular subdivision didn't expect chickens, goats or bees next door; every time the City allowed for one thing someone else would ask for more. She indicated that she had already received a request from someone to allow for goats in yards.

Councilmember Day mentioned that the number of hives had increased over what the Planning Commission had previously discussed.

Bill said that was correct, but these amounts were approved by the Planning Commission

MISCELLANEOUS:

Mayor Stevenson turned the time over to Kevin Ward, Fire Chief.

Kevin said that the City has been putting money aside and planning to purchase a fire truck. He said a demo apparatus that was close to the City's specification had become available for purchase this month. The apparatus had about 2,000 miles on it from being used as a demo and would only require a small amount of additional equipment. Kevin said the cost would be \$440,000, which would be a significant savings to the City. He displayed pictures of the vehicle. Kevin said this amount would cover all the additions that would need to be made to the fire truck.

Discussion suggested moving forward with the purchase.

Councilmember Francis asked if they were offering this truck to other cities.

Kevin said yes, but they knew that the City was serious about purchasing it. He said the City had the funding in place and the time frame was perfect for the City.

Mayor Stevenson asked about the water line issue.

Alex said as part of the adopted budget, a 5-year CIP plan was adopted for the water fund. He said since the budget was adopted, UDOT had indicated, without communicating this previously, that they would be taking the asphalt on the north end of Hill Field Road near the South Gate out and turning that into a concrete surface. Alex said they would begin the project next spring. He said the City had millions of dollars of utilities under that road that if it was an asphalt surface, it wasn't that difficult to repair. With a concrete surface, the service life was up to 50 years. The cost to cut and repair the concrete surface was very expensive.

Alex said Public Works had been working to identify, while the road was open, what infrastructure improvements should be made. He said there was a little less than \$900,000 worth of work that ought to be done. Alex said Staff was proposing to take the projects that were identified as priorities for this year and push them back a year to free up that money; replace two large sections of 8-inch line and one large section of 12-inch line in the area; and do some intersection work to assure that the City was in a position to have great infrastructure into the future and not have to cut into the road. He stated that it was wise to do this at this time. Alex said they had expressed the City's concerns with the lack of communication; UDOT had been discussing this internally for a couple of years. He said Staff would bring an updated CIP back to the Council for review.

Consensus was to move forward with the project.

The meeting adjourned at 7:03 p.m.

Thieda Wellman, City Recorder