

**MINUTES OF LAYTON CITY
COUNCIL WORK MEETING**

FEBRUARY 5, 2015; 5:31 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, TRACY
PROBERT, DAVID PRICE, BILL WRIGHT, KENT
ANDERSEN, TERRY COBURN, JAMES (WOODY)
WOODRUFF, AND TORI CAMPBELL**

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

Mayor Pro Tem Brown opened the meeting and indicated that Mayor Stevenson and Councilmember Francis were running a little late. She turned the time over to Staff.

AGENDA:

FINANCIAL UPDATE

Tracy Probert, Finance Director, indicated that the City had collected five months of sales tax revenue for this year. He said all five months had been over \$1,000,000 each in collected sales tax; last year at this point there were only two months where the sales tax was over \$1,000,000. Tracy said sales tax was about \$300,000 ahead of last year, or 6%. He said other revenues were looking good and were in line with where they should be.

INNOPRISE CONTRACT PAYMENT TERMS AMENDMENT

Tracy Probert said shortly after the agreement was signed with Innoprise in December for the new financial software, they came to the City with an offer to extend the ability to pay for the services portion of the contract. He said it didn't increase the price or anything, but instead of being required to pay that within 120 days, they had extended it through this calendar year. Tracy said the amendment to the contract simply laid out those payments from February through December, rather than within 120 days.

MID-YEAR BUDGET AMENDMENTS FOR FISCAL YEAR 2014-2015

Tracy Probert reviewed proposed mid-year budget amendments for fiscal year 2014-2015. He said so far this year in the general fund approximately \$175,000 in amendments had been made with \$102,000 coming from appropriation of fund balance. Tracy said of the \$102,000, \$64,000 was related to the health insurance increase that was discussed in December; and \$25,000 was additional money for the boiler at the Central Davis Armory. Tracy said there was an additional \$60,000 in grant revenue that was unanticipated, which needed to be recognized, and there was \$12,000 in other revenues received.

Tracy said in the CDBG fund they were re-appropriating \$19,000 from prior year grants toward the school house projects with the Davis School District; in the impact fee fund they were appropriating \$8,000 for the park impact fee study; in the E911 dispatch fund at the end of last year there was a budget amendment to pay for the Spillman server and that money needed to be taken out of the current year budget; and in the water fund \$162,000 was appropriated for the water meter replacement project. He said every year the City budgeted money for water meter replacement and the funds weren't keeping up with the need.

Tracy said after an analysis of the water meters it was determined that there were some that were out of warranty, and some that were close to being out of warranty that were providing inaccurate reads. He said a few water projects were re-prioritized so that water meter replacement could be placed on a four year schedule allowing for complete replacement over the next four years; some this year and then larger amounts in the next three years.

Councilmember Brown asked if these would be residential meters. She asked if anything had to be dug up.

Tracy said there would be commercial and residential replacements. He said most of the replacements would be for the registers that sat on top of the meters in existing meter boxes; nothing would be dug up. Tracy said the life of the batteries in the registers was 10 years. Most of the City's meters were installed through a bonding agreement in 2003.

Tracy said in the EMS fund \$30,000 would be appropriated for new EKG and defibrillator equipment; in the storm water fund \$1,500 would be appropriated for merit increases above estimates for employees in the storm water fund; and all of the funds, other than the general fund, had to have adjustments for the increased health insurance cost in the amount of \$18,000.

Councilmember Freitag asked if this had already taken place or was Staff proposing that it take place this budget year.

Tracy said the amendments were being presented now, and a public hearing was scheduled for the next Council meeting to adopt the amendments. He said this would give the Council time to review the proposed amendments and get any concerns to him before the public hearing. Tracy said most of these had been discussed in the past.

Councilmember Petro asked if the amount allocated for the Parks and Recreation fee analysis was additional funds needed.

David Price, Parks and Recreation Director, said it was the total amount needed to do the park impact fee analysis.

Mayor Stevenson arrived at 5:38 p.m.

Tracy said at some point in the year the City had to realign money with what it had agreed to do. He said as long as there was money in the budget, it was okay to go ahead and spend the money, but at some point the budget had to be realigned. Tracy said in the past this was only done at the end of the year, but he felt that it was a better approach to do it mid-year.

DISCUSSION – PARKS AND RECREATION DEPARTMENT PROJECTS – NEIGHBORHOOD PARK AT 3500 NORTH 2100 EAST, AND PARKS AND RECREATION MASTER PLAN UPDATE

David Price said Staff wanted to update the Council on two projects.

Councilmember Brown said that on the conceptual drawing of the park it still excluded the parcel with the cell tower. She asked if Staff had gotten that resolved.

David indicated that nothing had yet been decided on that. He said currently Wasatch Integrated was working with the leaseholder to have that removed from the property.

David reviewed the conceptual map of the park with the Council. He said the biggest change from previous concepts was that the parking area was moved to the west side. David indicated that there would be a soccer field, basketball court, tennis court and pickleball court. He said the exercise equipment had

been centralized near the playground area. David said if the Council approved the conceptual drawing, Staff would move forward with construction drawings with the architect. He said they anticipated putting the project out for bid early this spring.

Councilmember Francis arrived at 5:44 p.m.

Councilmember Day asked if the native element would be irrigated.

David said the native grass would get a little bit of water, but it wouldn't be fully irrigated.

Councilmember Brown asked if the play area for older children would still incorporate the hillside and have a climbing wall.

David said they were still looking at several different types of play equipment. He said the rock climbing walls were terribly expensive, but they were looking at some other climbing elements. David said they hadn't narrowed it down to specific equipment yet.

David said the second project they wanted to update the Council on was the Parks and Recreation element of the General Plan, and hiring an outside consultant. He said that element was last updated in 1995. David said Staff had been trying to update the Plan internally, with Scott Carter updating the trail section, and a user survey was conducted. He said at this point Staff would like to hire an outside consultant to finalize the project. David said it was a timing issue and a professional level of service issue. He said Staff would like to have it done in conjunction with the impact fee analysis. David said both documents should work together and support each other. He said the Master Plan element of the General Plan helped set service levels that were crucial to the park impact fee analysis.

David said the consultant that had submitted a proposal was Landmark Design. He said they were recommended by Susie Becker, with Zions Bank, who was the consultant doing the impact fee analysis. David reviewed the scope of work that would be done.

Councilmember Day asked how long it would take.

David indicated that it would be done in July.

Councilmember Freitag asked when they would begin and how it would be funded.

David said they would begin as soon as Council gave the okay and it would be funded through impact fees.

Councilmember Freitag asked why Staff chose not to do an RFP.

David said after talking with Ms. Becker and other cities that had done this type of work, there were not many people qualified to do the work. He said in addition to providing a cost for doing the work, Landmark provided information about what other cities had paid for the same type of study. David said the cost to do Layton's study was less than other cities because of the work that had already been done in-house. He said the City Staff would like to be involved in the first element with the Public Hearings.

Councilmember Freitag asked if they looked at outside elements like cultural issues.

David said yes; they looked at trails and cultural items as well. He said there was a lot of public involvement in prioritizing needs.

Councilmember Freitag said the document should be directed to the Council, not the public, but with feedback from the public. He said the ultimate document would be based on public feedback and direction from the Council.

David said the early part of the Master Plan process was an outreach to the public. They tried to receive information from the public to help the Council make the decisions further down the process. He said the public input was to help the Council know what the citizens wanted, but it would always be the Council's decision to set the priorities.

Councilmember Freitag said it wouldn't be terribly useful for the Council to receive a document that showed all the wants of the community, but it was something that couldn't be attained by the Council or it was in a different direction than what the Council had gone, meaning had the Council given direction ahead of time for where it sees parks and recreation opportunities, or were they waiting to get the feedback before making those decisions.

David said it should be handled in steps. He said not only would they look to see how the City handled things in the past, they would ask the public for information they could provide, and then they would come back to the Council to set the parameters on how they wanted to move forward. David said the document needed the Council's input.

Alex Jensen, City Manager, said it would be best to have a meeting with the consultants and the Council so that the parameters of the analysis were clear and the direction of the Council was clear. He said he understood exactly what Councilmember Freitag was stating.

Councilmember Freitag said he didn't see in their proposal where that came in; it was an option category to have discussions with the Planning Commission or Council.

Alex said it couldn't be optional. He said in his view they were an extension of the Council; they were a tool the Council and City had chosen to use to gather information and help to provide input that would allow the Council to more effectively make decisions. Alex said it had to be driven by the Council and City, not the other way around.

David said he thought that they may need to demonstrate that stronger as they worked through the proposal. He said one of the first elements was setting up of the project management team. David said the team would meet four times and was made up of Staff and the Council.

Alex asked if there were any concerns in terms of the direction Staff was heading.

Councilmember Freitag said in Task 7 of the agreement it should state that, "Landmark Design will" instead of "can."

Discussion suggested having a review with the Council at the beginning of the project, in the middle, and at the end.

DISCUSSION – 2015 REVISED DEVELOPMENT GUIDELINES AND DESIGN STANDARDS

James "Woody" Woodruff, City Engineer, presented the Revised Developmental Guidelines and Design Standards. He mentioned that some corrections and updates needed to take place.

Woody talked about new water meters for culinary water that were being adopted into development standards. He said the new meters would be ultra sonic and more accurate.

Woody indicated that new State regulations were being included in the standards. He discussed corrections made to the guidelines relative to land drains. Woody said the City had required developers to do traffic impact studies, but there were no formal documents in the regulations to help clarify those requirements. He said based on the type of development, a table had been established with guidelines on how big of an area would need to be studied with respect to intersections and other safety measures within the area.

Mayor Stevenson asked if a certain developer came in and presented their impact study, what would the City do.

Woody said the City would sit down with the developer and try to mitigate any problems. It would vary depending on the problems.

Mayor Stevenson asked if the City had been doing that in the past.

Woody said yes to some degree, based on the Master Plan and studies they provided to the City.

Mayor Stevenson asked for an example of what the mitigation would be.

Woody said in the past some developers had participated in signals, and some had helped establish turning movements and striping; similar to what UDOT would require at certain intersections. He said most impacts in the past had been minor.

Alex Jensen said with the Legacy Village development they were responsible for certain legs of the signal at Fairfield Road and Cherry Lane. He said another one being discussed was the WinCo site.

Woody said with the WinCo site there would be a right turn movement lane and one leg of the signal that they would be responsible for.

Councilmember Petro asked about the Gentile Street and Wasatch Drive intersection.

Woody said a full signal was planned for that intersection. He said they would be installing that entire signal. Woody said there would be other impacts with the widening of Gentile Street in that area.

Woody said the last item that had been a concern to Staff was regarding developers not finishing sidewalk improvements, sometimes for long periods of time. He mentioned that the City had a meeting scheduled with the development community at the end of the month. Woody mentioned that some other communities made developers install sidewalks up front, but then there were concerns with construction vehicles damaging the infrastructure during the building phase. He indicated that some cities required cement for foundations to be pumped, which helped protect the infrastructure by not having cement trucks backing onto the building site. Woody said some of these concerns would be discussed at the meeting with developers. He said Staff would like to see sidewalks installed sooner rather than later. Woody said the intent was to look for what was best for the City.

Councilmember Brown said what Staff was trying to keep from happening was that if all but one lot was built in a subdivision, someone wouldn't have to go out into the street to walk around that one lot; it would have a sidewalk.

Woody said yes; typically when a subdivision was under construction, the roads were inundated with contractors. The only safe place for residents to walk was on a sidewalk; if there wasn't a sidewalk it could be dangerous for pedestrians. Woody said on the other hand, it could be expensive for developers that had to replace damaged sidewalk.

Councilmember Petro asked if that could be closely considered for areas where children were walking to schools. She said there was an issue with that near the Layton Parkway where children were going through a subdivision that was under construction to access the school. Councilmember Petro said she felt that it should be mandated where children were walking to schools.

Councilmember Freitag said they just finished the last house in his subdivision; it had been eight years without a sidewalk on that one lot.

Councilmember Day mentioned that the Evergreen Farms subdivision had all the sidewalks installed up front.

Woody said that was the problem associated with this. He said Staff felt that the sidewalk was part of the roadway network and infrastructure. Woody said a lot of communities required sidewalks to be installed up front.

Councilmember Francis asked if there were problems with damaging sidewalks when building homes.

Alex said yes.

Councilmember Francis asked how you would balance that.

Mayor Stevenson said that was exactly what Woody was talking about. He said on new subdivisions where there was new concrete, by the time you got through constructing homes, probably 60% of the sidewalks were broken up. Mayor Stevenson said when trying to remove damaged pieces of sidewalk it was difficult not to damage additional sidewalk. He said the cost of removal and disposal was very high and very often much more than the cost of installation.

Councilmember Freitag asked about sidewalk in temporary turnarounds; the turnaround by him had been there for eight years without sidewalk.

Woody said this would be the same type of situation.

Mayor Stevenson said this type of situation, where it had gone on for eight years, was something the City didn't want to happen again.

Councilmember Freitag asked if the City would now require sidewalks with temporary turnarounds.

Woody said the City was now trying to avoid the turnaround situation that was in Councilmember Freitag's subdivision. He said the City wanted it to be permanent and was encouraging the design of developments to not require those turnarounds.

Alex said on this specific issue, the City tried to balance the interests and costs of the development community with the interests and impacts on the residents. He said the intention in this next developer meeting was to raise the issue and discuss the problem and find a way to resolve it.

Alex said under the ordinances of the City, the City Engineer had the responsibility to consider all of the different nuances having to do with development guidelines. As development standards and development methods changed, the City had to adjust to that. Alex said in the past those development standards were not brought back to the Council, but to avoid the situation where the City was imposing a standard and have the developer say that you couldn't ask them to do that, now on a yearly basis those were brought back to the Council for ratification. He said tonight, these were changes Staff felt were important to address.

Mayor Stevenson said part of this was so that you didn't have the last lot that didn't have sidewalk for eight years.

Woody said, as Council was aware, lighting was changed to reflect that the City would be installing lighting and not the developers. He mentioned changes to waterline laterals from copper pipe to PVC pipe.

Alex said the idea would be to bring the standards back to the Council for approval after meeting with the development community.

LEGISLATIVE UPDATE

Gary Crane, City Attorney, brought the Council up to date on Legislative issues. He touched on wild land fire issues; shifting tax revenues for automobile sales from the city where the vehicle was sold to the city where the purchaser lived; GRAMA appeals process; mandate for live streaming of City meetings; assessment areas; body cameras; use of force and entry to homes; and municipal government amendments.

Council and Staff discussed issues with some of the proposed legislation.

Councilmember Brown mentioned some bills the ULCT was supporting regarding referendums and charter schools.

Councilmember Freitag asked about Senator Harper's bill on Community Development and wanting to put together a task force to have State involvement in tax subsidies so that cities weren't cherry picking from each other.

Gary said Senator Harper wanted to eliminate zoning for dollars, but multiple ideas were brought up with Senator Harper thinking that he had the solution. Gary said he hadn't seen any bill yet.

Councilmember Freitag said Taylorsville had suffered from surrounding cities taking away their businesses. He said rather than have individual cities make those decisions, Senator Harper wanted to establish a State Task Force to review those issues. Councilmember Freitag said Senator Harper was the Community Development Director for Taylorsville.

Gary said he would check into it.

Mayor Stevenson asked when the legislation on the referendum issue would take effect if it were to pass.

Gary said it would become effective May 1st of this year.

Councilmember Day asked what the basis of the bill was.

Gary said a referendum generally affected the entire city. He said the philosophy was that there ought to be the minimum of required petition signatures in all of the precincts in the city before the referendum could move forward.

Councilmember Petro said what if it was only impacting one or two precincts; would it be citywide.

Gary said referendums did not only affect one or two precincts. Referendums were voted on by the entire city, not just a small portion of the city.

Councilmember Petro clarified that the petition signatures would need to come from the entire city.

Councilmember Brown said yes; 50% of the precincts would have to have the required percentage of signatures on the petition.

Councilmember Day asked if the percentages were changing.

Gary said no.

Mayor Stevenson asked if any bills relative to fiber had surfaced.

Gary said no. He said there were FCC rulings indicating that states ought not to limit municipalities from building fiber networks. Gary said there were over 400 municipalities in the country that had municipal

networks. He said there were 21 states that had enacted prohibitions on municipal networks. Gary said the FCC came out with their ruling indicating that states should not be allowed to limit broadband connectivity. He said Tennessee challenged the ruling, and the FCC issued a ruling indicating that states could not do that; the Federal Government preempted the states.

Jay Dansie, Layton City Resident, indicated that Gary should inform his neighbors that UTOPIA would not be free in that area. Mr. Dansie said the rumor was that the fiber being installed in that area would be free.

Gary said nobody had been told that it would be free. He said his neighbors didn't think that it would be free.

Mr. Dansie indicated that Gary's neighbors said he had told them that it would be free.

Gary said that was not the case.

MAYOR'S REPORT

Mayor Stevenson mentioned that some decisions regarding Macquarie would be taking place. He said he would keep the Council updated.

Mayor Stevenson mentioned that the RAMP tax was being studied within the City and with the Parks and Recreation Commission.

Mayor Stevenson asked Woody if he had any updates on the West Davis Corridor. He said there had been discussion about the alignment being pushed down some into the wetlands, or whether it would be pushed to the northeast some.

Woody said things had been placed on hold with the Shared Solution presentations, but the City could move forward and not identify the specific location for the interchange. He said the transportation study could move forward and generalize the location. Woody said the impact fees could be put in and hold off on the decision for the location of the interchange until that information was available.

Discussion suggested having a presentation at a future Work Meeting.

Mayor Stevenson handed out a letter prepared by the City to give to the Shared Solution group. He suggested that the Council read the letter and see if any changes needed to be made.

Alex explained the information that was included in the letter.

Mayor Stevenson asked if a formal decision had to be made in an open meeting, or if the letter could just be sent.

Alex said he had checked with the Legal Department today and the letter indicated that the Mayor and Council were stating an opinion; they were not taking a formal action. He said a vote of acclamation could be taken to formalize it and then send the letter. Alex said if the Mayor and Council wanted to add emphasis, a resolution could be adopted at a later date. He said it wouldn't be any more binding, but that could be done at the next meeting.

Mayor Stevenson said this was basically the Council sharing their feelings; they asked how the Council felt about the Shared Solution, and this was the Council's response.

The meeting adjourned at 6:56 p.m.

Thieda Wellman, City Recorder