

**REGULAR MEETING AGENDA OF THE
CITY COUNCIL OF LAYTON, UTAH**

PUBLIC NOTICE is hereby given that the City Council of Layton, Utah, will hold a regular public meeting in the Council Chambers in the City Center Building, 437 North Wasatch Drive, Layton, Utah, commencing at **7:00 PM on January 21, 2016.**

AGENDA ITEMS:

1. CALL TO ORDER, PLEDGE, OPENING CEREMONY, RECOGNITION, APPROVAL OF MINUTES:

- A. Minutes of Layton City Council Work Meeting - December 17, 2015
- B. Minutes of Layton City Council Meeting - December 17, 2015

2. MUNICIPAL EVENT ANNOUNCEMENTS:

3. VERBAL PETITIONS AND PRESENTATIONS:

- A. Years of Service Awards
- B. Presentation - Youth Council Swearing In
- C. Recognition of Community Emergency Response Team (CERT) Graduates

4. CITIZEN COMMENTS:

5. CONSENT ITEMS:(These items are considered by the City Council to be routine and will be enacted by a single motion. If discussion is desired on any particular consent item, that item may be removed from the consent agenda and considered separately.)

- A. Amendment to Title 3 of the Layton Municipal Code by the Addition of Chapter 3.21 - Recreation, Arts, Museum, and Parks (RAMP) Tax; Commission - Ordinance 16-09

6. PUBLIC HEARINGS:

7. PLANNING COMMISSION RECOMMENDATIONS:

8. NEW BUSINESS:

9. UNFINISHED BUSINESS:

10. SPECIAL REPORTS:

ADJOURN:

Notice is hereby given that:

- A Municipal Building Authority (MBA) Meeting and a Redevelopment Agency (RDA) Meeting will be held at 5:30 p.m. A Work Meeting will be held at 5:30 p.m. to discuss miscellaneous matters.
- In the event of an absence of a full quorum, agenda items will be continued to the next regularly scheduled meeting.
- This meeting may involve the use of electronic communications for some of the members of this public body. The anchor location for the meeting shall be the Layton City Council Chambers, 437 North Wasatch Drive, Layton City. Members at remote locations may be connected to the meeting telephonically.
- By motion of the Layton City Council, pursuant to Title 52, Chapter 4 of the Utah Code, the City Council may vote to hold a closed meeting for any of the purposes identified in that chapter.

Date: _____ **By:** _____
Thieda Wellman, City Recorder

LAYTON CITY does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in the employment or the provision of services. If you are planning to attend this public meeting and, due to a disability, need assistance in understanding or participating in the meeting, please notify Layton City eight or more hours in advance of the meeting. Please contact Kiley Day at 437 North Wasatch Drive, Layton, Utah 84041, 801.336.3825 or 801.336.3820.

D R A F T

MINUTES OF LAYTON CITY COUNCIL WORK MEETING

DECEMBER 17, 2015; 5:31 P.M.

MAYOR AND COUNCILMEMBERS PRESENT:

**MAYOR BOB STEVENSON, JOYCE BROWN,
TOM DAY, SCOTT FREITAG AND JOY PETRO**

ABSENT:

JORY FRANCIS

STAFF PRESENT:

**ALEX JENSEN, GARY CRANE, BILL WRIGHT,
WESTON APPLONIE, TRACY PROBERT, DEAN
HUNT, DAVID PRICE AND THIEDA WELLMAN**

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

Mayor Stevenson opened the meeting and turned the time over to Staff.

AGENDA:

PRESENTATION OF THE COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) AND AUDITORS' REPORTS FOR THE FISCAL YEAR ENDED JUNE 30, 2015

Tracy Probert, Finance Director, introduced Rob Wood with Hansen, Bradshaw, Malmrose & Erickson, the accounting firm that audited the City's financial statements for compliance with state and federal laws.

Mr. Wood stated that it was a pleasure to work with Staff at Layton City. He said Layton was one of his favorite cities; it was very well run. Mr. Wood reviewed the reports they provided for the CAFR. He indicated that they had issued an unmodified or clean opinion, which was the best opinion they could provide. Mr. Wood said they did not find any material weaknesses in any control process, but there was one minor compliance issue in the debt service fund. He said the City did not recognize revenue from refunding of bonds, which caused a deficit in the fund. Mr. Wood said this was more of a technical issue.

Tracy reviewed various aspects of the CAFR. He indicated that the actual budget was better than anticipated. Revenues were 1.1 million dollars higher than expected and expenses were 1.2 million dollars lower, which was 3.5% of the budget that went unspent. Tracy indicated that unassigned fund balance went from 5.1 million dollars to 5.7 million dollars, which was 18.2% in unassigned fund balance. He reminded Council that the City could have no more than 25% in unassigned fund balance.

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Tracy reviewed information relative to general fund revenues; the increase was mostly from sales tax revenue and property tax revenue. He said the energy tax revenue was up slightly and building permits were up \$300,000 over what was budgeted. Tracy indicated that sales tax revenue made up 38% of revenues. He reviewed enterprise fund information.

Council and Staff discussed the UIA fund.

Alex Jensen, City Manager, indicated that UIA was profitable and the City wouldn't have any additional assessments. He said 2015 was a good year for UTOPIA; revenues were over \$1,000,000 a month and very positive things were happening. Alex said Staff would provide a more detailed update in January.

Tracy reviewed unrestricted fund balance information for enterprise funds. He said the City performed very well with increased revenues and keeping costs down.

Councilmember Freitag arrived at 5:55 p.m.

Mayor Stevenson said expenses came in under budget by 3.5% because of good management by Department Directors.

Councilmember Freitag said last year he had talked about balancing the appropriate amount of debt; what amount of debt made sense for the City if they wanted to build something like a new public safety building.

Mr. Wood said Layton had one of the lowest amounts of debt there was in the cities they audited.

Tracy said even though the City didn't report UTOPIA debt as debt, it was something the City had to pay. That had to be considered when looking at the ability to pay debt service.

Councilmember Freitag said the City liked the idea of low debt, but sometimes you had to go into debt for good capital projects. He said looking at funding capital needs over the next 15 to 20 years was something he would like to discuss during the next year's budget meetings. There were times you needed to take advantage of the market.

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DISCUSSION – RECREATION, ARTS, MUSEUM AND PARKS (RAMP) TAX ORDINANCE

David Price, Parks and Recreation Director, indicated that a few weeks ago Council and Staff discussed the RAMP tax ordinance. The draft ordinance included in the packet included input from that discussion. He said Staff was looking for additional input this evening and would bring the ordinance back in January for adoption.

David reviewed the draft ordinance and changes that were made since the last discussion.

Council and Staff discussed grant classifications.

Councilmember Day said in earlier discussions he thought the five at-large committee members would be appointed by the Mayor and Council.

Mayor Stevenson said that was what the ordinance indicated.

Councilmember Day said the ordinance stated that they would be appointed by the Mayor after counsel and consent of the Council.

Mayor Stevenson said the Council had to approve the appointments.

Councilmember Day asked if it could say appointment by the Mayor and City Council.

Councilmember Freitag said typical language was with counsel and consent of the City Council.

Gary Crane, City Attorney, said the Mayor made the appointment and the City Council gave their advice and consent on those appointments. If the Council didn't give their advice and consent, the Mayor would have to choose someone else.

Councilmember Day said he thought the Mayor and Council would be actively involved in making those appointments.

Council and Staff discussed appointments to the committee, including alternate members, and the process of selecting committee members, including the interview process. There was discussion about the Mayor

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and two Councilmembers being part of the interview process; the Mayor and Council could set a procedure for making the selections.

Councilmember Day said he felt that four City Staff members were too many; it should be three Staff and 6 citizens. He said he felt only one seat should be given to Parks and Recreation; not one for each one separately.

Councilmember Brown said she disagreed; Parks was completely different than Recreation.

David said the City would ultimately be taking care of any facilities; it was critical that Staff's expertise was heard and that the City had a say in what happened.

Councilmember Freitag said if the Council didn't make the final decision, he might agree with Councilmember Day. Ultimately the Council had the final decision.

Mayor Stevenson said it was very important to have Staff involved; citizens would not have the background for what it would take to run some of these facilities. Staff knew what it would take to maintain a facility and keep it running over many years.

Councilmember Petro said the citizens would have to be involved enough that they would want the RAMP tax again in 10 years.

Mayor Stevenson said if the City was doing great things with the money, people would vote for it again in 10 years; a great team was very important.

Councilmember Freitag said this ordinance was patterned off of other cities that had run these types of programs very successfully in the past, even though this was uncharted waters for the City.

Mayor Stevenson expressed appreciation for all of the input.

Council and Staff discussed the various grant levels.

David said the ordinance indicated that the RAMP tax funds would not be used for general operation budgets. Projects could be funded, but day to day expenses could not be funded.

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Councilmember Freitag said when a proposal was made, part of the proposal would have to explain how the ongoing expenses of a project would be taken care of.

David said the RAMP tax was not intended to fund start-up organizations or the general budget of an existing organization. He mentioned a discussion he had with Kirt Bateman and his concerns with donors feeling that they didn't need to continue to contribute to the Arts Council because the RAMP tax was in place. David said the RAMP tax would not fund ongoing budgets.

Mayor Stevenson said the City needed to be smart in leveraging these funds along with transportation tax funds and matching funding from the County to make the most of the money.

ZONING ORDINANCE AMENDMENT – TITLE 19 (ZONING) ESTABLISHING REGULATIONS FOR MOBILE FOOD VENDORS – ORDINANCE 15-35

Bill Wright, Community and Economic Development Director, said this item would be a public hearing tonight for a zoning change relative to regulations for food trucks. Bill displayed a map indicating where food trucks would be allowed to operate, which included commercial and manufacturing zones, mixed use zones and the business research park zone. He said they could go to other areas when they were invited for an event.

Councilmember Freitag asked if this was an expansion or contraction of the area they were allowed to operate in now.

Bill said currently they couldn't operate on a consistent basis; they were restricted to the street vendor section of the Code, which was very limited. He said this was going to expand their ability to function.

Councilmember Brown said the ordinance indicated that if they were invited, they could go into other areas. She said last year she noticed several food trucks at Northridge High School. As long as the School District invited them they could go there.

Bill said that was correct. He said it wasn't their decision; it had to be an event they were invited to attend.

Councilmember Freitag said a number of people had contacted him this week that were in this business. He asked if the ordinance had been discussed with any of the business owners.

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Bill said they had been invited into the process since September, including the Planning Commission hearing, which they did not attend. He said there had been discussions with certain specific vendors.

Bill said there was no pressure to adopt the ordinance tonight if there needed to be more time for discussion. He said some of the vendors hadn't been able to operate the way they had wanted under the previous street vendor guidelines, but would be allowed to under this ordinance.

Councilmember Freitag said overall, the input he had received had been positive because there would now be some clear direction and standards being put in place. He said there were some questions that he couldn't answer.

Bill displayed a map that showed spacing requirements from restaurants. Mobile food vendors couldn't set up in the area of a restaurant without the restaurant's approval. He said the City wanted to make sure that a mobile food vendor couldn't set up in front of an established restaurant; it was a fairness issue. Bill said there were spacing requirements from a school or park; with approval from the school or park they could set up in those areas.

Bill said on streets within the allowed areas that had a speed limit of 35 mph or less, food vendors could set up along the streets. He said customers would have to access the vendor from the sidewalk side and not the street side; there could not be drive-up service.

Bill said Staff had tried to balance safety with opportunities for these new businesses that were flourishing all across the State.

MAYOR'S REPORT

Mayor Stevenson said after the first of the year he would like to have meetings with each Department Director to understand what things they would like to see in the future for their departments. He said he would also like to see more planning meetings.

AMENDMENT TO TITLE 13 – ORDINANCE 15-34

Gary Crane said most of the proposed changes to Title 13 were not significant. He said the amendments included clarification that individual property owners were responsible for lateral lines to their homes.

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There was clarification on billing; and some backflow issues were addressed and who was responsible for paying for those backflow devices.

The meeting adjourned at 6:58 p.m.

Thieda Wellman, City Recorder

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MINUTES OF LAYTON CITY COUNCIL MEETING

DECEMBER 17, 2015; 7:01 P.M.

MAYOR AND COUNCILMEMBERS PRESENT:

**MAYOR BOB STEVENSON, JOYCE BROWN,
TOM DAY, SCOTT FREITAG AND JOY PETRO**

ABSENT:

JORY FRANCIS

STAFF PRESENT:

**ALEX JENSEN, GARY CRANE, BILL WRIGHT,
TRACY PROBERT, WESTON APPLONIE AND
THIEDA WELLMAN**

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

Mayor Stevenson opened the meeting and led the Pledge of Allegiance. He excused Councilmember Francis. Jeff Lewandoski gave the invocation. Scouts and students were welcomed.

MINUTES:

Councilmember Petro indicated that on page 7 of the October 15, 2015, City Council Meeting minutes, in the motion it indicated that she had made the motion and also seconded the motion, which needed to be corrected.

Thieda Wellman, City Recorder, stated that she would listen to the recording and make the correction.

**Layton City Council Strategic Planning Work Meeting – September 24, 2015;
Layton City Council Meeting – October 15, 2015;
Layton City Council Special Meeting – October 22, 2015;
Layton City Council Work Meeting – November 5, 2015;
Layton City Council Meeting – November 5, 2015;
Layton City Council Special Meeting – November 17, 2015;
Layton City Council Joint Planning Commission Work Meeting – November 19, 2015;
Layton City Council Meeting – November 19, 2015; and
Layton City Council Work Meeting – December 3, 2015.**

The vote was unanimous to approve the minutes with the correction as noted by Councilmember Petro.

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MUNICIPAL EVENT ANNOUNCEMENTS:

Mayor Stevenson indicated that the City Christmas lights in the park were out on Monday night because of damage caused by the snow taking down several tree limbs. He said the damage had been repaired and the lights were back on.

CITIZEN COMMENTS:

Ralph Price stated that he was homeless and had been in prison. Mr. Price expressed concerns with a system that made it very difficult for a convicted felon to find housing or a job. He mentioned the need for more homeless shelters. Mr. Price explained his situation; he didn't want to be taken care of, but he wanted the opportunity to take care of himself. He asked the City to allow him to do things to give back to the community.

Mayor Stevenson thanked Mr. Price for his comments. He asked Mr. Price to address the Boy Scouts in the audience.

Mr. Price advised the Scouts to listen to their parents and their leaders. He cautioned them to make decisions that would make them someone like Mayor Stevenson, Gary Crane or Alex Jensen, and not like Ralph Price.

Mayor Stevenson said the City gave funding through the Community Development Block Grant (CDBG) to help with homelessness.

Mr. Price said because of the felony conviction he wasn't eligible for a lot of funding. He said he was being taken care of, but he was speaking for others in his situation.

CONSENT AGENDA:

APPOINT A MEMBER TO THE NORTH DAVIS SEWER DISTRICT BOARD – RESOLUTION 15-63

Mayor Stevenson said Resolution 15-63 would appoint a member to the North Davis Sewer District Board. He said he was the Board Member that sat on the District Board. Mayor Stevenson said the appointment was required every 4 years.

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Councilmember Freitag said the appointment was for a period of 4 years. He asked how it was handled if the appointed person was no longer on the Council.

Mayor Stevenson said that was outlined in the resolution. He said Councilmember Mike Bouwhuis had previously been appointed to the District Board, but that appointment ended when he was no longer on the Council. Mayor Stevenson said if he didn't run for office again, or lost the election, he would be replaced.

PRESENTATION OF THE COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) AND AUDITORS' REPORTS FOR THE FISCAL YEAR ENDED JUNE 30, 2015

Tracy Probert, Finance Director, said for the Council's acceptance and review, he was presenting the CAFR for the year ended June 30, 2015. He said the Audit Committee met earlier today, and the CAFR was presented in detail in the earlier work meeting. Tracy introduced Rob Wood with Hansen, Bradshaw, Malmrose & Erickson, the certified public accounting firm that audited the report.

Mr. Wood reviewed reports provided by his firm as part of the audit process. He said they found no material misstatements in the financial report. Mr. Wood said they gave an unmodified opinion, which was the best opinion they could give, on the financial report. He said they found no material weaknesses or significant deficiencies in any of the processes.

Mr. Wood said they found one instance of non-compliance; the debt service fund had more in actual expenditures than was appropriated in budget. He said this was a minor issue.

Mr. Wood said the City was very well managed and they appreciated being able to work with the City.

Councilmember Freitag asked if the issue could be corrected or was it too late.

Mr. Wood said it was too late to correct the issue. He said it was a minor oversight relative to refunding of bond debt.

Tracy Probert said the City budgeted \$35,483,247 in the general fund and spent \$35,208,939; there was a savings of \$1,200,000 or 3.6%. He said revenues were 3.2% higher than budgeted. Tracy said this allowed for \$319,000 to be added to the general fund balance rather than spend \$2,000,000 of fund balance. He said the City's unassigned fund balance remained healthy at 18.2%.

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Tracy said all enterprise funds were operating in a healthy position. He said the City appeared to be in good financial condition.

Mayor Stevenson said the City had a voluntary efficiency program in trying to look at ways to save with operating budgets. He asked how the City came out on that this past year.

Tracy said 3.6% of budgets were returned. He said the philosophy of the City was to budget what was anticipated to be needed, but if it wasn't needed not to spend it. Tracy said there had been substantial savings in fuel costs and computer maintenance.

Mayor Stevenson said the bottom line was that revenues had gone up and expenses had gone down. He thanked Staff for their hard work and for being conservative.

Councilmember Freitag asked if there was an increase in EMS reimbursements for transports and paramedic fees this year.

Tracy said there had been a slight increase.

AMENDMENT TO TITLE 13 – ORDINANCE 15-34

Gary Crane, City Attorney, said Ordinance 15-34 made amendments to Title 13; most were text changes to bring the City's code up to date. He said clarifications were made indicating who was responsible for utilities and payment of backflow devices. Gary said Staff recommended approval.

STREET IMPROVEMENTS PAYBACK AGREEMENT WITH CASTLE CREEK HOMES LLC – RESOLUTION 15-64

Gary Crane indicated that very often a developer was asked to put in improvements that were over and above what was needed for their development. Payback agreements reimbursed the developer for the costs above his proportional share. This payback agreement was with Castle Creek Homes and had to do with improvements along Layton Parkway and 1700 West. Gary said Staff recommended approval.

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SANITARY SEWER AND LAND DRAIN IMPROVEMENTS PAYBACK AGREEMENT WITH WAYNE S. JOHNSON – RESOLUTION 15-65

Gary Crane said this was similar to the previous item. He said these were sanitary sewer and land drain improvements that would benefit other subdivisions in the area as they came in. Gary said the new subdivisions would have to pay back their share of the improvements when they connected to those improvements. He said Staff recommended approval.

ON-PREMISE CLUB LIQUOR LICENSE – BT LAYTON, LLC; DBA BOUT TIME PUB & GRUB – 641 WEST OLSEN PLAZA

Bill Wright, Community and Economic Development Director, said this was an on-premise club liquor license for BT Layton, LLC, dba Bout Time Pub & Grub. The owner was James Young. Bill said this was a new business to the community located at 641 West Olsen Plaza. He displayed a map of the area and indicated that the property was located east of Walmart and was previously occupied by the Good Times Saloon.

Bill said the location met all buffer requirements and location criteria for the limit of two clubs in a superblock. He said background checks had been approved by the Police Department. Staff recommended approval.

Councilmember Petro asked how restaurants played into the superblock restrictions.

Bill said restaurant liquor licenses were not restricted the same as club liquor licenses relative to superblocks.

Councilmember Freitag said in an upcoming planning meeting he would like to talk about the property between the Young property and the State Liquor Store.

MOTION: Councilmember Brown moved to approve the Consent Agenda as presented. Councilmember Day seconded the motion, which passed unanimously.

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PUBLIC HEARINGS:

ZONING ORDINANCE AMENDMENT – TITLE 19 (ZONING) ESTABLISHING REGULATIONS FOR MOBILE FOOD VENDORS – ORDINANCE 15-35

Bill Wright said Staff and the Planning Commission had been working on this ordinance since last spring. He said the City became more aware of the desire for food trucks to locate in the City and discovered that the City didn't have very good allowances in the Zoning Code that specifically addressed food trucks. Bill said this had become a very popular and fast growing segment within the dining industry.

Bill said Staff had researched other communities relative to zoning and licensing for the allowance of food trucks. He said Staff worked with the Planning Commission in September and November to define more clearly how to invite this industry into the community and meet their needs, and provide appropriate regulations.

Bill displayed a map of the proposed areas where these businesses would be allowed, which included commercial, manufacturing, mixed use and business research park zones.

Councilmember Freitag said in the earlier meeting he asked if this was an expansion or contraction of the area where they were currently allowed. He said Bill indicated that it was an expansion. The map didn't restrict other areas if they were to provide a service to a nonprofit or for a special event.

Bill said that was correct. There was opportunity for food vendors to go into other areas under certain circumstances.

Mayor Stevenson asked if he could have one at his home for a party.

Bill said yes, if it was a catered function, but not open to the public.

Bill said there were some elements of fairness in the Code where they could not be located within a 200-foot radius of an established restaurant. He said they could not be located within areas of school or parks unless invited for a special event. Bill explained the need for a special events or single event permit if there were three or more clustered together.

Councilmember Freitag asked about the special events or single event permitting process.

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Weston Applonie, Staff Planner, said the special events permit came from the Community Development Department; a special event permit was issued by the Parks Department to allow food vendors in the parks. He said a special events permit would only be required if there were three or more food vendors gathered within 300 feet of each other or if they were in a zoning area where they were not normally allowed.

Councilmember Freitag asked if there were additional requirements for three or more for things such as fire suppression and restrooms.

Weston said the Health Department regulated restrooms; if a food vendor was parked somewhere for more than an hour they had to have a restroom agreement on hand.

Councilmember Petro asked how often a food vendor would have to renew their permit or license.

Weston said the ordinance proposed a 1 year permit; currently they had to be renewed every 4 months. He said the cost was the same.

Council and Staff discussed permitting requirements.

Mayor Stevenson opened the meeting for public input.

Ralph Price said he had tried to get a job at 6 food trucks but because of his felony conviction he couldn't get a job. He asked if vendors would get in trouble for hiring him. If he wanted to get a food truck and have it in a crime free zone would he be able to do that.

Weston said the proposed ordinance indicated that you couldn't get a license to operate a food truck if there had been a conviction within 3 years; longer than that wouldn't be a problem.

Nalia Nelson, Marquesas' Corn Dogs and Fried Pickles, and Jan and Rick Sherman, Rickles Philly Sandwiches, thanked the City for allowing food trucks in Layton.

Ms. Nelson asked if the business license would allow them to park multiple times in the city at various locations.

Weston said yes; the business license was good for 1 year.

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Mr. Sherman asked if there was an additional special permit required or would the business license cover that.

Weston said a special events permit would be required for a gathering of three or more trucks.

Mr. Sherman asked how far in advance the special events permit was needed and what the cost was.

Weston said he thought it was 10 days before the event. He said he didn't have the cost, but he would get that information to Mr. Sherman.

Mr. Sherman said it could become very costly for him if he was doing multiple special events within a week.

Mayor Stevenson asked Mr. Sherman what he thought a reasonable fee would be.

Mr. Sherman said in the past this hadn't been an issue; your business license covered any event. He said they were finding more and more cities were beginning to regulate special events and charging additional fees. Mr. Sherman said it became very prohibitive; they were getting fee'd to death.

Mayor Stevenson asked if Staff looked at fees in other cities.

Weston said the fees were based on what vendors were currently paying for temporary permits.

Mayor Stevenson said a food vendor could park in any of the approved zones with only a business license, but if they wanted to attend a special event with three or more food vendors that would require an additional special events permit. What was the reasoning behind requiring the additional permit and fee?

Weston said it was part of the special permitting process for any special event whether there were food vendors or not. He said it allowed the City to address any possible traffic concerns, or fire concerns.

Mayor Stevenson asked if a special events permit could cover multiple days at the same location.

Weston said it was good for seven consecutive days.

Bill said the special events permit was not per operator, it was for the event. There would be one fee for the

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entire event. He said vendors could split the fee among themselves.

Councilmember Freitag said this was new territory for the City. He said the growth of this business had been pretty significant over the last few years. Councilmember Freitag said he didn't think he was ready to pass the ordinance yet. He said there needed to be more discussion with the vendors relative to fire regulations and he would like more discussion about regularly scheduled special events. Could those be handled differently than one-time special events?

Councilmember Brown suggested tabling this to allow time for Staff to get with vendors and address some of their concerns.

Councilmember Petro asked the vendors if they would support a higher yearly fee to cover special events instead of separate special event fees.

Mr. Sherman said he would certainly support that.

MOTION: Councilmember Freitag moved to leave the public hearing open and table this item to the February 4, 2016, meeting. Councilmember Petro seconded the motion, which passed unanimously.

The meeting adjourned at 8:08 p.m.

Thieda Wellman, City Recorder

**LAYTON CITY COUNCIL MEETING
AGENDA ITEM COVER SHEET**

Item Number: 3.A.

Subject:

Presentation – Years of Service Awards

Background:

The following employees with 20 years of service or more will be recognized at Council Meeting. Employees with 15 years or less will be recognized in their department staff meetings.

Administration

10 – Kathy Downs

Finance

10 – Kristy Neel

15 – Paul Pitts

20 – Douglas Pierce

Fire

10 – Douglas Bitton

10 – Matthew Boulden

10 – Benjamin Dejong

10 – Declan Hogan

10 – Shaun Smith

15 – Chris Miller

15 – Jeff Peters

15 – Jeremy Stell

20 – Lance Beech

Parks & Recreation

5 – Benjamin Hatch

15 – Matthew Wright

25 – Dave Thomas

Police

5 – Jacqueline Bittner

5 – Dawn Shumway

10 – Paul Gardiner

15 – Brent Ericksen

15 – Lisa Murdock

20 – James Petre

Alternatives:

N/A

Recommendation:

N/A

**LAYTON CITY COUNCIL MEETING
AGENDA ITEM COVER SHEET**

Item Number: 3.B.

Subject:

Presentation - Youth Council Swearing In

Background:

The Youth Council has asked for time on the agenda to swear in the new members.

Alternatives:

N/A

Recommendation:

N/A

**LAYTON CITY COUNCIL MEETING
AGENDA ITEM COVER SHEET**

Item Number: 3.C.

Subject:

Recognition of Community Emergency Response Team (CERT) Graduates

Background:

The Layton Citizen Corps CERT Outreach program teaches CERT classes several times a year for citizens interested in learning basic skills regarding how to take care of themselves, their families, and their neighbors after a disaster situation. The course has been developed by FEMA and is overseen locally by the Fire Department. It includes instruction on potential hazards, fire suppression, disaster first-aid, urban search and rescue, disaster psychology, terrorism, and a mock disaster exercise to practice newly acquired skills. These students have completed all of the required training sessions, a mock disaster, and a final exam.

Alternatives:

N/A

Recommendation:

N/A

**LAYTON CITY COUNCIL MEETING
AGENDA ITEM COVER SHEET**

Item Number: 5.A.

Subject:

Amendment to Title 3 of the Layton Municipal Code by the Addition of Chapter 3.21 - Recreation, Arts, Museum, and Parks (RAMP) Tax; Commission - Ordinance 16-09

Background:

The voters of Layton City in the recent General Election, approved imposing a RAMP Tax in the City by an overwhelming margin of 63 to 37 percent. The Council adopted an Ordinance to enact the RAMP Tax and sent notice to the Utah State Tax Commission (Commission) informing them of the vote of the people and the passage of the Ordinance enacting the RAMP Tax.

Ordinance 16-09 amends Title 3 of the Layton Municipal Code by the addition of Chapter 3.21; providing for the imposition of a Recreation, Arts, Museum, and Parks (RAMP) Tax; providing for the use of revenue derived therefrom; establishing a RAMP Advisory Commission; providing for repealer; providing for severability; and providing for an effective date.

Alternatives:

Alternatives are to 1) Adopt Ordinance 16-09 amending Title 3 of the Layton Municipal Code by the addition of Chapter 3.21; 2) Adopt Ordinance 16-09 with any amendments the Council deems appropriate; or 3) Not adopt Ordinance 16-09 and remand to Staff with directions.

Recommendation:

Staff recommends the Council adopt Ordinance 16-09 amending Title 3 of the Layton Municipal Code by the addition of Chapter 3.21.

ORDINANCE 16-09

AN ORDINANCE AMENDING TITLE 3 OF THE LAYTON MUNICIPAL CODE BY THE ADDITION OF CHAPTER 3.21; PROVIDING FOR THE IMPOSITION OF A RECREATION, ARTS, MUSEUM, AND PARKS (RAMP) TAX; PROVIDING FOR THE USE OF REVENUE DERIVED THEREFROM; ESTABLISHING A RAMP ADVISORY COMMISSION; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City is authorized, in accordance with Utah Code Annotated 59-12-1402, to impose a local sales and use tax of one-tenth of one percent (0.1%) on qualifying transactions within the City to fund recreation, arts, museum, and parks (RAMP) improvements, facilities, and organizations upon the approval of the voters in the City; and

WHEREAS, in a General Election, held November 3, 2015, the voters of Layton City approved the imposition of the special sales and use RAMP Tax; and

WHEREAS, the Utah State Tax Commission, in cooperation with the City, will collect the special sales and use tax on taxable items for the use thereof as prescribed in Section 59-12-701 et seq., of the Utah Code Annotated; and

WHEREAS, the City Council desires to see that the RAMP funds are put to the best use possible to improve the recreation, arts, museum, and parks opportunities for the citizens of Layton, along with those who visit the City; and

WHEREAS, the standards governing the RAMP Advisory Commission are herein prescribed; and

WHEREAS, the means by which the RAMP revenues may be distributed are also herein prescribed; and

WHEREAS, the City Council of Layton City finds it to be in the best interest of its citizens to adopt Title 3, Chapter 3.21 of the Layton Municipal Code imposing the RAMP Tax, establishing the criteria for the use of the revenues therefrom, and establishing the RAMP Advisory Commission.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF LAYTON, UTAH:

SECTION I: Repealer. If any provisions of the City's Code previously adopted are inconsistent herewith they are hereby repealed.

SECTION II: Enactment. Title 3, Chapter 3.21, shall be enacted to read as follows:

Chapter 3.21. RECREATION, ARTS, MUSEUM, AND PARKS (RAMP) TAX; COMMISSION

- 3.21.010. Provisions.**
- 3.21.020. Statutory authority.**
- 3.21.030. Purpose of provisions.**
- 3.21.040. Imposition – Amount.**
- 3.21.050. Use of revenues.**
- 3.21.060. Collection.**
- 3.21.070. RAMP Advisory Commission.**
- 3.21.080. Grant classifications.**
- 3.21.090. Distribution of revenues – Determination of operating expenses.**

3.21.010. Provisions.

This Chapter shall be known as the local sales and use tax to fund Recreation, Arts, Museum, and Parks (RAMP) improvements, facilities, and organizations for Layton City.

3.21.020. Statutory authority.

The authority for imposing this tax is derived from Title 59, Chapter 12, Section 701 et seq., Utah Code Annotated 1953.

3.21.030. Purpose of provisions.

This Chapter is enacted to provide the City with a source of revenue for the purposes of funding recreation, arts, museum, and cultural facilities and organizations, and parks improvements for the City pursuant to, and in accordance with, Section 59-12-701 et seq., Utah Code Annotated; and policies and procedures enacted by the City to establish, collect, and use the revenues as provided by State statute.

3.21.040. Imposition – Amount.

The RAMP Tax hereby imposes a one-tenth of one percent (0.1%) sales and use tax for funding recreation, arts, museum, and parks improvements, facilities, and organizations for the City of Layton.

3.21.050. Use of revenues.

The revenues received from the local sales and use tax levied herein (RAMP Revenues) shall be used solely for the purposes of funding City owned recreation, arts, museum, and cultural facilities and organizations, parks improvements and facilities, and programs designed to support recreation, arts, museum and parks, as such terms are defined in State law, this Chapter, and that do business in the City, and serve Layton residents, and in accordance with Section 59-12-701 et seq., Utah Code Annotated, 1953 as amended.

The use and distribution of all RAMP Revenues shall be authorized or awarded by the City Council.

3.21.060. Collection.

Taxes imposed under this Chapter shall be:

(1) Levied at the same time and collected in the same manner as provided in Title 59, Chapter 12, Part 2, the Local Sales and Use Tax Act, except that the collection and distribution of the RAMP Revenue is not subject to subsection 59-12-205(2) through (9); and

(2) Levied for the period authorized in accordance with Section 59-12-703, Utah Code Annotated; and

(3) The records of the State Tax Commission, the Commission's performance under the contract, and the records of any taxpayer subject to this tax shall be subject to review and audit as provided in the City's contract with the Commission for the collection and distribution of the local sales and use tax and as provided by law.

3.21.070. RAMP Advisory Commission.

(1) There is hereby created an advisory board known as the RAMP Advisory Commission. Its members shall be appointed as set forth herein and in accordance with statutory requirements.

(2) The RAMP Advisory Commission shall function as a planning and advisory body for the City Council in all matters pertaining to the expenditure of the RAMP Revenues. The RAMP Advisory Commission is not empowered to bind or obligate the City or any of its departments.

(3) The RAMP Advisory Commission shall consist of nine (9) members with four (4) standing members and five (5) at large members. The Mayor may appoint one City Council member to serve as a non-voting liaison to the RAMP Advisory Commission.

(4) Alternate members may be appointed to the RAMP Advisory Commission. Such appointments shall be in the same manner as the appointment of a RAMP Advisory Commission member.

Alternate members will only participate in Regular Meetings when needed to fill a vacancy during the temporary absence of a RAMP Advisory Commissioner.

(5) The four (4) standing members shall include; Layton City's Parks and Recreation Director or designee (Parks Representative), Layton City's Recreation Supervisor or designee (Recreation Representative), Heritage Museum Curator or designee (Museum Representative), and the Davis Arts Council's Executive Director or designee (Arts Representative). The five (5) at large members shall be appointed, by the Mayor after counsel with and the consent of the City Council, from among the residents of the municipality.

(6) The RAMP Advisory Commission shall select annually, during the first regularly scheduled meeting in October, a Chairperson, Vice Chairperson, and any other officers deemed necessary, all of whom may be selected to succeed themselves. Such officers shall be elected from among the at large members of the RAMP Advisory Commission by majority vote of the total membership, with their duties and responsibilities being set forth in the RAMP Advisory Commission Bylaws and Rules of Procedure.

(7) At large members may receive an expense allocation per regular meeting, as set by the Layton City Council.

(8) The term of office for each at large member shall be two (2) years. The terms will be staggered so that three (3) at large members' terms of office will expire on September 30th of a given year, the other two (2) at large members' terms of office that will expire on September 30th of the second year, and then continuing each year in that order. No at large member shall serve more than three (3) consecutive terms.

(9) Appointed members of the RAMP Advisory Commission may be removed from office with or without cause by a majority vote of the City Council. A member may be removed for failure to attend three (3) consecutive commission meetings or failure to attend seventy-five percent (75%) of the meetings in a six (6) month period. Vacancies occurring in an unexpired term are to be promptly filled as an original appointment, and are only appointed for the remainder of the unexpired term.

(10) The RAMP Commission shall follow the RAMP Advisory Commission Bylaws and Rules of Procedure governing the conduct of meetings and operation of the RAMP Advisory Commission adopted by the City Council. These Bylaws shall govern the RAMP Advisory Commission and establish the procedures for performing its duties. The RAMP Advisory Commission, upon its own initiative, may amend the Bylaws and Rules of Procedure, and thereafter, such amendments shall be submitted to the City Council for final approval and adoption.

(11) The minutes of each meeting of the RAMP Advisory Commission shall be recorded and preserved. Minutes of each meeting shall be approved by the Commission and signed by the Chairperson. All official actions shall be recorded therein, and copies of all letters to and from the Commission shall be preserved. All records of the Commission are considered public records, unless designated otherwise.

(12) The RAMP Advisory Commission shall advertise for, collect, review, and prioritize all grant applications and make a yearly recommendation to the City Council for the expenditure of all RAMP funds as outlined in the RAMP Advisory Commission Bylaws.

3.21.080. Grant classifications.

(1) Major Project Grants.

Major Project Grants are projects submitted to the RAMP Advisory Commission which are in excess of \$200,000 and are to fund City owned recreational, arts, museum, and parks facilities, and improvements to existing City owned facilities. Priority may be given to projects with partnering agencies, or other entities that can provide donations, property, or matching funds. These projects shall submit a letter or letters of intent from the individual(s), if an individual donor, or, if the donor is a corporate donor or governmental donor, a letter of intent from the chief executive officer (or corporate resolution), or in the case of a governmental entity a resolution or letter of commitment from the board or person having authority and is authorized to allocate the funds.

Major Project Grant funding guidelines: during a given calendar year the amount of RAMP funds allocated to Major Project Grants can change, but as a general guide, fifty percent (50%) of funds received shall be targeted toward this category of projects.

(2) **Tier I Grants.**

Tier I Grants are projects submitted to the RAMP Advisory Commission which are between \$10,000 and \$199,999 and are to fund City owned recreation, art, museum and park facilities and improvements to such existing facilities. Tier I Grants are also available to fund recreation, art, museum and park programs that benefit the residents of Layton and are developed by public or private non-profit organizations, as such terms are defined in State law, and that does business in the City and serves Layton residents. Tier I-Grants that fund programs cannot exceed one-fourth of the applying entity's annual yearly operating budget, as averaged over the prior three (3) years, excluding any past grant funds.

RAMP funds are not available for the general ongoing operating expense of any organization.

Priority may be given to projects with partnering agencies, or other entities that can provide donations, property, or matching funds. These project sponsors shall submit a letter or letters of intent from the individual(s), if an individual donor, or, if the donor is a corporate donor or governmental donor, a letter of intent from the chief executive officer (or corporate resolution), or in the case of a governmental entity, a resolution or letter of commitment from the board or person having authority and is authorized to allocate the funds.

Tier I Grant funding guidelines: during a given calendar year the amount of RAMP funds allocated to Tier I Grants can change, but as a general guide, forty percent (40%) of funds received shall be targeted toward this category of grants.

(3) **Tier II Grants.**

Tier II Grants are projects submitted to the RAMP Advisory Commission which are between \$500 and \$9,999 and are to fund City owned recreation, art, museum, and park facilities and improvements to such existing facilities. Tier II Grants are also available to fund recreation, art, museum and park programs that benefit the residents of Layton and are developed by public or private non-profit organizations, as such terms are defined in State law, and that does business in the City and serves Layton residents.

Tier II Grants that fund programs cannot exceed one-fourth of the applying entity's annual yearly operating budget, as averaged over the prior three (3) years, excluding any past grant funds.

Tier II Grant funding guidelines: during a given calendar year the amount of RAMP funds allocated to Tier II Grants shall be from eight and a half percent to ten percent (8.5% to 10%) of RAMP funds received.

3.21.090. Distribution of revenues – Determination of operating expenses.

(1) The distribution of revenues and determination of operating expenses shall be in accordance with Section 59-12-701 et seq., of the Utah Code and the provisions of this Chapter and shall be subject at all times to the policies and procedures adopted by the City Council.

(2) The RAMP Advisory Commission shall create an administrative budget to be turned into the City for approval by the City Council as part of the City's normal yearly budgeting process. This administrative budget may not exceed one and one half percent (1.5%) of the RAMP funding collected during the preceding calendar year, as defined by State statute.

(3) Distribution. It is the intent of the Council to distribute revenues derived from the RAMP fund to City owned recreational, arts, museum, and park improvements and new facilities and programs of public or private non-profit organizations, as such terms are defined in State law, and that do business in the City and serve Layton residents.

(4) Ongoing operating expenses. RAMP Revenues shall not be used to fund the ongoing operating expenses of any organization.

(5) Any available funds not allocated in any given year shall be available for allocation in the following year.

(6) RAMP funds shall be received from the State taxing agency for a fiscal year. The RAMP Advisory Commission shall prepare and present a prioritized listing and a recommendation of grant awards to the City Council to be included in the City's annual budget review and approval process. The distribution of funds collected in the previous fiscal year will be available after the first day of July.

(7) Contract Preparation. Upon awarding of RAMP funds by the City Council, the recipient shall enter into an agreement to be approved by the City Council. Major Project Grant funds and Tier I Grant funds may be distributed only after all other funding is in place for the proposed project and construction contracts have been executed; or distributed as reimbursement after the project has been completed. That decision is at the discretion of the City Council. All RAMP funds must be expended on the approved project within one year after the funds are approved for distribution by the City Council, unless an extension is applied for and granted by the City Council. If an extension is not granted, any funds not expended within the one (1) year period shall be returned to the City.

SECTION III: Severability. If any section, subsection, sentence, clause or phrase of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of this ordinance.

SECTION IV: Effective Date. This ordinance shall be in effect twenty (20) days after publication or posting, or thirty (30) days after final passage by the governing body, whichever is sooner.

PASSED AND ADOPTED by the City Council of Layton, Utah, this 21st day of January, 2016.

ROBERT J STEVENSON, Mayor

ATTEST:

THIEDA WELLMAN, City Recorder

APPROVED AS TO FORM:



STEVEN L GARSIDE, Assistant City Attorney

SUBMITTING DEPARTMENT:



DAVID PRICE
Parks and Recreation Department Director