

**MINUTES OF LAYTON CITY  
COUNCIL WORK MEETING**

**JUNE 5, 2014; 5:38 P.M.**

**MAYOR AND COUNCILMEMBERS  
PRESENT:**

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

**STAFF PRESENT:**

**ALEX JENSEN, GARY CRANE, BILL WRIGHT,  
PETER MATSON, JAMES (WOODY) WOODRUFF,  
TRACY PROBERT, TERRY COBURN, SHANNON  
HANSEN 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 Alex Jensen, City Manager.

**AGENDA:**

**DEMONSTRATION – SUITEONE MEDIA – CITY COUNCIL MEETING MINUTES/AUDIO**

Alex Jensen said several months ago the Council had directed Staff to put together a system that would allow the agendas and the proceedings of City Council meetings to be made available so that the public could have more transparent access to them. He said Staff wanted to demonstrate that to the Council.

Thieda Wellman, City Recorder, gave a brief demonstration of the SuiteOne Media software used to record Council meetings and prepare Council packets and agendas. She demonstrated how the public could access Council meeting recordings from the City's website.

**DISCUSSION – SANITARY SEWER MANAGEMENT PLAN (SSMP), PREPARED BY BOWEN COLLINS & ASSOCIATES**

Shannon Hansen, Staff Engineer, said preparation of a Sanitary Sewer Management Plan (SSMP) was a new State requirement. She said the City had contracted with Bowen Collins & Associates in preparing a Plan. Shannon said adoption of the Plan would be on the next Council meeting agenda. She turned the time over to Brent Packer with Bowen Collins & Associates.

Mr. Packer handed out a brief summary and explained the purpose of the Plan and what was involved with State requirements. He indicated that entities that maintained a sanitary sewer collection system were required to develop a Plan to properly manage, operate, and maintain all parts of the sewer collection system to reduce and prevent sanitary sewer overflows. Mr. Packer stated that in the event of a backup there would be documented protocol on how the City should respond. He said the State deadline for adoption of the Plan was June 21, 2014.

Mr. Packer said major trunk lines had been surveyed with the survey data being imported into a sewer model to evaluate current flows of the collection system, as well as identify if there were any problem areas that needed to be checked. Mr. Packer said some areas had been identified as needing to be verified. He said flow measurement devices would be installed in those areas to determine if there was a concern or if there could be a concern in the near future.

Mayor Stevenson asked if there were things the City was being forced to do that they hadn't been doing in the past.

Shannon said no, the Plan simply pulled everything into one place.

Mayor Stevenson asked if the City had any lines that were in as bad of shape as some of the North Davis Sewer District lines.

Shannon said no.

Councilmember Petro asked where they were in the process.

Mr. Packer said they were currently checking their assumptions based on the data collection and installing flow meters in questionable areas. He said they had identified five areas that they wanted to check.

James (Woody) Woodruff, City Engineer, said the City's major trunk lines were owned by the North Davis Sewer District; those lines didn't have to be included in the City's Plan.

### **PRESENTATION – MOSQUITO ABATEMENT DISTRICT-DAVIS**

Mayor Stevenson said Richard Allen had been appointed to represent the City on the Mosquito Abatement District in 1977 by Mayor Glen Shields. He said Mr. Allen had represented the City since that time. Mayor Stevenson turned the time over to Mr. Allen.

Mr. Allen introduced Gary Hatch with the Mosquito Abatement District.

Mr. Hatch said the Mosquito Abatement District was a special district that serviced the entire County. He reviewed information about the Bald Eagles and West Nile Virus issue from earlier this year. Mr. Hatch indicated that 86 Bald Eagles had been infected and 82 had died.

Mr. Hatch provided information about the migration of the Eared Grebe and how Bald Eagles had fed on dead Eared Grebes, which was where they had contracted West Nile Virus. The Bald Eagles had not contracted the disease from mosquitoes but from eating the dead infected Eared Grebes.

Mr. Hatch reviewed information about the Mosquito Abatement's surveillance of pools and testing of mosquito pools for West Nile Virus. He indicated that they did not have any West Nile Virus positive tests last year in mosquitoes.

### **Councilmember Freitag arrived at 6:07 p.m.**

Mr. Hatch indicated that the virus strain that came through the Eared Grebes was not from mosquitoes in this area; it came in from another area. He said no Eared Grebes died this migratory season. Mr. Hatch said they had already started testing mosquitoes this year.

Mr. Hatch explained testing they had completed on a pesticide they used to control mosquitoes and its residual impact to honey bees. He indicated that the pesticide had no residual impact to bees and they only sprayed after sundown to protect bees.

Mr. Hatch discussed the areas they treated in 2014 and he explained their service of providing mosquito eating fish for ornamental fish ponds.

Mayor Stevenson asked about tours of their facility.

Mr. Hatch said they would be happy to provide tours.

Mr. Allen explained aerial spraying and some of the other services they provided.

Councilmember Freitag asked how they judged how well they were doing in controlling mosquitoes.

Mr. Allen said they ran traps and monitored mosquito population, and they relied on public input.

Gary Crane asked if bats played into controlling mosquitoes.

Mr. Allen said bats would eat some mosquitoes because of their size, but they didn't make much of an impact.

Councilmember Freitag asked what the best thing people could do to help control mosquitoes.

Mr. Allen said to clear standing water.

**AMEND THE ADOPTED BUDGET FOR LAYTON CITY FOR FISCAL YEAR BEGINNING JULY 1, 2013, AND ENDING JUNE 30, 2014 – ORDINANCE 14-11**

Tracy Probert, Finance Director, said Ordinance 14-11 would amend the current year budget. He said included in the Council packet was a schedule that summarized the year end amendments and provided more detail about the amendments.

Tracy said there were \$484,869 worth of net additions or reductions to the general fund budget; \$238,000 would be funded by appropriation of fund balance; \$196,000 was for Police and Fire special services; and \$49,720 was additional grant revenue. He said in the B & C Road fund they were recognizing \$14,000 in a reimbursement payment from UDOT; in the Davis Metro fund an additional officer and vehicle from Kaysville was added where Kaysville previously had paid an annual assessment, and additional HIDTA grant revenue was being recognized; in the CDBG fund \$415,000 of prior year grant awards were being recognized and used toward the historic train station project, re-appropriation of prior year grant awards were going toward the Davis School District housing lots, and there was an increase of just over \$50,000 in the entitlement award for the current year.

Tracy said in the impact fee fund the proposal was to appropriate additional revenue received to cover credit card fees; in the capital projects fund a project on east Gentile Street was reduced in order to increase funding for the crack seal program; in the water fund there were a few line items that were going to be over budget and it was proposed to recognize some exaction fees in order to cover those line items; in the street lighting fund additional revenues were being recognized to cover electricity costs that were under budgeted and for purchasing of equipment that would be installed by contractors; in the swimming pool fund it was proposed to appropriate fund balance to cover increases in part time wages; and in the EMS fund recognizing grant revenue for equipment and wild land fire revenue reimbursements for EMS/paramedic standby overtime.

Tracy said there were a few amendments that came in yesterday that were not included in the documentation in the Council packet. He said in March the Council approved the signing of a capital lease agreement for the purchase of a new server in the Police Department for the Spillman system. Tracy said proceeds from that capital lease agreement needed to be recognized in the budget so that when the system was paid for next year there would be revenue to cover the purchase. He said in the 2015 budget that lease would be paid off. The amount was \$75,000.

Tracy said the Parks and Recreation Department received a donation from Macys for \$250 to go toward the Commons Park holiday lighting. He said that revenue needed to be recognized.

Councilmember Brown asked if those two items would be brought back for later approval.

Tracy said he anticipated that those two items could be approved this evening as part of the motion.

Gary Crane, City Attorney, said it could be included in the amendments this evening.

Councilmember Petro asked if it was normal to have that many scheduled overtime hours.

Tracy said in the Police Department that happened because of special events that were not known in advance; in the Fire Department wild land fires were generally always an overtime situation for the individuals that served on those fires. He said the City was reimbursed from State and Federal funds for participation in wild land fires.

**ADOPT THE BUDGET AND PROPERTY TAX RATE FOR LAYTON CITY FOR FISCAL YEAR JULY 1, 2014, THROUGH JUNE 30, 2015 – AMEND SCHEDULE OF COMPENSATION FOR STATUTORY OFFICERS – ORDINANCE 14-12**

Tracy Probert said Ordinance 14-12 would adopt the budget for fiscal year 2014/2015. He said the tentative budget was adopted on May 1st. Tracy said he wanted to review changes that had occurred to the budget since the tentative budget was adopted.

Tracy said the proposed changes included increasing a general fund transfer to the capital projects fund for \$80,000 and to the street lighting fund for \$40,000 related to the Antelope Drive/Highway 89 project. He said also related to the same project, in the water fund the water line improvements were \$126,000 more than originally anticipated in the tentative budget. Tracy said the proposal was to use water fund net assets to cover that expense.

Tracy said on the Antelope Drive/I-15 frontage road project, for the water fund and storm sewer fund, it was originally anticipated that impact fees would be used to fund the project but it was determined that the project did not qualify for use of those impact fees; it was proposed to use net assets and user fees in order to cover expenses of \$75,000 in the water fund and \$80,000 in the storm sewer fund.

Tracy said in the general fund there was a need to include a professional contract for the City lobbyist that was effective July 1st for \$20,000. He said the proposal was to increase budgeted use of fund balance to cover that expenditure. Tracy said since May 1st, with finalizing some schedules for personnel and balancing operational line items, the proposal was to increase the use of fund balance an additional \$3,272.

Tracy said the UTA rail crossing and sidewalk project at King Street, west Hill Field Road and west Gentile Street was originally anticipated to be covered by transportation impact fees. He said it was determined that the project didn't qualify for the use of impact fees; the project would be deferred until another funding source could be identified. Tracy said at this point Staff felt that the Council wouldn't want to use an additional \$250,000 in fund balance for that project in order to try and maintain the target level of 15 to 16% fund balance. He said the project wasn't eliminated from the project list, it was just deferred until a funding source could be identified. Tracy said it caused a reduction in the capital projects fund budget and in the impact fee fund budget.

Councilmember Petro asked about the lobbyist dollar amount; what did the lobbyist do for the City.

Alex said the best example was the \$31,000,000 the City received for the new Hill Field Road interchange.

Councilmember Freitag asked what the difference was between net asset use and use of fund balance.

Tracy said it was just terminology. In an enterprise fund it was called net asset and in a governmental fund it was called fund balance.

Councilmember Freitag asked if there was a limit on the amount of net assets that could be held in an enterprise fund.

Tracy said no. He said if there were overly healthy net assets in an enterprise fund, such as the water fund, the customers would start complaining about high rates.

Tracy said the last change involved the capital improvement plan and the capital projects fund. He said there were two roundabouts proposed on Antelope Drive at Oak Forest Drive and Church Street. Tracy said in opening the bids yesterday, the budget was \$179,527 short of the lowest bid. He said the proposal was to increase the transfer of transportation impact fees from the impact fee fund to the capital projects fund by \$142,730 to cover the streets portion of the project, and increase the use of net assets in the water fund to transfer to the capital projects fund of \$36,797. Tracy said waterline work needed to be done in both of those roundabouts.

Councilmember Brown said the City hadn't seen bids come in higher than the engineer's estimate in a long time; things must be changing with the economy.

Mayor Stevenson said construction and materials costs had gone up quite a bit.

Alex said often it had to do with the timing of the bid. He said when contracts were bid in the winter the bids were usually a little bit better. Alex said it was important to have these projects completed prior to UDOT connecting Antelope Drive to Highway 89 to accommodate the additional traffic on Antelope Drive.

Councilmember Freitag asked if there were land acquisition costs associated with the roundabouts.

Alex said there were some very small amounts.

Councilmember Freitag asked Alex to describe what was involved with the updates to the UTA crossings.

Alex said at King Street and Gentile Street the City was trying to convince UTA that they had responsibility for the crossings. He said in addition, there wasn't good pedestrian flow that had continuous sidewalk on both sides of the crossings at those locations. Alex said the idea was, as part of UTA improving the crossings, it would be an opportune time to install the sidewalk improvements and tie that infrastructure together to improve the quality and safety of pedestrian traffic.

Councilmember Freitag asked if UTA would continue with making their improvements to the crossings in those locations.

Woody said UTA was systematically going through their corridor and making those improvements. He said the City didn't know when the improvements would be made in Layton.

Councilmember Freitag said if all of a sudden UTA planned for those improvements in Layton, he would assume that this would be readdressed.

Alex said it would be readdressed with the Council if that happened.

Councilmember Petro asked if the rail trail pedestrian crossing could be striped on Gentile Street and Layton Parkway similar to Hill Field Road. She said these were very busy streets.

Discussion suggested that pedestrian traffic on Gentile Street should go to the Angel Street intersection and cross with the traffic light.

Councilmember Petro asked about the Layton Parkway crossing.

Alex said at those types of crossings, based on sound engineering standards, there should never be a crosswalk unless it was a designated crossing with lights and signage. He said very often a striped crosswalk created a false perception of safety.

Woody said there was some new signage UDOT was putting out on some of the busier roads, but they were signalized. He said that was something that could be considered in the future, but it would be expensive.

Council and Staff discussed pedestrian traffic on Layton Parkway relative to the school.

**RECEIVING THE MILESTONE 1 REPORT OF MACQUARIE CAPITAL AND COMMITTING TO MOVE FORWARD WITH MACQUARIE INTO MILESTONE 2 – RESOLUTION 14-36**

Alex said Resolution 14-36 provided for the City moving forward to continue to investigate the Macquarie proposal, and accept the Milestone 1 Report. He said the Resolution also stated the City's intention to move forward into Milestone 2 and continue to have questions vetted and move forward with the process. Alex said the Resolution encouraged other cities to do their due diligence and rationally consider the proposal.

Alex said the Resolution provided authorization on a subjective basis for the City, as an affirmative show of support for the approach and model, to deposit some money into an escrow account. He said the document didn't direct that to happen but stated that it was a possibility if the Council chose to do that.

Gary Crane said the first Milestone brought the cities to a point where Macquarie had made certain commitments, and the Resolution restated those commitments in the "Whereas" statements. He said the "Now, Therefore" portion of the Resolution was the legal portion of the document. Gary said it set forth what the City would do, and authorized certain things; there was only one statement that directed Staff to continue to investigate the entire proposition. He said the majority of the Resolution authorized the City to proceed forward in looking into the proposal further.

Councilmember Brown said the Resolution didn't hold the City to anything, it stated that the City would continue to move forward.

Gary said that was correct. Each Milestone had an off-ramp that would allow the City to back out. There were consequences or costs for doing that, in that the further down the road this went the more costs there would be. Gary said at some point, probably at the end of Milestone 2 or the beginning of Milestone 3, it started to get really serious about the terms of an agreement, which was called a Term Sheet. He said he had spent two days this week working on that Term Sheet. Gary said the Term Sheet would iron out things like the portions of income that would come to different entities. He said there was a lot of work to be completed in Milestone 2. Gary said the goal was to have the completion date before the holiday season.

Councilmember Day asked what the time table was for completion of Milestone 2.

Gary said 60 days.

Mayor Stevenson said during that 60 days, the City would be very busy with educating the public.

Councilmember Petro said she understood that the escrow was not required. She said Staff would not take action on that until directed.

Gary said that was correct. The Resolution authorized the Council to direct Staff to do that if they wanted. He said Staff would not move forward with that without Council's authorization.

**STREET CONVERSION REQUEST – CANDLEWOOD ESTATES PRIVATE SUBDIVISION – APPROXIMATELY 110 SOUTH WEST SIDE DRIVE – RESOLUTION 14-30**

Alex said there were two public hearing items on the regular agenda that were being recommended for delay. He said Staff recommended delaying Item 6-D, which was the amendment to the Capital Projects List of the Impact Fee Facilities Plan. Alex said rather than adopt a Capital Facilities Plan that may be premature, Staff would propose that that be held until after the transportation study was completed. He said what came out of the transportation study would determine what ended up in the CFP.

Alex said the second item had to do with the Candlewood Estates. He said representatives of the HOA had approached Staff and requested that that be delayed due to some internal family commitments. Alex said Staff had continued to do due diligence to make sure that what was in the documents matched what was on the ground. He said there had been some questions that had not been vetted with the HOA. Alex said Staff would recommend that it be pulled from the agenda, and if it was appropriate, it would be brought back to the Council at a later date.

**The meeting adjourned at 6:59 p.m.**

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Thieda Wellman, City Recorder