

**MINUTES OF LAYTON CITY
COUNCIL WORK MEETING**

NOVEMBER 7, 2013; 6:10 P.M.

**MAYOR AND COUNCILMEMBERS
PRESENT:**

**MAYOR J. STEPHEN CURTIS, JOYCE BROWN,
BARRY FLITTON, JORY FRANCIS AND SCOTT
FREITAG**

ABSENT:

MICHAEL BOUWHUIS

STAFF PRESENT:

**ALEX JENSEN, GARY CRANE, BILL WRIGHT,
JAMES (WOODY) WOODRUFF, PETER MATSON,
KENT ANDERSEN, TRACY PROBERT AND
THIEDA WELLMAN**

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

Mayor Curtis opened the meeting and turned the time over to Alex Jensen, City Manager.

AGENDA:

FINANCIAL UPDATE

Tracy Probert, Finance Director, said a copy of the quarterly report for the first quarter of the current fiscal year had been placed in the Council Dropbox. He said last month he had indicated that the first payment of sales tax revenue from the State Tax Commission showed a \$150,000 increase over the prior year, and then it was noted that there was some kind of accounting anomaly at the State Tax Commission that caused that number to be larger than it maybe should have been. Tracy said the City still received the money but it skewed the report to appear that July sales were very high. He said the actual amount probably should have been only about \$41,000 over the prior year. Tracy said the difference probably should have been included in the prior year instead of this year, which would have made last year look even better than it did.

Tracy said August was \$6,000 over the prior year, which was minimal. He said with two months reported for the year, it was approximately a 2.6% increase over the prior year. Tracy said with the reporting anomaly, the report showed almost a 19% increase, which was not a reality of how the economy was currently progressing. He said revenues were about \$80,000 ahead of what was budgeted, which was a good position to be in.

Councilmember Brown said this didn't include the time of the sequestration or government shutdown.

Tracy said that was correct.

Tracy said building permits was down, which was anticipated in the budget. He said a lot of that was related to the drop in multi-family units that came in last year. Tracy said single family building permits were still up. He said total revenues were up \$132,000, but if the sales tax anomaly was removed the increase was only about \$20,000.

Councilmember Brown asked if the revenue in the street lighting fund was for the first two months of the year.

Tracy said yes. He said there was about \$120,000 in the first quarter.

INTERLOCAL AGREEMENT BETWEEN BOUNTIFUL, CLEARFIELD, LAYTON AND ROY FOR THE UTILIZATION OF A MUNICIPAL ETHICS COMMISSION – RESOLUTION 13-57

Gary Crane, City Attorney, said two years ago State law changed by adding a provision specifically for local officials pertaining to the establishment of an ethics commission. He said the State established a default ethics commission, which consisted of seven judges and was a fairly formal situation in filing a complaint. He said it was very similar to a full blown jury trial. Gary said the law allowed for each entity to establish their own form of ethics commission and many entities had set up their own ethics commission, and some had set up group commissions. Gary said Staff recommended setting up a group commission that would be made up of attorneys from the various entities that were involved.

Gary said the Council previously adopted an ordinance that put into place all the requirements of an ethics commission, which mirrored the State law. He said this was the next step in setting up the commission. Gary said the City Councils of Bountiful, Clearfield, Layton and Roy would approve this interlocal agreement. He said Ogden had also expressed an interest in joining this interlocal agreement.

Gary said if there was an ethics complaint, the involved city would not have an attorney involved in the deliberations over the ethics complaint. He said an ethics complaint was limited to only involve the elected officials and the City Manager. Gary said it did not extend to employees or department heads. He said ethics complaints were also limited to just those complaints which appeared in the Municipal Ethics Act. Gary said if the complaint rose to the level of a criminal offense that would not be handled by either the local or State ethics commission. He said this agreement would allow the City to work with the other jurisdictions in establishing the commission.

CLOSED DOOR:

MOTION: Councilmember Freitag moved to close the meeting at 6:26 p.m. to discuss pending litigation and the negotiation for acquisition of real property. Councilmember Francis seconded the motion, which passed unanimously.

MOTION: Councilmember Flitton moved to open the meeting at 7:01 p.m. Councilmember Freitag seconded the motion, which passed unanimously.

The meeting adjourned at 7:01 p.m.

Thieda Wellman, City Recorder

SWORN STATEMENT

The undersigned hereby swears and affirms, pursuant to Section 52-4-205(1) of the Utah Code Annotated, that the sole purpose for the closed meeting of the Layton City Council on the **7th day of November, 2013**, was to discuss pending litigation and the negotiation for acquisition of real property.

Dated this 19th day of December, 2013.

ATTEST:

JORY FRANCIS, Mayor Pro Tem

THIEDA WELLMAN, City Recorder