

WORK 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 Conference Room in the City Center Building, 437 North Wasatch Drive, Layton, Utah, commencing at **5:30 PM on December 17, 2015.**

Item:

1. Presentation of the Comprehensive Annual Financial Report (CAFR) and Auditors' Reports for the Fiscal Year Ended June 30, 2015

2. Discussion - Recreation, Arts, Museum, and Parks (RAMP) Tax Ordinance

3. Zoning Ordinance Amendment – Title 19 (Zoning), Sections 19.21.010 (Definitions), 19.21.020(8) (General Regulations) and 19.21.045 (Mobile Food Vendor) of the Layton Municipal Code Establishing Regulations for Mobile Food Vendors - Ordinance 15-35

4. Amendment to Title 13 of the Layton Municipal Code - Ordinance 15-34

5. Mayor's Report

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 the 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.

Notice is hereby given that 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.

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

Item Number: 1.

Subject:

Presentation of the Comprehensive Annual Financial Report (CAFR) and Auditors' Reports for the Fiscal Year Ended June 30, 2015

Background:

State statute requires an annual audit of the financial records by a qualified certified public accountant. Federal regulations require an audit under the Single Audit Act when \$500,000 or more of Federal grant money is expended in the year. The City did not have grant expenditure over \$500,000 this year and a single audit was not performed. Hansen, Bradshaw, Malmrose and Erickson, P.C. was engaged to perform these audits and has completed the work fulfilling the requirements. Their opinion and reports are included within the CAFR. A copy of the CAFR was submitted to the dropbox of the Mayor and Council.

The Audit Committee has met with the auditors and reviewed the financial report, audit findings and reports on compliance. The City has received a favorable opinion on the financial statements contained in the CAFR. This means that the financial statements present fairly, in all material respects, the financial position of the City at June 30, 2015.

Tracy Probert, Finance Director, will make a few comments about the financial report and answer any questions. Mr. Robert Wood, Partner, in the certified public accounting firm of Hansen, Bradshaw, Malmrose and Erickson, P.C. will present a brief report on the audit and will respond to questions the Mayor and Council may have.

Alternatives:

Alternatives are to 1) Accept the audit reports and the financial report by passing a motion to that affect; or 2) Request additional information from the auditor or Staff.

Recommendation:

The Audit Committee and Staff recommend that the Council pass a motion accepting the audit reports and financial report as presented.

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

Item Number: 2.

Subject:

Discussion - Recreation, Arts, Museum, and Parks (RAMP) Tax Ordinance

Background:

David Price, Parks and Recreation Director for Layton City, will discuss with the Mayor and Council the updated draft of the RAMP Tax Ordinance in preparation of January's adoption of the ordinance.

Alternatives:

N/A

Recommendation:

N/A

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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 Utah Code Annotated 59-12-701 et seq., 1953 as amended.

The use and distribution of all RAMP Revenues shall be authorized and awarded by the City Council, exercising the Council's discretion, within the parameters outlined by statute.

3.21.060. Collection.

Taxes imposed under this Chapter shall be:

a. 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

b. Levied for the period authorized in accordance with Section 59-12-703, Utah Code Annotated; and

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c. 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.

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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 Projects 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 Projects funding guidelines: during a given calendar year the amount of RAMP Funds allocated to Major Projects can change, but as a general guide, fifty percent (50%) of funds received may 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 may 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 may be from eight and a half percent to ten percent (8.5% to 10%) of RAMP funds received.

4. Definition of Program. For purposes of this Section, "program" means an activity or event that is in addition to, and separate from an entity's day-to-day operation; and it is identifiably independent from the entity's routine operation.

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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 a 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. Tier II Grant funds will 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.

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

Item Number: 3.

Subject:

Zoning Ordinance Amendment – Title 19 (Zoning), Sections 19.21.010 (Definitions), 19.21.020(8) (General Regulations) and 19.21.045 (Mobile Food Vendor) of the Layton Municipal Code Establishing Regulations for Mobile Food Vendors - Ordinance 15-35

Background:

Within the last few years mobile food vendors (food trucks and trailers) have become a fast growing segment within the dining industry. This past spring and summer, Staff has seen an increased desire for food trucks to locate within Layton City, as well as businesses requesting food trucks to operate temporarily or long term at their location. The existing City Code does not adequately address issues specific to food trucks and trailers, such as, requested flexibility of locations, vendor size, and safety concerns that come with mobile food vending.

This proposed amendment to the zoning ordinance provides regulations and guidelines for mobile food vendors. Staff first presented research to the Planning Commission for mobile food vendors on September 22, 2015, during a work meeting. Since that time Staff has compiled research and collected feedback from the Planning Commission to determine appropriate language for regulating mobile food vendors. On October 13, 2015, during a work meeting the Planning Commission continued their review of the mobile food vendor ordinance and requested that Staff make adjustments to the ordinance. On November 10, 2015, the Planning Commission held a public hearing and forwarded a positive recommendation to the Council to approve regulations and guidelines for mobile food vendors.

The ordinance amendment includes permitting mobile food vendors to operate in the public right-of-way on roads with speed limits 35 miles per hour or less and to operate on private property within the B-RP, C-H, CP-1, CP-2, CP-3, M-1, M-2, MU and MU-TOD zoning districts. Additional requirements include a 200 foot buffer from restaurants, schools and parks, mobile food court regulations, fire department standards, and criminal background check requirements. Included are map examples illustrating permitted areas and buffers.

Alternatives:

Alternatives are to 1) Adopt Ordinance 15-35 approving the amendments to Title 19 (Zoning), Sections 19.21.010 (Definitions), 19.21.020(8) (General Regulations) and 19.21.045 (Mobile Food Vendors) of the Layton Municipal Code to establish regulations for mobile food vendors; 2) Adopt Ordinance 15-35 with modifications or additions; or 3) Not adopt Ordinance 15-35.

Recommendation:

On November 10, 2015, the Planning Commission unanimously recommended the Council adopt Ordinance 15-35 approving the amendments to Title 19 (Zoning), Sections 19.21.010 (Definitions), 19.21.020(8) (General Regulations) and 19.21.045 (Mobile Food Vendors) of the Layton Municipal Code to establish regulations for mobile food vendors.

Staff supports the recommendation of the Planning Commission.

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

Item Number: 4.

Subject:

Amendment to Title 13 of the Layton Municipal Code - Ordinance 15-34

Background:

This is the recodification of Title 13 of the Layton Municipal Code. As the Council is aware, the different titles of the Code undergo a comprehensive review. Upon a completion of that review a determination is made as to the process to be used in making any needed amendments. On occasion there are minor amendments to a few chapters or sections within a title. In this instance there were enough changes to include the entire title. While the majority of changes are stylistic, grammatical, or simply updating terms or definitions, there are other changes of substance. Each will be explained herein by chapter.

Chapter 13.04 - Definitions. The amendments to this Chapter are the updating or clarifying of existing definitions.

Chapter 13.06 - Control of Backflow and Cross Connections. Other than a minor font change the only amendment is the clarification of the financial responsibility for the installation of a backflow prevention device, in Section 13.06.030(3).

Chapter 13.08 - Culinary Water System. The proposed amendments in Section 13.08.020 include the detailed clarification of the process of obtaining utility services during the construction phase of a development and how the responsibility therefore is transferred to the eventual occupant. The need for a notarized statement for a landlord is eliminated and the City's agreement for the landlord-tenant situation is referenced. In Section 13.08.021, two Subsections can be eliminated by referring to the City's Consolidated Fee Schedule for utility security deposits. The other two Subsections proposed to be eliminated reflect processes no longer utilized.

Section 13.08.023 contains, among other provisions, the priority in which the monies received in a partial payment will be applied to the overall amount owing. The amendment would include the storm water fee and the street lighting fee into those priorities.

Section 13.08.025 is a new section. When customers have concerns regarding entries on their utility billing, they present those in the utility billing office. Their request is reviewed, information is exchanged, and generally an amicable resolution is reached. While it is expected that this cordial and informal process will continue and resolve the vast majority of issues, it is appropriate to establish a formal process for those rare situations in which a mutually satisfying resolution cannot initially be reached.

The proposed ordinance creates such a process with defined time lines to ensure a prompt resolution. It also establishes a standard of review to provide consistency and reliability.

Section 13.08.030 is amended to clarify the responsibility of developers in the installation of culinary water

services, while explaining the City's maintenance obligations.

Sections 13.08.090 through 13.08.170 are amended with updated terminology and grammatical changes.

Section 13.08.180 is replaced with language that adopts the design standards approved by the Public Works Director and the City Engineer. This will alleviate the need for an ordinance amendment each time standards change.

Chapter 13.10 - Fire Flow. Two sections in this Chapter have minor amendments. In Section 13.10.060 the reference to a publication regarding peak water demands is replaced by referencing the City's water model. The proposed amendments in Section 13.10.070 are stylistic in nature, providing clarification and more expansive terminology.

Chapter 13.11 - Drinking Water Source Protection. There are two amendments in Section 13.11.104, changing the abbreviations for the terminology used in these regulations. In Section 13.11.200, the date of completion of the Drinking Water Source Protection Zone Map is eliminated, as this would confuse the validity of subsequent updates to that Map.

Section 13.11.503 is amended by the removal of an unneeded sentence.

Chapter 13.12 - Sanitary Sewer System. Section 13.12.010 is amended by including the Public Works Department as an option for one seeking a permit under this Chapter.

Section 13.12.080 is amended by correcting the sewer district's name.

Section 13.12.130 is amended by reducing the distance between clean out access points.

Section 13.12.140 is amended by clarifying the need for gravity flow in conjunction with any pressurized sanitary sewer lateral.

Section 13.12.170 is amended by removing an inflexible requirement and replacing it with language referring to the City's development guidelines and standards.

Section 13.12.180 is amended by allowing the Public Works Department as an option for inspections.

Sections 13.12.250 and 13.12.260 are amended by placing the North Davis Sewer District as the approving entity.

Sections 13.12.380 and 13.17.400 are amended with updated terminology.

Chapter 13.13 - Irrigation Ditches, Canals, Pipelines. The only proposed amendment in this Chapter is in Section 13.13.030 by removing the initial date for reports, as these are required annually.

Chapter 13.14 - Notice and Civil Liability. The proposed amendments to Sections 13.14.010 and 13.14.020 include an update of the reference to other Code sections, and clarifying that the remedies provided therein

are not exclusive.

Chapter 13.15 - Storm Drain Utility. The first proposed change to this Chapter is an updated terminology in Section 13.15.030.

Section 13.15.070 is amended to clarify the process for any appeals to the charges for this utility. The time frames for appeals and reviews are specified, as is the standard for review.

Chapter 13.16 - Illicit Discharge and Erosion Control Administration and Enforcement. Section 13.16.020 is amended by the addition of three terms (Notice of Intent, Notice of Termination, and UPDES) and their respective definitions, and the elimination of one term (Storm Drain) and its definition.

Section 13.16.070 is proposed to be amended by updating the list for exemptions to the regulations for the discharge of water.

The proposed amendments to Section 13.16.080 are due to a change in State law, changing the name of its permit and the Internet address for that permit. Provisions are also to be added to address emergency situations and the permit process.

Alternatives:

Alternatives are to 1) Adopt Ordinance 15-34 amending Title 13 of the Layton Municipal Code; 2) Adopt Ordinance 15-34 with any amendments the Council deems appropriate; or 3) Not adopt Ordinance 15-34 and remand to Staff with directions.

Recommendation:

Staff recommends the Council adopt Ordinance 15-34 amending Title 13 of the Layton Municipal Code.

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

Item Number: 5.

Subject:

Mayor's Report

Background:

N/A

Alternatives:

N/A

Recommendation:

N/A