

**MINUTES OF LAYTON CITY
COUNCIL WORK MEETING**

JANUARY 15, 2015; 5:32 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,
PETER MATSON, TRACY PROBERT, DAVE
PRICE, WESTON APPLONIE, DEVON RIGSBY
(INTERN), DAVE THOMAS, TERRY COBURN
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:

DISCUSSION – REFUSE CONTRACT

Tracy Probert, Finance Director, said the current contract with Waste Management for trash collection would expire on July 1, 2015. He said Staff would recommend pursuing an extension of the contract. Tracy said Waste Management had been working with the City since 2004. He said currently the City was only paying 20 cents more per can than they were in 2003 with the previous provider. Tracy said the cost had gone up 94 cents per can over the 11 ½ years that Waste Management had been the service provider. He said there were 18,445 first cans and 4,732 second cans in service in the City.

Tracy said Waste Management was a large company that had the equipment and was the kind of operation that could efficiently provide the services to the City. He said there were 20 to 30 calls a day from residents relating to garbage service, mostly doing with damaged cans, and Waste Management was very responsive to get out in 3 to 5 days to take care of the problems; most were handled in 1 day.

Mayor Stevenson said with new construction they were very slow to get out a new can; it usually took 5 days.

Tracy said he would let Waste Management know that there was a problem with that.

Tracy said he felt the service was good and he would recommend moving forward with an extension of the contract.

Councilmember Petro said they were very good to take care of any problem she had reported.

Councilmember Day asked how long the extension would be for.

Tracy said 3 to 5 years.

Councilmember Day asked if there were other companies interested in providing the service.

Tracy said yes, but there weren't a lot of companies large enough to service Layton.

Mayor Stevenson asked if there were any cities in the county that didn't use Waste Management.

Alex Jensen, City Manager, said there were some smaller cities that used smaller companies.

Alex asked Staff would like Council's approval to negotiate a good extension with Waste Management. He said this would allow Staff to work with them and see how badly they wanted the City's business. Alex said Staff would bring information back to the Council.

Councilmember Petro asked if it was wise to have that long of a term of extension.

Alex said it could be a three year extension. He said Staff's experience with Waste Management was positive; they had been very reasonable with their rate increases and had done a great job for the City.

Consensus was to move forward with negotiations for an extension.

PRESENTATION – DAVIS ARTS COUNCIL

Kirt Bateman, Executive Director of the Davis Arts Council, introduced Dawn Brandvold and Valerie Davis. He said the Davis Arts Council had their biggest season ever in 2014; mostly because of the two performances by Bill Cosby. Mr. Bateman said it was great timing for when Mr. Cosby was here. He said they had over 25,000 guests through the gates for the paid series and the free Sunday night series. Mr. Bateman said the free series was the biggest ever this year; there were usually over 500 guests in attendance.

Mr. Bateman said the museum had been exceptionally accommodating to them and Staff was great to work with. He said they were very happy with the comments they received from their subscribers. Mr. Bateman explained all the free events they were providing to the community. He indicated that there would be a student arts show next week at the Conference Center.

Mr. Bateman indicated that he would like to have a discussion about growth. He said the Davis Arts Council was at a crossroads; they had done a lot with a little, but some artists wouldn't come to Layton because there weren't appropriate changing rooms; restrooms; etc. Mr. Bateman said their board had just passed a budget over \$500,000 and they had been in the black since 2008. He said they had some funds they would like to invest back into the amphitheater and they would be hiring one additional staff member to help with outreach and education. Mr. Bateman said the board approved \$15,000 to go into capital improvements for the amphitheater; they would like to see dressing rooms added. He said they saw the value in investing back into the facility.

Mr. Bateman said he continued to get comments from people that there was no other place like this anywhere. They had regular clients that came from Oregon because of the venue. He said their board had discussions about how to grow and be successful, but keep the hometown feeling of the facility. Mr. Bateman said they had a vision of an indoor music venue to make Layton the place for music and dance performances. He said there could be performances all year around; there was an opportunity for people to look at Layton as the place to go for music and culture. Mr. Bateman mentioned some of the other venues in nearby cities and the types of art they focused on. He said if Layton invested in a venue he would promise the City that they would be successful. Mr. Bateman thanked the City for their support.

Councilmember Brown asked about the upcoming season.

Mr. Bateman said nothing was booked yet, but there were some great names he could not divulge. He said it would be a great summer.

Mayor Stevenson asked if the performing arts center was something that could be used during the Sundance Film Festival.

Mr. Bateman said he couldn't see why they couldn't pursue that; it would be a great location for them compared to some others they were using.

Dave Thomas, Recreation Supervisor, mentioned the canvas covering over the stage at the amphitheater.

Mr. Bateman said they had several conversations about the canvas, which had been up since 2006. He said it was very brittle and leaked. Mr. Bateman said they had put some money aside in their budget to buy a new canvas.

Mayor Stevenson asked how much it would cost to replace the canvas cover.

Dave said it was about \$5,000 to \$6,000.

Mr. Bateman said they were prepared to invest some money in replacing the canvas and the \$15,000 for restroom improvements.

Mayor Stevenson said this organization was run mostly by volunteers. He mentioned some of the volunteers involved and the time they spent. Mayor Stevenson said each year the amphitheater was getting fuller and fuller; the City was getting known for the venue. He said the amphitheater needed to be expanded. Mayor Stevenson said a rap tax could be used for something like the vision Mr. Bateman shared of a performing arts center and it would benefit the entire County. He said the City should look at a rap tax. Mayor Stevenson said improvements to the dressing rooms were something the City could possibly do in-house without spending a lot of money.

Mr. Bateman expressed appreciation to the City for everything they did to make the Davis Arts Council successful.

Alex said relative to replacing the canvas at the amphitheater, the City could cover that expense as an operational expense, which would allow the Arts Council to put more of their efforts toward capital improvements such as a green room.

Mr. Bateman said that would allow them to add more money to improve the dressing room. He said there was also a need for a permanent box office.

Dave Price, Parks and Recreation Director, suggested doing the capital improvements at one time, including a box office.

Mayor Stevenson asked what the economic benefits would be of some of these improvements.

Bill Wright, Community and Economic Development Director, said an indoor performing center would be huge. He said the location would be important. Bill said Staff would love to be involved and look at the entire City to see what the best options would be.

Mr. Bateman expressed appreciation to the Mayor and Council for their time.

DISCUSSION – BEEKEEPING REGULATIONS AND RESEARCH

Alex said there were citizens that were asking about the City's position on beekeeping. He said Staff had collected information and was looking for feedback from the Council as to whether it should be pursued.

Peter Matson, City Planner, introduced Weston Applonie, the newest Planner on Staff, and Devon Rigsby, a political science student at Weber State University working as an intern in the Planning Division.

Weston reviewed the history of beekeeping in Utah. He indicated that since 2011 beekeeping in Layton had almost doubled. Weston said based on numbers from the Utah County Agricultural Food Department there were 30 registered beekeepers with 90 registered hives in Layton. He said there could be some beekeepers that were not registered.

Councilmember Freitag asked why someone would register.

Weston was it was a requirement of State law and inspections by the County Inspector kept the hives healthy.

Councilmember Brown said she assumed that someone could go on the internet and order beekeeping supplies without having to get a license.

Weston said that was correct. He said there could be some doing that now in Layton.

Weston indicated that in the last few years there had been a focus on local food production, which probably impacted the increase in beekeeping. He said farmers or residents could also want to increase their flower and garden production. Weston said having bee hives close would encourage more growth.

Weston reviewed what other cities were doing. He said there were only 3 cities in Davis County that had ordinances in place; Bountiful, Centerville and Syracuse.

Councilmember Brown asked if an ordinance was passed, did beekeeping become more popular.

Weston said he didn't ask that specific question, but he could get that information.

Peter said it seemed that the ordinances were put in place as a reaction to the popularity of beekeeping. He said most of the ordinances had been put in place in the last 3 to 5 years.

Weston said for a small city, Bountiful had the most beekeepers. He said for a long time Bountiful's ordinance specifically prohibited beekeeping. He said their ordinance was changed about 9 months ago.

Councilmember Brown asked if the City's ordinance permitted it now.

Weston said it wasn't specifically prohibited.

Peter said beekeeping was allowed as a permitted use in the agricultural zone and the M-2 manufacturing zone as noted on the land use table. He said it wasn't mentioned anywhere else in the Code.

Councilmember Freitag said if it wasn't prohibited, was it allowed.

Peter said it wasn't allowed.

Councilmember Brown said if someone complained about a neighbor having bees, would the City prosecute that.

Peter said it would be a code enforcement issue.

Councilmember Day said since it wasn't mentioned specifically as being permitted would it be prohibited.

Gary Crane, City Attorney, said the zoning ordinance worked opposite of most other ordinances. He said if it was not expressly allowed, it was prohibited.

Peter said it was not allowed in any zone except agricultural and M-2 zones.

Councilmember Freitag asked if the City knew where the registered beekeepers were located.

Weston said the County would have that information.

Councilmember Freitag said he wasn't interested in coordinates, he was interested in knowing if there was a problem; were 29 of the hives in the City located in an area where they weren't allowed. Was this something the City needed to address.

Peter said Staff could get the addresses of the registered beekeepers.

Councilmember Freitag asked how often they were related to agricultural uses; did a farmer have a colony to take care of his crops.

Weston said without the addresses, it was difficult to determine if they were being used in agricultural areas. He said he would doubt that there were 30 farmers in the area with bee hives.

Peter said he knew of a handful of people that had them to pollinate flower gardens and fruit trees.

Councilmember Brown said she had spoken with a neighbor that had bee hives, and he had indicated that everyone benefitted from a hive in the neighborhood because of the bees pollinating flowers.

Councilmember Day said the ones he knew about that were located on farms were from people that just wanted a location to put their hives.

Mayor Stevenson asked if bees helped the Day farm.

Councilmember Day said the bottom line was that you wouldn't get a lot of crops without bees. He said larger hives were focused on honey production. Councilmember Day said years ago when there were lots of orchards, they would hire beekeepers to put hives in their orchards. He said that was probably still happening in Brigham City and Bountiful where there were larger commercial orchards.

Councilmember Freitag asked why some cities had put ordinances in place.

Weston said most of the ordinances came from residents, similar to the chicken keeping ordinance.

Weston reviewed regulations in other cities' ordinances, including limiting the number of hives based on lot size, zone and setback requirements; flyway barriers were required; and a water source had to be available. He said bees drank water; if a water source wasn't provided they would go to water in a neighbor's yard.

Council and Staff discussed some of the regulations.

Councilmember Brown said bees were different than chickens, cats or dogs; you couldn't keep the bees in your yard. She said if the hives weren't taken care of, the bees would go somewhere else. Councilmember Brown said when she was walking her dogs on the dike behind her home, there was a full colony of bees in a tree above her head. She said if it had been her husband, and one bee had stung him, she didn't know if he could have survived. Councilmember Brown said she was concerned that people would get hives, not know what they were doing, and not take care of them.

Councilmember Day said those things could happen naturally as well.

Councilmember Brown said she had two people close to her home that had bees. If an ordinance was passed she might have 10 people close to her home with bees. She said there were a lot of people that were deathly allergic to bees. Councilmember Brown said her husband couldn't go anywhere without

carrying an Epi-pen because he was that allergic to bees. She said he didn't expect to confront a swarm of bees in his neighborhood.

Weston said that was a valid concern. He discussed some of the problems with bee hives, such as swarming. Weston said a question would be was it safer to have an ordinance with guidelines, because there were beekeeping operations in the area, or would it be better to keep it where it was currently. He said some of the guidelines were that they had to be aware of swarming and they had to maintain their hives.

Councilmember Brown said when the ordinance was passed for chickens, there really wasn't any teeth in the ordinance. She asked if there would be consequences in a beekeeping ordinance.

Weston said he had seen a couple of ordinances from other cities that specifically laid out consequences; it was something that could be added to the City's ordinance.

Councilmember Brown said if this moved forward, she would like to see some consequences in the ordinance if people were not following the regulations.

Bill Wright, Community and Economic Development Director, said there had been some code enforcement with chickens relative to setbacks. He said consequences could be included in the ordinance.

Councilmember Brown asked if the ordinance could indicate that they had to be registered with the State.

Weston said it was a State regulation that they had to be registered with the State.

Weston indicated that there hadn't been a lot of complaints from residents in other communities. He reviewed some of the concerns and issues in other communities.

Weston reviewed State law relative to beekeeping.

Weston reviewed information in a draft ordinance, including registration and maintaining an active license with the Department of Agriculture; the colonies would be kept in removable frames; there would be a 10-foot setback requirement; they would operate in accordance with State guidelines; hives would be conspicuously marked with the State registration number; hives would be placed in a manner that the general flight pattern of the bees would not create a nuisance for humans and domesticated animals; when hives were located within 25 feet of a property line a flyway barrier would be required; and flyways would be six feet tall and would run 10 feet either way from the hives.

Councilmember Brown suggested that the ordinance include that they had to be within a fenced yard.

Weston reviewed the proposed number of hives that would be allowed based on lot size. He said they would not be allowed in front or side yards. Weston said the water source would be required from March 1 through October 31.

Mayor Stevenson asked how far a bee would fly.

Weston said they could go up to 4 miles, but they would typically stay as close as possible to the hive.

Council and Staff discussed the amount of honey that would be produced.

BID AWARD – WIDDISON TURBINE SERVICE LLC – LAYTON CITY SHOP WELL REHABILITATION – 1925 NORTH FORT LANE – RESOLUTION 15-03

Terry Coburn, Public Works Director, said Resolution 15-03 would award a bid for rehabilitation of the shop well. He said the City had 6 deep wells along with water that was purchased from Weber Basin.

Terry said currently the City produced about 50% of the water used and 50% was purchased from Weber Basin. He said there were some towns in the area that didn't have any deep wells and were solely dependent on Weber Basin for their culinary water supply, which was not a good position to be in.

Terry said the State Engineer had become increasingly tight on allowing permitted wells because there were so many permitted wells that were drawing from the same aquifer. He said the City had to come up with creative ways to maximize the production of the wells. Terry said some of the City's wells were drilled 30 or 40 years ago.

Terry said the City had already rehabilitated the Fort Lane well. He said the rehabilitation process involved removing the pump and motor, putting a video camera down the well for inspection of the casing, and cleaning the casing with brushes and hydrochloric acid. Terry said the cleaning process removed minerals from the slits in the casing, which built up over time, and allowed water to flow into the well.

Terry said there were only two companies that did this type of work, and Widdison was the only company that did this particular process.

Terry said before the Fort Lane well was rehabilitated, it had a pumping rate of 1,100 gallons a minute and a drawdown of 84 feet. He said that resulted in a specific capacity of 13.1 gallons per minute per foot. Terry said after the rehabilitation process, the Fort Lane well had a pumping rate of 2,400 gallons a minute and a drawdown of only 17 feet. He said it resulted in a specific capacity of 141.2 gallons per minute per foot. Terry said the well was performing better after the rehabilitation than it did when it was originally drilled.

Councilmember Petro asked how often they would do this process.

Terry said every 10 to 15 years. He said water was becoming a precious commodity in the State. Terry said it was important to keep the wells in good condition because he didn't know if the City would ever be permitted to drill another one.

Mayor Stevenson asked who had wells in the aquifer.

Terry said every city from North Salt Lake to Roy.

Councilmember Day asked if there had been any measurable drawdown on the aquifer in the City's wells.

Terry said there was some in drought years. He said the City's wells were in good shape. Terry said the City didn't pump at full capacity of the wells because the City had to pay for the water that was contracted with Weber Basin whether it was used or not. He said the City always made sure it was using all the water that was purchased.

The meeting adjourned at 6:58 p.m.

Thieda Wellman, City Recorder