

**MINUTES OF LAYTON CITY
COUNCIL WORK MEETING**

MAY 16, 2013; 5:32 P.M.

**MAYOR AND COUNCILMEMBERS
PRESENT:**

**MAYOR PRO TEM JORY FRANCIS, MICHAEL
BOUWHUIS, JOYCE BROWN, BARRY FLITTON
AND SCOTT FREITAG**

ABSENT:

MAYOR J. STEPHEN CURTIS

STAFF PRESENT:

**ALEX JENSEN, GARY CRANE, BILL WRIGHT,
KEVIN WARD, TRACY PROBERT AND THIEDA
WELLMAN**

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

Mayor Pro Tem Francis opened the meeting and excused Mayor Curtis. He turned the time over to Gary Crane, City Attorney.

Gary indicated that Alex Jensen, City Manager, was running a little late.

AGENDA:

PRESENTATION – COMMUNITIES THAT CARE

Scott Quinney with Communities That Care (CTC) gave the Council copies of their budget information. He requested that the City provide a \$30,000 contribution to CTC. Mr. Quinney said he thought that Alex Jensen had added it to the City's budget.

Mr. Quinney said in the past Layton City had contributed \$10,000 to \$20,000; in the beginning approximately 75% of their budget came from the City.

Councilmember Flitton arrived at 5:35 p.m.

Mr. Quinney said the \$30,000 would constitute about 20% of their budget. He said for every dollar they received they could turn it into about \$5 in service to the community, and that didn't include volunteer hours. Mr. Quinney said they were trying to get the Boys and Girls Club off the ground and they were taking on suicide prevention.

Mr. Quinney said they were much more successful in obtaining funding, but they needed help from the City to stabilize their budget. He mentioned all the work Karlene Kidman did for the community and indicated that part of the money would be used to provide health insurance for Karlene. Mr. Quinney said he had had several conversations with Alex Jensen about trying to make Karlene a Layton City employee so that she could get health benefits, but Alex was not in favor of that approach. He said there were also several programs they were trying to get off the ground, including the Boys and Girls Club. Mr. Quinney said the \$30,000 would be a good investment for the community.

Councilmember Bouwhuis asked if the other funding sources were solid.

Mr. Quinney said they were waiting for some grants to come back; the Davis County Gala funding would go to the Boys and Girls Club. He said the additional \$30,000 from the City, along with the \$20,000 dollars they already received from the City, would really help in stabilizing their budget; they wouldn't

have to worry about administrative costs.

Councilmember Brown said the Boys and Girls Club had a separate Board and did their own fund raising. She asked what the CTC role would be in the Boys and Girls Club.

Mr. Quinney said that was the Weber and Davis County Boys and Girls Club. He said this would be for a Layton Boys and Girls Club.

Karlene Kidman said the CTC had members on the Weber/Davis Board. She said her understanding was that they would have to come up with funding to support the Layton Boys and Girls Club. Ms. Kidman said they needed \$100,000.

Mr. Quinney said they were targeting to start up in the fall.

Councilmember Freitag asked if the requested \$30,000 was in addition to the \$20,000 they already received.

Mr. Quinney said yes; the \$30,000 was only for Communities That Care. The other \$20,000 went to the Community Action Council.

Councilmember Flitton said he had asked Karlene Kidman for a list of their accomplishments over the years. He said it was amazing what Communities That Care and the Your Court had accomplished. Councilmember Flitton said there had been over 400 kids participate in Youth Court over 15 years; 95% of the kids went on to college; 16 had masters degrees; 7 were attorneys; 1 was in med school and 1 was a physicians' assistant.

Mr. Quinney said they wanted to reach out to more kids and more families; that was what Communities That Care was doing. He said he thought the \$30,000 would provide a lot for a little amount of money.

Mayor Pro Tem Francis asked if Mr. Quinney had talked with Alex about putting that in the budget.

Mr. Quinney said he had; Alex had indicated that it would be discussed at a budget work meeting.

Councilmember Flitton said Alex had mentioned it but had indicated that Mr. Quinney would be providing more detailed information.

Mr. Quinney said that was the packet of information he provided.

Councilmember Brown asked Mr. Quinney to remind the Council what money the City had provided in the past.

Mr. Quinney said for Communities That Care, the City provided \$10,000 in startup funding 3 years ago.

Councilmember Brown said the City also gave money to the Youth Court.

Mr. Quinney said that was correct; \$20,000 was given to the Layton Community Action Council, which helped fund the Youth Court. He said they were asking for an additional \$30,000 for Communities That Care.

Gary said Staff would look at this further if the Council wanted to proceed. He said all CDBG funds for this year had already been allocated.

DISCUSSION – VOTE BY MAIL ELECTION OPTION

Thieda Wellman, City Recorder, indicated that she had given the Council historical voter turnout information and vote by mail information from the County. She indicated that the State had asked the counties to study vote by mail and wanted information back by 2015. Thieda said the County had asked cities if they would be interested in participating in that study.

Thieda said there had been several articles in the newspaper where various cities had indicated that they did not want to participate. She said the study was to see the benefits of vote by mail; see if the voter turnout would be what everyone was anticipating. Thieda said the states of Washington and Oregon conducted all of their elections by mail and their turnout was substantially higher. She said in an earlier meeting today, Justin Lee with the Attorney General's office had indicated that Duchesne County conducted the 2012 presidential election entirely by mail and their voter turnout was 30% higher.

Thieda said vote by mail had been used in the State for many years with absentee voting. She said for the presidential election in 2012, Davis County processed 20,000 vote by mail ballots. Thieda said the County was promoting vote by mail because it helped relieve pressure at the polls, particularly in a presidential election.

Thieda said the City's voter turnout history showed extremely low turnout. She said the County would like to see what the turnout would be using vote by mail. Thieda said the County anticipated a 50% to 60% voter turnout with vote by mail, which would be phenomenal.

Thieda said the cost for the 2011 election was \$31,900 for the primary and general election. She said to vote by mail would be substantially higher, however, this year the County would cover the difference in the cost because they wanted it studied. Thieda said the City would only pay the cost of a normal election.

Thieda said with the low voter turnout, the cost per ballot in the 2011 election was almost \$5.00; the cost per ballot for vote by mail would be \$1.50 per ballot plus an additional \$.50 for every ballot returned. Thieda said a ballot had to be sent to every registered voter in the City, or approximately 39,000 people. She said if the City had to pay the full cost of the election, with a 60% voter turnout, the cost would be approximately \$70,000 each for the primary and general election. Thieda said the County would be studying to see if those costs could be reduced.

Thieda said the advantages for the City would be a higher voter turnout. She said voters liked to vote by mail because they could do it in their home and didn't have to go to a polling place. Thieda said the ballots were mailed out 28 days before the election giving the voters ample time to make their decision.

Thieda said the disadvantage was the cost, but this year that would not be an issue. She said it could also change the dynamics of an election. Thieda said she didn't know if a higher voter turnout would be an advantage or disadvantage for a candidate.

Mayor Pro Tem Francis said he felt that it would be an advantage.

Thieda explained the flow chart provided by the County. She said there had been discussion about concerns of higher voter fraud with vote by mail. Thieda said that wasn't an issue because every ballot envelope had a barcode that was tied to a specific voter, and every signature was verified with the voter registration signature.

Councilmember Brown asked if it could be done for the general election but not the primary.

Thieda said it could. She said her opinion was to not do that because the major struggle with voters was

change. Thieda said it was hard for voters to do something different. She said that would be another concern for the future. Would the City be able to afford to continue using vote by mail in the future if the State did not go to an entirely vote by mail process.

Councilmember Brown asked if anyone could request to vote by mail.

Thieda said yes. She said with a vote by mail process, ballots would be mailed to everyone and they would not need to request a ballot.

Councilmember Brown said with the primary election being August 13th, it wouldn't allow much time to inform the voters of a change in the process.

Alex Jensen arrived at 6:00 p.m.

Mayor Pro Tem Francis said the concept was awesome, but it was such a major change to the process in a very short time period; and then there was the possibility of having to shift that back.

Councilmember Freitag and Councilmember Bouwhuis said they felt that the County should study this in 2014.

Discussion suggested that the time frame was too short to educate the voters of a major change and the City would not participate in the vote by mail process.

Alex said Staff would communicate the Council's decision back to the County.

AMEND THE CONSOLIDATED FEE SCHEDULE – ORDINANCE 13-15

Tracy Probert, Finance Director, said Ordinance 13-15 was proposed amendments to the consolidated fee schedule. He said the City consolidated most fees into the schedule so that they were easy to refer to. Tracy said there were four proposed amendments; the first being a street light installation fee. He said there were already fees in the schedule related to the cost of the fixtures installed in neighborhoods. The City had a contractor that installed fixtures to maintain uniformity of the installation and to make sure the approved poles and fixtures were being used. Tracy said the schedule included in the packet indicated the costs for those installations.

Councilmember Bouwhuis asked if the costs were wholesale costs that would be passed on to the developers.

Tracy said that was correct.

Councilmember Flitton asked if there were complaints from developers about this.

Alex said in discussions with developers, they had indicated that this would cut their costs in half, and relieve a lot of their headaches.

Bill Wright, Community and Economic Development Director, said several developers had indicated that they were having difficulty finding independent contractors to install their street lights, and with the quality of their work. He said he didn't think there were any contractors that spoke against the idea of a fee and having the City do all of the installations.

Council and Staff discussed the benefits of purchasing the system from Rocky Mountain Power, and improvements that could be made to the system.

Tracy said in the ordinance there was a proposed credit card surcharge fee of 2% on transactions over

\$75. He said the City was charged a fee when customers transacted with a credit card, not a debit card. Tracy said in the case when someone used a credit card, the City was currently paying over 2%. The proposal was to charge a 2% fee on transactions over \$75; the \$75 threshold was set in order to avoid charging people that wanted to participate in recreational youth activities. Tracy said multiple transactions for recreational activities that were over \$75 would not be charge the fee as well.

Councilmember Brown asked how many people paid their water bill with a credit card.

Tracy said there were a number that did. He said the online payment process would notify customers of the fee if they were using a credit card. Tracy said the major costs to the City came when developers were paying development fees with credit cards, where the bills were very large.

Councilmember Flitton said most people recognized and understood that they would be paying a fee when using a credit card. He said this shouldn't be hard for anyone to accept.

Councilmember Brown said normally there was a fee when purchasing tickets, but retail items were usually not charged a fee.

Councilmember Flitton said that was correct; the fee was included in the cost of the retail item.

Councilmember Freitag said there were a number of places charging a fee.

Mayor Pro Tem Francis asked if 2% was the average between Visa, MasterCard and American Express.

Tracy said the settlement required that the lowest fee be charged; the City's lowest was a little above 2%.

Councilmember Flitton asked when it would go into effect.

Tracy said once it was approved.

Councilmember Flitton asked when American Express would go away.

Tracy said that had already happened.

Tracy said the Engineering Division, Finance Department and Legal Department were involved in a study related to hotel sanitary sewer fees. He said the Engineering Division reviewed the fees that were charged per room per month. Currently the City charged 70% of the standard residential charge per room. Tracy said the purpose of the study was to determine if hotel usage per room was equivalent to a single family residential usage and to establish an equivalent residential unit by which the City could charge. He said the detailed review of water usage patterns at four local hotels over the past 10 years was completed. Tracy said the review determined that a hotel room used approximately 40% of a single family residence. He said the 40% rate was in line with State standards as well as North Davis Sewer District standards. Tracy said it was proposed that the fee schedule be adjusted to a rate that was equivalent to 40% of a standard single family residence, or \$6.38 per room per month; currently the fee was \$10.86.

Councilmember Brown said the City would not consider room occupancy.

Tracy said the study over a 10 year period took that into consideration. He said it did lower the amount they would be paying by approximately 30%.

Councilmember Bouwhuis said he had spoken to the Director of the Utah Hotel Association and they were elated with the change.

Tracy said from the City's financial point of view, this could potentially reduce revenue by

approximately \$55,000 in the sewer fund. He said hopefully this wouldn't cause rates for everyone to increase to maintain a solid operation. Tracy said at this point, that wasn't anticipated.

Tracy said there was a proposed fee for the fire training tower rental. He said there were two fees associated with use of the training tower by outside agencies. Tracy said one fee was training without live fire, which would be \$75 per hour, and would include one instructor from the Fire Department, use of the theater smoke machine and the generator. A second fee was for training with live fire, which would include use of the burn rooms, generator and three live fire instructors from the Fire Department. The outside department would be required to provide burn materials. That fee would be \$1,000 for a four hour session.

Councilmember Freitag asked what the fees would be if police departments or swat teams wanted to use the facility.

Kevin Ward, Fire Chief, said it would probably be at the \$75 per hour level because there would need to be an instructor from the Fire Department there. He said if the City was hosting a joint training activity there would not be a charge, and there was already an MOU in place with the DATC so there would not be a charge for their training classes.

Councilmember Freitag asked about the cost of water.

Chief Ward said the water wasn't metered, but the cost was factored into the proposed fees.

Alex said that should be monitored going forward. The City wanted to be accommodating but wouldn't want to subsidize other parties' interests.

Councilmember Flitton said he felt the \$75 was quite reasonable.

Councilmember Flitton said Tracy had indicated that the \$4 per billing cycle fee for the street lighting fund would allow for the cost of buying the system from Rocky Mountain Power, and could be paid off in a 4 year period of time. Councilmember Flitton asked if the City could put a limit on that fee, or a sunset clause, so that when the debt was paid the fee would go away. He said it was a fee but a lot of people would consider it a tax; once it was initiated it would never go away.

Councilmember Freitag said the fee would be used for more than buying the system; it would be used to expand and maintain the system.

Councilmember Flitton said he understood that. He said currently the City was paying \$205,000 a year to rent the system from Rocky Mountain Power. Councilmember Flitton said certainly the system could be maintained for that amount.

Councilmember Brown said she would imagine that the street lighting fund would be treated like any other enterprise fund; if there was an excess, rates would be lowered. She said the City didn't have a large reserve in any of the enterprise funds.

Councilmember Flitton said if it could be presented to the public that this was a short term fee, it would be more palatable. He said it was a no brainer for him to purchase the fixtures because of the tremendous savings the City would recognize. Councilmember Flitton said the fee was obviously needed to purchase the system, but if the Council could tell their constituents how long it would last, even if it was six years, it would be more acceptable.

Tracy said the only problem with doing that would be if the fee couldn't go away because of the cost of maintenance and improvements.

Councilmember Flitton said those costs could be forecast out into the future.

Tracy said the City didn't know how much it would cost to maintain the system going forward. He said Rocky Mountain Power didn't provide information about how much time they were spending maintaining the system. Tracy said currently the City was planning on using current employees to maintain the system, but if that wasn't the case and additional employees were required, there would be additional expenses.

Councilmember Brown said once citizens knew the City owned the light poles, there would be a lot more people requesting improvements and repairs in their areas. She said funding would be needed to make those repairs.

Councilmember Flitton said that could be projected; the savings was a known amount.

Councilmember Brown said the savings was known, but the City wouldn't know the cost of maintaining the system.

Councilmember Flitton said if it was going to cost more than the savings to maintain the system, then it maybe wasn't worth going there.

Tracy said the other part of a utility fee was that the utility should be self sustaining. He said there was generally a fee associated with that. The savings would be a general fund operation; the general fund was paying those utility bills. The utility should generate its own revenues and cover its own costs.

Councilmember Freitag said the City hadn't studied the expansion of the system. He said right now the City had a good idea of what future water line needs would be based on a review that was done; the City had a good idea of the need for roads. He said the extent of the study for the street lighting system had been the existing infrastructure, and that it would take approximately four years to pay for the system. Councilmember Freitag said he didn't think the City had come up with a plan on what would be done going forward for expansion; would it be based strictly on request, would certain neighborhoods be identified, would it be done along arterial streets first, etc. He said in his mind, part of selling this to the public was not only saving money, but also the aesthetic and safety value of expanding the street light system within Layton. Councilmember Freitag said a policy would have to be established with engineering and Staff on how that would be tackled once revenue was available for expansion after the debt was paid off. He said if expansion was not part of the system, then he would agree with Councilmember Flitton and look at limiting the length of time the fee was imposed. Councilmember Freitag said in his mind that was just the first piece; getting the system from Rocky Mountain Power. How would the City afford to put improvements into neighborhoods that did not have street lights; how would the City afford to bring everyone to the same level.

Councilmember Brown said maybe in the future there would be a standard indicating that every so many feet there would be a street light, and that would require funding.

Councilmember Bouwhuis said the fee should be looked at closely in the future. He said the City shouldn't take a fee from the public if it wasn't needed; if it was needed, as Councilmember Freitag demonstrated, what should it be. Maybe the fee should be \$1, but maybe it should be \$5. Councilmember Bouwhuis said he felt that this was a great move by the City.

Councilmember Freitag said the City's challenge would be determining a plan going forward. He said in his mind it was to start the expansion process as soon as possible.

Councilmember Brown said the worn out poles that Rocky Mountain Power hadn't replaced should be replaced.

Councilmember Flitton said if a fee was being charged, there had to be a benefit. He said it was certainly evident that there would be a benefit. Councilmember Flitton said once the system was paid for, what would the City show for the \$205,000 that had been budgeted for renting the system from Rocky Mountain Power that was no longer needed.

Councilmember Brown asked what the estimated revenue was for the \$2 fee.

Tracy said he didn't have that number in front of him.

Councilmember Brown said the City did have a good track record of only charging what was absolutely needed in the water fund, sewer fund, refuse fund, etc. She said the City didn't try to have an enormous amount of money set aside and money wasn't taken from the enterprise funds to support the general fund. Councilmember Brown said the City would look at the street lighting fund in the future and determine what that fee needed to be. She said the City had a good record of reducing fees if a fund had surplus revenues.

Councilmember Flitton said he understood that. He had a hard time wrapping his mind around the \$205,000 that the City was currently paying Rocky Mountain Power. What would happen to that money once the City didn't have to pay Rocky Mountain Power.

Councilmember Brown said the money would remain in the general fund and could be used for roads, or anything the City needed.

Councilmember Flitton said that was nebulous. He said he couldn't tell a constituent that the money would be swallowed up and used in other areas.

Tracy said the general fund budget already budgeted a deficit and use of fund balance. By eliminating a cost the amount of fund balance being used would be reduced.

Councilmember Flitton said if that was what he could tell constituents, he was okay with that.

Alex said he didn't think there would be a time when there wouldn't be any cost associated with street lighting. He said if the idea was to expand the network, there was probably not a significant portion of the system that was up to standard. Alex said the City was not only buying the poles, but it was taking on complete responsibility for not only changing the lamps, but all of the underground wiring, and all of the unseen, unknown pieces of the electrical system. He said over time, more employees would be needed, and the City would need to purchase lift trucks.

Councilmember Brown said emergencies could arise, such as an east wind that could knock down a bunch of poles that the City would be responsible for.

Mayor Pro Tem Francis said the Council would have to be diligent in monitoring the fee.

Councilmember Flitton said a fee that never went away was essentially a tax.

Alex said the Council's track record had been very good. Tonight a fee was being reduced in the sewer fund by 30%, because of an analysis that was done. Alex said fee reductions had been done several times in the past.

Councilmember Freitag said that was done with garbage cans a couple of years ago.

Councilmember Flitton said hopefully in four years the City would know where it stood.

Alex said he thought that in a shorter time period than that the City would get an idea of what the

expansion and maintenance costs would be.

GENERAL PLAN AMENDMENT AND REZONE REQUEST (TAYLOR/HAWKES-KAYS CREEK VILLAS) – LOW DENSITY RESIDENTIAL TO HIGH DENSITY RESIDENTIAL OVER 16 UNITS PER ACRE AND B-RP (BUSINESS AND RESEARCH PARK) TO R-H PRUD (HIGH DENSITY RESIDENTIAL PLANNED RESIDENTIAL UNIT DEVELOPMENT) – APPROXIMATELY 312 WEST GENTILE STREET – ORDINANCES 13-12 AND 13-13

Alex said this item was a General Plan amendment and rezone request for the property on Gentile Street across from Layton Elementary. He said Staff would address it in the regular meeting.

Bill Wright said the Council was generally aware of the proposal. He said the Planning Commission was sending a recommendation to deny the General Plan amendment and rezone request.

Alex said, referring to the first item on the agenda, Tracy had indicated that there might have been an inference that he had been involved in discussions and a suggestion that money had been set aside for Communities That Care. Alex said he wanted to make sure the Council understood that that was not accurate. He said he had explained that there was money in the budget, which was traditionally provided to Communities That Care, but there wasn't any additional money in the budget, and that was a decision that would have to be presented to the Council. Alex said Mr. Quinney asked his personal opinion, which was that it needed to be the decision of the Council. He said he wanted to make sure the Council knew that from the Staff's perspective there had been no money set aside.

Councilmember Brown asked what the amount was that they had received in the past.

Alex said \$20,000 had been given to the Community Action Council, which included Communities That Care and the Youth Court. He said each organization received \$10,000.

Councilmember Brown said they were asking for an additional \$30,000 above the \$20,000 they already received.

Alex said that was correct. He said he thought the end game of the request was to fund a full time position with benefits.

The meeting adjourned at 7:03 p.m.

Thieda Wellman, City Recorder