

**MINUTES OF LAYTON CITY
COUNCIL WORK MEETING**

DECEMBER 5, 2013; 5:36 P.M.

**MAYOR AND COUNCILMEMBERS
PRESENT:**

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

STAFF PRESENT:

**ALEX JENSEN, GARY CRANE, BILL WRIGHT,
TERRY COBURN, KEVIN WARD 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 turned the time over to Alex Jensen, City Manager.

AGENDA:

PRESENTATION – LOCAL FIRST UTAH

Nan Seymour, Executive Director for Local First Utah, and Lisa Wise, Davis Chapter Leader, were introduced.

Ms. Wise provided information about Local First Utah. She reviewed their Mission Statement. Ms. Wise indicated that businesses could join Local First Utah at no cost and would benefit from their promotions and branding. She said their message was local first, not local only.

Nan Seymour acknowledged the loss of Mayor Curtis. She said they wanted to share information about the economic benefits for businesses that joined Local First Utah, and how the dollars stayed in the community.

Kristen Lavalette, Assistant Director of Local First Utah, explained that they worked with businesses to teach them how to brand themselves as locally owned, and they worked to educate the public so that shoppers understood where their dollars went. She presented information about the benefits of spending in locally owned businesses as opposed to national retailers. Ms. Lavalette indicated that businesses could join Local First Utah at no cost and benefited from their promotions and branding.

Councilmember Flitton asked if they got any resistance from anyone, because they were pushing so much to buy locally.

Ms. Lavalette said there were a couple of points of resistance; they went out of their way to tell people to buy locally first, not local only. She said this was not an extremist movement. The only thing they truly discouraged was out of state online shopping. Ms. Lavalette said you could purchase online at locally owned businesses.

Councilmember Francis asked how they handled franchise owned businesses.

Ms. Seymour said their definition of a locally owned business was one that was 51% locally owned or independently operated.

Councilmember Francis asked if local stores paid a yearly fee.

Ms. Seymour said membership was free; they were a nonprofit typically funded by donations with some of

the funding coming from municipalities.

Councilmember Bouwhuis arrived at 5:53 p.m.

Ms. Seymour said they would like to see Layton become involved. She said they customized logos for specific communities. Ms. Seymour said for no cost the City could make a proclamation for independence week for 2014. She said they would love to see Layton step out in a meaningful way.

Councilmember Brown asked if they knew of any locally owned businesses in Layton.

They mentioned the Hive Winery, Rooster's, Corbin's and Honey Bump.

They thanked the Council for their consideration. They gave the Council information packets.

PIPELINE CROSSING AND ENCROACHMENT AGREEMENT BETWEEN LAYTON CITY AND UTAH TRANSIT AUTHORITY (UTA) FOR STORM DRAIN CROSSING AT KAYS CREEK TRAIL – RESOLUTION 13-59

Terry Coburn, Public Works Director, said this was a pipeline crossing and encroachment agreement between the City and UTA for a storm drain crossing at the Kays Creek Trail. He said the current crossing put in by the County did not drain properly. Terry said a new 30" pipe would be sleeved in a 36" casing and would be drilled under the trail with the appropriate slope to drain properly into Kays Creek, and get rid of a ponding problem in the area.

DAVIS COUNTY INTERLOCAL AUTOMATIC AID FIRE AGREEMENT – RESOLUTION 13-60

Kevin Ward, Fire Chief, said since 2006 the City had had a formalized mutual aid agreement with all the communities in the County. He said communities relied on other communities to help provide fire coverage. Kevin said through aid agreements these things happened automatically; the procedure was already in place.

Kevin said they recently received a grant through FEMA to tie all the dispatch centers together, which helped with quicker responses.

Kevin said the automatic aid agreement would be in effect for 50 years, with a 30 day opt-out clause. He said they were able to provide better customer service for everyone in the County and it provided for a better sharing of resources.

Councilmember Brown asked how the billing was covered.

Kevin said it was the same as it had been with mutual aid agreements; there was no monetary compensation. He said if one of our firefighters were injured on a fire in Kaysville, it would be treated as if they were on a fire in Layton.

Councilmember Brown asked if one of Layton's engines was dispatched to a fire in Kaysville, and then there was a fire in Layton, could they leave the Kaysville fire and return to Layton.

Kevin said that engine would be released as soon as possible, but an engine from North Davis Fire, or Syracuse, would be dispatched to the Layton fire. He said Syracuse had helped on a number of fires in west Layton because of their proximity. Kevin said the City had great relationships with the other fire departments. He said they worked well together, and they trained together.

Councilmember Brown asked how utilization of the fire training building was going.

Kevin said it was terrific. He said Syracuse recently rented the facility; it provided great training

opportunity. He said DATC classes were frequently training and the Layton Fire Department trained all of the time. Kevin said it was a great benefit to the community.

Councilmember Bouwhuis expressed appreciation for the partnership with DATC.

Kevin said it had been a great recruitment tool for the City; many of the students that went through the program were hired by the City.

AMEND THE CONSOLIDATED FEE SCHEDULE – ORDINANCE 13-27

Alex said there were four proposed amendments to the Consolidated Fee Schedule. He said the Consolidated Fee Schedule was an attempt to put all of the various fees charged by the City in one place for ease of access and understanding.

Alex said normally fees were amended as part of the budget process, but because of the volume of GRAMA requests that seem to be ever increasing, it was determined to make the changes now rather than later. He said since this was being brought forward now, a few minor housekeeping items were also proposed.

Alex said the first amendment had to do with records request fees. He said under the State GRAMA laws, it allowed for people to make inquiries about certain public documents and request copies of them. Alex said since 2010 those requests had increased more than 200%. He said Thieda Wellman, City Recorder, had mentioned how voluminous they had become; not only the number but the amount of information people were asking for. Alex said the State law provided that the first ¼ hour of research time had to be provided at no charge, and the amount of the fee charged could not be any higher than the lowest pay of a responsible party.

Councilmember Bouwhuis asked if that was salary and benefits.

Alex said yes; the law provided for salary and benefits. He said the records custodian had the ability to identify who had the minimum skills to be able to provide that service. Alex said it didn't have to be Thieda, it could be someone else. He said Staff was proposing that the fee move from \$10 an hour, which it had been since 1994, to \$30 an hour. He said \$30 did not capture the true cost of salary and benefits; it would cover part of the salary and possibly part of the benefits. Alex said Staff felt that going from what was adopted in 1994 to what the real cost was could possibly be too significant of a jump. He said this was not being done as a money maker, but trying to be held harmless to the extent that it was possible. Alex said the proposal was to go from \$10 to \$30 after the first ¼ hour of time.

Alex asked Thieda to explain how many of the requests that came in were in excess of the 15 minutes provided at no charge.

Thieda said most GRAMA requests took less than 15 minutes. She said if someone requested information that was stored electronically, they were emailed quickly at no charge. Thieda said there were some voluminous requests that seemed to be from the same people. She indicated that police reports were based on a separate fee schedule.

Councilmember Flitton asked if most of the requests were for electronic copies or hard copies.

Thieda said she got both types of requests. If the document was available electronically she would provide it electronically at no cost. Thieda said she had had voluminous requests, which would not go through email, where the individual provided a jump drive so that there was no copying costs or media costs.

Councilmember Bouwhuis said the price seemed to be very reasonable.

Alex said the second proposal had to do with amphitheater fees. He said for years the City had charged fees

for private groups to use the amphitheater, but they had simply never been included in the Consolidated Fee Schedule. Alex said the fees were based on residency; non residents were charged a higher fee to use the facility.

Alex said the third proposal had to do with water meters. He said there had been some new federal legislation passed relative to the reduction of lead in drinking water. Alex said the new standards required that brass fittings not contain lead. As a result of that, the prices had gone up from the supplier. He said the proposed fees reflected those increases. Alex said for some of the larger meter sizes, where technology had improved, the fees had actually gone down. Those reductions were reflected in the new fees as well.

Councilmember Bouwhuis asked if this only affected new installation; old ones would not be replaced.

Alex said that was correct.

Alex said the fourth change had to do with false alarm fees. He said this was an ongoing issue for both Police and Fire. Alex said in the past, both Police and Fire had charged fees for false alarms, but in the Consolidated Fee Schedule the fees had only been reflected in the Fire Department portion of the Fee Schedule and not in the Police Department portion. He said this was simply a housekeeping item to include the fees in both sections of the Consolidated Fee Schedule.

Councilmember Bouwhuis asked if the problem was real prevalent.

Alex said yes; it was a lot of repeat customers. He said it was an escalating fee process where repeat offenders were charged higher fees. Alex said often there was a disconnect between the alarm companies and the business owners.

Councilmember Freitag explained a recent lawsuit Salt Lake City won against an alarm company.

Councilmember Brown asked if this only applied to businesses, or did it involve homes.

Alex said it could be both, but it was more the abusers they were trying to correct, which were typically businesses.

DISCUSSION REGARDING UTILITY BILLING ROUNDUP PROGRAM

Alex said this was a discussion brought up by Councilmember Flitton regarding the utility billing roundup program that was proposed a few months ago. He said Staff had done some analysis and had finally received information from the billing software company that the price to write the programming would be \$2,500.

Alex said an opt-out program had previously been discussed, which would require some personnel to accommodate those calls. He said if someone chose to opt-out, those adjustments would need to be made manually. Alex said for four months, which would be two billing cycles, the part-time personnel cost would be about \$10,500. Alex said Ogden was working toward a similar program, but it hadn't been fully implemented yet.

Alex said in talking with Dave Price, there were some legitimate uses for funding to help with recreation fees for underprivileged children. He said other cities in the area were doing programs to help in these areas.

Councilmember Flitton said he had talked to Dave Thomas about providing scholarships for athletic or recreational programs. He said Dave was excited about the possibility and suggested going into the schools to make children aware of the program.

Councilmember Bouwhuis said the \$10,500 would only be needed initially; it wouldn't be an ongoing cost.

Alex said that was correct. He said the assumption was that if people wanted to opt-out, they would make that decision in a couple of billing cycles. After that time, existing Staff would be able to manage it.

Councilmember Bouwhuis asked if residents would be notified that the City would be implementing the program and give them the information they would need to opt-out.

Alex said yes, if that was how the Council chose to do it. He said the feeling was that that would be a more efficient approach. He said the City would definitely want to advertise it and try to explain how the money would be used.

Councilmember Brown said she had noticed negative letters to the editor about opt-out programs in other communities, particularly if they were not able to opt-out after a certain date.

Alex said that would ultimately be the Council's decision, but from the Staff's perspective people would be able to opt-out at any time.

Councilmember Flitton said he agreed that it should be open.

Councilmember Freitag said he had thought a lot about this and felt there were two missing pieces: 1) he would like to know the established cost ahead of time rather than setting what the revenue would be and opting people into the program without the Council having decided where those funds would be used; and 2) he would like to see a public hearing on it before it was approved.

Councilmember Brown said the Parks and Recreation Department was currently taking care of anyone that came in and couldn't afford to play sports or participate in recreation programs, but they had limited funds and were not advertising it. She said the public would need to be able to see how much money was coming in and where the money was being spent.

Councilmember Francis said he agreed; he would like to see how many children could be helped based on the take rate, and where the money was going.

Councilmember Brown said if the program was implemented, the word would get out, and the City had a lot of Title I schools. She said currently, if a child qualified for reduced school lunch, they were eligible for a scholarship from the Parks and Recreation Department. Councilmember Brown said once word got out, she felt that there would be a lot more people wanting to take part in the program. She said currently, she thought the program covered swim lessons and sports.

Alex said he understood that each child in a family could only use it once; they couldn't use it for basketball, football and baseball; they had to pick one program.

Councilmember Bouwhuis said it would be interesting to know how many children in Layton were on the free lunch program; how many were on the reduced rate; and how many were on the reduced living standard. He said these could be used as a limiting factor.

Councilmember Brown said the Parks and Recreation Department could probably provide information about the cost and how many children they were currently helping.

Councilmember Freitag indicated that a lot of the Title I schools were providing free lunch to all of the children to remove the stigma, and because of the accounting nightmare.

Councilmember Flitton said he would not like to see this turn into an administrative nightmare or cost.

Councilmember Brown said that could happen, particularly in the Parks and Recreation Department. She said they might need additional help to administer the program.

There was further discussion about Title I schools in the City.

Alex said the Council would definitely want to set the criteria out front. He said maybe it wouldn't be based only on Title I status, maybe it would be more defined. Alex said they might not be able to accommodate everyone in need, but accommodate the majority.

Councilmember Brown said the costs to administer the program would need to be covered by the funding as well. She said there were probably more questions before they could decide if they wanted to implement it.

Alex said the purpose was to see if there was an appetite for this; if there was no interest there was no need to spend a lot of time in vetting every detail. He said these were great questions that Staff hadn't thought about. Alex said Staff could go back and find some of that information.

Council and Staff discussed the current program.

Alex indicated that the current program was funded through donations from people in the community, some of the employees that were in a band provided a concert, and the City provided a little bit of funding when it was needed. He said the City provided a free concert every year; maybe people could be asked to donate a couple of dollars that could be used to help fund the program. Alex said there might be a lot of ways to supplement the current program in lieu of this program.

Discussion suggested that Staff should obtain additional information.

MISCELLANEOUS:

Discussion suggested that the City should pay for the use of the Conference Center for Mayor Curtis' funeral as the need for the larger facility was a direct result of his position at the City.

Discussion suggested that the January 2, 2014, meeting should be cancelled.

The meeting adjourned at 7:01 p.m.

Thieda Wellman, City Recorder