

**MINUTES OF LAYTON CITY
COUNCIL WORK MEETING**

NOVEMBER 17, 2016; 5:31 P.M.

MAYOR AND COUNCILMEMBERS

PRESENT:

MAYOR PRO TEM SCOTT FREITAG, JOYCE BROWN, BRUCE DAVIS, TOM DAY AND JOY PETRO

ABSENT:

MAYOR BOB STEVENSON

STAFF PRESENT:

ALEX JENSEN, GARY CRANE, BILL WRIGHT, TERRY COBURN, DAVID PRICE, ALLEN SWANSON AND TORI CAMPBELL

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

Mayor Pro Tem Freitag opened the meeting and turned the time over to Staff.

AGENDA:

PRESENTATION – WASATCH INTEGRATED WASTE MANAGEMENT DISTRICT

Nathan Rich, Wasatch Integrated Waste Management District, presented information to the Council about their facility. He shared information regarding green waste recycling, steam that was produced by the burn plant and sold for power, the useful life of the facility, and a transfer station in the foreseeable future.

Mr. Rich said they were focusing on two projects; recovery of additional recyclable materials and development of the transfer station. He said 50% of collected waste in the summer was grass, which was very difficult for the burn plant to handle from a combustion standpoint. They were trying to decipher how much of recyclable materials went to the burn plant. Mr. Rich reviewed information about those cities that were involved in curbside recycling.

Councilmember Day asked if the cities that were involved in curbside recycling brought the recycled material to Wasatch Integrated.

Mr. Rich said no; they weren't directly involved in recycling. He said there were two commercial material recovery facilities; one was operated by Waste Management and one was operated by Rocky Mountain Recycling. Both companies were located in the Salt Lake area. Mr. Rich said if they were to recover recyclables, it would include items such as aluminum, cardboard, steel and plastic. He explained their current operation and what it would require to accommodate additional recycling.

Mr. Rich said a waste transfer station would most likely not take place for 7 to 10 years and would be a 10 million dollar project. He said they would be able to recover 5% to 10% of the incoming waste stream. Mr. Rich said it would require an increase in fees of about \$2.00 per home per month.

Bill Wright, Community and Economic Development Director, asked if they anticipated that some customers would stop their current recycling program, which would bring more material to the transfer station.

Mr. Rich said if a city cancelled their curbside recycling program, it would bring more recyclables to the transfer station and could possibly create some additional revenue.

Councilmember Petro asked what the payback timeframe would be based on a 10 million dollar investment.

Mr. Rich said payback was not the right term; it would be an increase in facility costs and operating costs. He explained current revenues and costs and anticipated costs and revenues with the new facility. Mr. Rich said the transfer station would pay for itself in about 7 years.

Mr. Rich mentioned that Wasatch Integrated, along with three other partners, recently purchased property in Utah County, west of Utah Lake by Elberta, for a landfill site. He said there would be a lot of capacity at that site.

PETITION FOR EXTRATERRITORIAL CULINARY WATER AND SANITARY SEWER SERVICE – TYSON ROBERTS – 890 SOUTH WEAVER LANE – RESOLUTION 16-75

Alex Jensen, City Manager, said this item was on the regular meeting agenda, but Staff felt that it would be appropriate to have a discussion because it was a broader policy issue rather than a simple application issue. Alex indicated that a petition for extraterritorial culinary water and sanitary sewer service had recently been submitted by Tyson Roberts for property located at approximately 890 South Weaver Lane. He indicated that the property was located in the County, and Mr. Roberts was asking to be connected to Layton City's utility services. Alex said historically the City had not, as a policy, provided utilities outside of the City for new development. He said the City had never been willing to provide City services without annexation for new development. Annexation allowed the City to know that whatever was being built, relative to setbacks, infrastructure, etc., was being done according to City standards. Alex said another important piece was that people annexing and building within the City had to pay impact fees associated with the services that were being provided. If someone was able to build a home in the County, then they avoided all of those fees even though they were receiving all of the services. This was not about the individuals requesting the service.

Alex said in the past, this property had not contained a home; the applicant was building a new home on the property. He said the property was surrounded by the City, and used City roads, public safety services and utilities. Alex said by staying in the County, Mr. Roberts could avoid fees and costs of hooking into the City's water system. He said after considering the policy implications and maybe the precedent it would set for other properties that were not annexed into the City, Staff didn't want to start the practice without due consideration by the Council.

Councilmember Brown said there were two of these requests on the regular meeting agenda.

Alex said the other request from the Love family was a request for a barn in the back of a residence. He said an agricultural use, even in the City, was not subject to all of the impact fees.

Councilmember Day asked if the Love property was located in the County.

Terry Coburn, Public Works Director, said it was but they had always been hooked to Layton City water.

Councilmember Day asked if the frontage of the road where their property was located was in the City.

Alex said no, some sections of that road were still in the County.

Councilmember Brown said the Love property was also located in the APZ zone and could never develop.

Councilmember Day asked if the old Roberts home was located in the City or County.

Alex said it was in the County. It was connected to City water a long time ago, but it was an old existing home.

Councilmember Day asked if John Green's home was similar or was it an existing connection when the

line was put in on 2200 West.

Alex said that application came in as an agricultural structure, even though it had been converted to a dwelling. He said that wasn't how it was presented. Alex said Staff needed to do a little more research to make sure the City had been consistent.

Councilmember Day asked if there were any others that had been done in the past in the City.

Alex said Staff needed to do some additional research regarding that.

Terry Coburn said that in the time he had been with the City, he couldn't remember ever allowing a connection for a new home being built.

Councilmember Day asked if Tyson Roberts had been made aware of the City's concerns.

Alex said no; this came up this afternoon.

Councilmember Brown said for clarification, Staff was okay with the Love request. She asked if this should be removed from the regular meeting agenda and allow time for additional study.

Alex said yes. He said Staff wanted to see what approvals had been given by the County and what they required relative to setbacks and access. Alex said based on what Staff saw, there wasn't a separate access for the home; access would be off of the dirt lane that provided access to the sheds on the property.

Terry said Staff didn't know if a permit had been issued by the County.

Councilmember Day asked if the main concern of the City would be that they properly annex and subdivide the property, and pay the appropriate impact fees.

Alex said yes; if you were receiving City services, there was not much distinction from a house being built in the County that received all of the City services and a house built in the City that received all of the City services. He said the City wanted to make sure that Layton residents were not subsidizing a home that was not paying the appropriate fees.

Councilmember Brown asked if the County had building inspectors.

Terry said Staff thought that the County hired that service out. He said he didn't think the County had any building inspectors on Staff.

Councilmember Petro asked if Staff was suggesting that the policy be modified.

Alex said he wasn't suggesting that the Council change the policy; he was suggesting that it was a consideration for the Council. He said these didn't happen very often, but this was a situation where the Council and not Staff should be making the final decision whether it made sense to leave the policy where it was or modify that and allow people to connect to City services. Alex said from Staff's perspective, the current policy had worked pretty well and that from a fairness perspective with Layton residents, it probably didn't ring quite true to be able to build a home on the frontage of Gentile Street, avoid all of the impact fees and costs associated with developing in the City, but yet receive all of the benefits of the services going forward. He said that seemed contrary to what would be logical.

Councilmember Day brought up another circumstance that was done correctly on the west side of the City.

Councilmember Petro asked about an annexation and if it would need to go back to the Planning Commission.

Bill explained the steps that would need to be taken to have it done correctly. He also talked about the structures that would be grandfathered on this property and the ability of the property owner to annex the property into the City.

Councilmember Day asked about the City limits in that area.

Discussion suggested that the property owner could probably make development work under the City's standards; Staff hasn't had time to look into the easements and other criteria.

Mayor Pro Tem Freitag asked if the preference would be to have this item removed from the agenda and sent back to Staff for additional study.

Alex said yes.

Councilmember Day said he felt that the property owner should go through the appropriate process of annexing the property.

ACQUISITION OF PROPERTY FOR LAYTON CITY'S FUTURE SOUTH FORK OPEN SPACE TRAILHEAD – RESOLUTION 16-71 – LOCATED AT 1381 EAST HEATHER DRIVE

Alex said this item was regarding the acquisition of property from Fred Meese that would be used for a trailhead. He said this was discussed at an earlier meeting and Staff wanted to provide an update.

David Price, Parks and Recreation Director, said this evening the request would be to approve the negotiations and ratify all actions taken to this point. He said the Meese family was willing to part with the parcel for \$3,185.98, which was far below the appraised value.

Bill Wright mentioned that the property was not developable.

Mayor Pro Tem Freitag asked if the City would be using the property for parking and a trailhead.

David said the biggest need was parking; if it was appropriate and fit on the parcel, a small restroom would be constructed. He said the trail would head to the west from this area. David said it would become a beautiful, natural area for the City.

UPDATE – GYMNASIUM

Alex said this was a discussion regarding the junior high gymnasium and the potential of a partnership with the School District. Up to this point, Staff had been working with the School District on possible designs that had been shared previously with the Council. Alex said this evening, Staff wanted to take any thoughts the Council may have about whether or not it was prudent to move forward. Alex said in the Mayor's absence, he had asked Staff to express that he had some contrary views on whether the City should move forward, and had raised some legitimate questions about whether this was the best use of the money given that it was quite a bit more expensive than what had traditionally been the case. Alex said the Mayor wanted everyone to be aware that the City could be in a position to spend the financial resources to build its own facility.

Alex said he had asked Staff to do some analysis based on whether the excess capacity could be used, and whether the capacity in a joint use facility could be expanded. Did Staff feel that there were additional services that could or should be provided, and if there would be capacity under the existing joint use agreements, or in order to obtain that would the City need to build its own facility?

Alex said there had been broader discussions beyond gymnasiums about some kind of a joint facility that would involve a gym as well as some other recreation type aspects, such as a pool. He said that subject

had not been broached with the School District yet. Alex said historically the School District had not been interested in doing that.

Alex said there was a cost to all of this. He said the City's portion to do something with the School District at the new junior high was about \$4,000,000. He said if the City built its own facility, the estimate was that it would be at least double that amount.

David Price went through slides that had previously been shared with the Council.

Councilmember Brown asked what the City's share of the costs was for the gym at Legacy Junior High.

Alex said it was about 2.25 million dollars.

Councilmember Brown asked why the costs were so much higher for this facility.

David said construction costs had gone up and the facility was bigger. Legacy was 22,500 square feet and the proposal for this facility was 29,000 square feet. David said the bigger facility allowed for a bigger, safer buffer space at the end of the courts and it would allow for all four courts to be the same size.

Councilmember Petro asked what size the City would build on its own.

David mentioned some comparisons in other surrounding cities. He showed pictures of the Farmington facility and indicated that the facility was 27,000 square feet and cost 8.5 million dollars.

Councilmember Brown said the difference was that Farmington City could use their facility at any time.

Alex said Staff had considered that, but wondered what services could be provided that weren't already available, and would there be a demand for use during the daytime. Right now under existing agreements with the School District, the City had access to the facilities after school throughout the year, and in the summer from morning until night. Alex said there might also be access for early morning hours as long as the City provided staffing. He said through research, generally for recreational type facilities, they were used in the morning during the summer, but during the school year parents were busy getting to work and getting children to school. There was a significant dip in demand for mid day.

David said Farmington City came to that same conclusion; their facility was open from early morning until 10:00 a.m. The building was closed at 10:00 a.m. and reopened after school for afternoon and evening use. He said with a shared facility with the School District, the City would not have use in the morning after 8:00 a.m. during the school year. In the summer the City could use the facility all day.

Alex said historically, the City hadn't provided open gym time. He said that was largely because there hadn't been a big demand for that, plus the cost associated with providing that service.

David said the City had always used the City's programs to fund use of the gymnasiums. He said the City did provide open gym time on Friday evenings for anyone that was in the program; most of the courts were used during that time.

Councilmember Brown said spending 4 million dollars for a joint facility with the School District would allow the City the additional 4 million dollars for a pool facility, or some other type of facility.

Councilmember Petro said you also had to consider overhead and operating costs of a facility.

David said he couldn't overemphasize the benefits of the City's association with the School District on joint facilities. He said for the two facilities the fees were fixed; the City paid \$10,000 per facility, which covered the City's share of the utility costs. The School District covered all other maintenance costs.

Councilmember Brown expressed concerns with using RAMP Tax funds to cover the entire cost.

Alex said Staff felt that the 4 million dollars could be funded on a pay as you go basis over the next three years and the City would not need to issue debt. He said the proposal was that half would come from RAMP Tax funds and half would come from the City's general fund. Alex said if the decision was made to build a separate facility, he would suggest that there was no way to fund that on a pay as you go basis; debt would have to be issued. He said considering other financial obligations of the City, his recommendation would be that the City didn't have a lot of liberty issuing debt; would the City want to issue debt for a public safety facility or for a recreation facility. Alex said the School District was anxious for the City to make a decision on a joint facility.

Councilmember Brown said the joint facility would allow more space for things such as pickle ball and other adult activities.

Councilmember Petro said she understood that this might be the City's last opportunity to partner with the School District.

Councilmember Brown said it would be unless a new facility was built to replace North Layton Junior High.

Alex said one concern that had been expressed was the location, which was on the southwest end of the City. He said additional capacity would allow the City to free up some time at Central Davis Junior High and allow for senior events in the central part of the City.

Councilmember Day said the basic difference would be use during daytime hours; that would be the only advantage of the City building its own facility.

Councilmember Brown said that was correct and Farmington had discovered that their facility wasn't being used during that time.

Mayor Pro Tem Freitag said that was true if the facility was only a gym. He said if it was a true recreation center there may be more daytime use.

David presented cost information for other recreation facilities in the area.

Councilmember Brown mentioned that the City didn't want to compete with the private sector and have things like weight lifting and spinning classes that were available in private facilities such as Gold's Gym.

Councilmember Petro mentioned that a private company was constructing a pool in the old Albertson's building.

Councilmember Day asked if the School District would build a track at the new facility with or without participation from the City.

David said yes; they would be building a track.

Alex clarified that the City wouldn't have access to the facility if there wasn't participation from the City.

Councilmember Day asked for Staff's opinion with participation on the track.

Alex said his opinion was that there were other options available and it was not worth the money. The City could spend \$500,000 in other areas.

Councilmember Petro said she disagreed; she would love to have an indoor facility during the winter months for walking.

Councilmember Brown said the location wasn't great for the entire City.

Councilmember Petro said the west side of the City was growing very rapidly. There were a lot of people that used the D&RG trail religiously. If there was an opportunity for indoor use she felt that it would be used.

Councilmember Brown asked if Kaysville had been approached about sharing in the facility, particularly the track portion, given its location.

Alex said Staff had not done that.

David said he would not be opposed to Kaysville participating in the facility if they paid for the use. He said Kaysville City recently passed on the opportunity for a joint facility with the School District at Centennial Junior High.

Alex said he felt that if the City was looking at a recreation facility that was one thing, but if the City was considering a gym and whether or not to build only a gym, it made sense to partner with the School District for half the cost and 80% of the use of the facility. He said if the thought was a larger recreation facility; that was a different consideration.

CLOSED DOOR:

MOTION: Councilmember Brown moved to close the meeting at 6:48 p.m. to discuss pending or reasonable eminent litigation. Councilmember Petro seconded the motion, which passed unanimously.

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

The meeting adjourned at 7:04 p.m.

Thieda Wellman, 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 **17th day of November, 2016**, was to discuss pending or reasonably eminent litigation.

Dated this 1st day of December, 2016.

ATTEST:

ROBERT J STEVENSON, Mayor

THIEDA WELLMAN, City Recorder