

**MINUTES OF LAYTON CITY
COUNCIL SPECIAL MEETING**

DECEMBER 16, 2013; 7:36 A.M.

MAYOR AND COUNCILMEMBERS

PRESENT:

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

ABSENT:

SCOTT FREITAG

STAFF PRESENT:

**ALEX JENSEN, GARY CRANE, TRACY
PROBERT, BILL WRIGHT, TERRY COBURN,
ALAN SWANSON, DAVE PRICE, JIM MASON,
SCOTT ADAMS, STEVEN GARSIDE, KENT
ANDERSEN AND THIEDA WELLMAN**

LEGISLATORS PRESENT:

**SENATORS JERRY STEVENSON AND STUART
ADAMS, AND REPRESENTATIVES STEVE
HANDY, STUART BARLOW AND BRAD WILSON**

OTHERS PRESENT:

**MAYOR ELECT BOB STEVENSON AND
COUNCILMEMBERS ELECT TOM DAY AND
JOY PETRO**

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

Mayor Pro Tem Francis opened the meeting and welcomed everyone. He turned the time over to Alex Jensen, City Manager.

Stuart Adams recognized the absence of Mayor Curtis.

Alex expressed appreciation to the legislators for being here. He introduced Bob Stevenson, Joy Petro and Tom Day. Alex introduced Staff.

The legislators introduced themselves.

TRANSPORTATION

Gary Crane, City Attorney, said transportation was critical to the City and specifically to the businesses around the mall. He said the City was working with UDOT on solutions at the Hill Field Road and Antelope Drive interchanges. Gary indicated that the City felt that the proposed changes to the Antelope Drive area would be good, but they were concerned with the Hill Field Road area being done right. He said this was extremely important to Layton; a lot of tax revenue was generated by the businesses in that area. Gary said it would take some additional dollars this year to make sure that it was done correctly. He said the City understood that there was a possibility of additional funding for that connection. Gary said criticism was that the northern end of the State was not well represented in terms of funding dollars when compared to Utah County. He said Davis County had a fifth lane problem on I-15, which needed to be expanded from Bountiful north. Gary said some funding was available, but Layton was looking for additional funding.

Senator Stuart Adams said Davis County had been effective at some times and not at other times. He said the last time there was unanimity among all the cities in the County was with Legacy Parkway where a resolution was adopted by all of the cities in support of that. Senator Adams said the cities in the County needed to be united in their efforts. He said when looking at congestion around the mall, they needed to hear about it. Senator Adams said a good solution would be another corridor, but there needed to be a vision from the local level. He asked that the cities come together with a vision.

Gary said there were some solutions that the City felt could be done better. He said the Band-Aid solution that was being recommended would help for 4 to 8 years, but that made no sense. Gary said the City was looking for other solutions that would solve the problem well into the future.

Senator Adams said the Governor's goal was the economy and employment; economy expanded with infrastructure. He mentioned the example of Utah County and the economic growth they had seen with all of the I-15 improvements made in that area.

Gary said another issue that had been reported in the Standard Examiner had to do with a local gas tax and the need for cities to be able to handle existing infrastructure. He said municipalities had been trying to find a means to keep their roads in good repair. A 3% fee or gas tax was being discussed. Gary said there had to be some solution at the Legislature relative to B and C Road funds. He said the Utah League of Cities and Towns (ULCT) was supporting a 3% fee; 50% would go into a pool and be divided among the counties by percentage of population and 50% would come back to the imposing counties. Gary said those counties would determine how the money would be used.

Gary said there was a recommendation from Senator Howard Stephenson that if funding was raised through this fee there would have to be a tax decrease from the cities, but that didn't make sense. He said the cities needed a net increase to cover expenditures.

Senator Jerry Stevenson said unlike Layton City, most communities were borrowing money to repair their roads.

Senator Adams said cities that didn't have a sales tax base were suffering; the problem with gas tax was that there was no inflationary component. For many, many years the tax had been 24.5 cents whether gas was 3 or 4 dollars a gallon; as cars became more fuel efficient the amount of tax collected went down.

Gary said the 24.5 cents that was imposed many years ago was worth about 16 cents today.

Representative Steve Handy said he didn't think there would be a gas tax this year.

Representative Brad Wilson said it would be discussed, but he would think that it would need to be the local option; this was a tricky issue.

Councilmember Bouwhuis said the transportation issues in Layton were one of the highest priorities. He said people were not coming to the mall because of traffic issues around the mall.

Representative Wilson said the Hill Field Road interchange was 6th out of 7 on the Davis Chamber's list of priorities. He suggested that the City may want to have a conversation with the Chamber about their priorities.

SALES TAX DISTRIBUTION FORMULA

Gary said the City didn't want the sales tax distribution formula changed. He said to unilaterally change

the formula would be a disaster. Gary said if the formula were to be changed, the cities should be pushing that and not the State. He said the current 50/50 split worked. The idea that cities were zoning for dollars was not accurate.

Senator Adams said Gary had done a great job educating everyone. It cost a lot more to support a mall than a home relative to fire and police protection.

Senator Stevenson said a lot of the communities that were pushing for the change were those cities that had commercial development but not the population.

STATE MANDATES

Gary said every time the State made a decision that involved cities spending money, it increased the City's need to be able to come up with additional dollars. He said the City had one that was a particular concern. Gary said the AOC came out with a policy that everything needed to be electronically filed by a certain date. He said that ended up costing the cities a tremendous amount of money in order to be able to make those updates. Gary said the cities agreed that that was the direction they needed to go, but the difficulty sometimes was the time periods they placed on the cities and the amount of money the cities had to spend. He said a lot of the revenues for making these improvements came from surcharges through the courts.

Steve Garside, Assistant City Attorney, said a few years ago the AOC wanted to go electronic, but from an efficiency standpoint, they were the only ones that benefited from this. He said they indicated that by a certain date, all citations had to be e-filed. Steve said no funds were provided to do that and law enforcement across the State had to purchase printers for every law enforcement vehicle. He said they also were not ready in some other ways. Steve mentioned a problem that Salt Lake County had accessing Wi-Fi in some of the canyons, which required them to manually write a citation and then follow that up, once they had Wi-Fi connection, with an electronic version of the citation.

Alan Swanson, Assistant Police Chief, said this cost Layton City about \$65,000 for software, and about \$15,000 a year for maintenance.

Steve said the AOC had required that all of the prosecution filings had to be e-filed as well by March 2014, which included everything except the charging documents. He said the charging documents had to be e-filed by January 20, 2015. Steve said this became a software issue for every prosecution entity across the State. He said historically, the prosecution entities were able to create software that was partially funded by the surcharge. Steve said surcharges on tickets went to POST, Crime Victims Reparation, and the Prosecution Council. He said there was funding available to get the software going and hopefully build the portal between the City's case management system and the courts so that the e-filing could be accomplished. Steve said there was a law that indicated if someone was 90 days delinquent on their fines then it was to be sent to State debt collection. He said more and more of the District Courts had been sending those to be collected by State debt collection, which didn't have a really great collection percentage. Steve said word gets out among defendants and they realize that if they get sent to State debt collection they were kind of in a lottery and might not be found, as opposed to being brought back before a judge that would send them to jail for not paying their fines.

Steve said interestingly enough, up until this last year, about 80 to 85% of the surcharge fees were collected through Justice Courts, and about 15 to 20% were collected by the District Courts, because the Justice Courts couldn't send them to State debt collection. He said this last year the reports showed that the percentage was now 95% being collected by Justice Courts; the District Courts share had dropped to 5%. Steve said this was a significant drop in the collection of surcharges. He said instead of being able to

rely on those monies to help offset this impact from the AOC's mandate with regard to the e-filing, the cities and counties now had to come up with those monies. Steve said in addition, because there was not the funding to support the software, there was beginning to be some fracturing among the different prosecuting entities about not being unified on the software programs.

Representative Wilson asked if anyone was working on anything to remedy this issue from a legislative standpoint.

Steve said not from a legislative standpoint. He said they met with the AOC a few weeks ago and was told that they would work with the cities on the dates, but that was about it.

Representative Wilson said Representative Oda was on the Appropriations Committee for the courts. He said it might be helpful to work with the Appropriations Committee that oversaw the collection of all the fees and how they spent their money.

Steve said it seemed to be that the tail ended up wagging the dog because prosecutors would submit information to the court, and if it didn't meet the court's format, they wouldn't accept the information. He said there were a lot of technical issues that needed to be worked through, but again it came down to cost of support staff and the software.

Gary said if the collections were that low, then State revenues coming off of the courts were that low. He said if the Justice Courts were producing about 95% of the revenues that meant that the Justice Courts were actually doing a good job of making those collections, but the District Courts were not. Gary said most of the surcharges went to State funding, and if they weren't being collected, the State wasn't getting any money. He said they would work on it with the AOC.

Gary said there was over \$600,000,000 of outstanding warrants in the State that had not been collected. He said Senator Urquhart would be proposing a bill that would add an additional charge onto those warrants if they went 180 days past due. Gary said the cities probably needed to begin to actively pursue those warrants.

TRAILS

Gary said Utah had hundreds of miles of trails. He said the Lee Ray McCallister Fund was dedicated to providing for open space and was funded by fees. He said the ULCT and proponents of trails were looking at allowing that fund to be used for trails as they relate to open space. Gary said in as much as eminent domain was not available for trails, it made it hard for cities to acquire trails. He mentioned the issue in Middleton, but a lot of cities used eminent domain for things such as the Bonneville Shoreline Trail. Gary said there was a section of the Shoreline Trail that may end up being privately owned. He said while unfettered eminent domain was not a good thing, narrowly focused eminent domain authority could help cities a lot in some of those instances. He said the main thrust this year would be to obtain funding to help pay for trails, and to be able to change the definition in the Lee Ray McCallister Fund to include trails as open space.

Representative Wilson said he understood that in addition to asking for funding, there would be some proposed changes in definition, but it all needed to be tied to trails that improved transportation. He said the Shoreline Trail and the trails by the Great Salt Lake probably wouldn't meet the definitions of what they were trying to accomplish.

Gary said he was mixing two issues; eminent domain and the Lee Ray McCallister Fund. He said that was correct; if they improved transportation like the trails along the Legacy Parkway, that would be subject to

being paid for. Gary said if the legislators ever had the opportunity to vote on a bill that would give the cities limited eminent domain for trails, the cities would appreciate their support. He said he didn't know if they would run a bill this year or not.

They discussed the Lee Ray McCallister Fund and various trails in the State.

Representative Barlow said don't underestimate the significant value of local entities working with landowners.

Gary said most of the Shoreline Trail had been completed through Layton because of the City and landowners working together.

FIBER/TELECOM

Gary said he and Senator Howard Stephenson had been opponents for many years on a number of issues, but particularly on telecommunication issues. He said at a ULCT meeting, he and Senator Stephenson talked about an ideal of total connectivity for the State of Utah, and how to get Utah connected from one end of the State to another. Gary said he thinks they were inspired by Kevin Lowe with Google; they met with Mr. Lowe after he had talked to the ULCT, and it was a great meeting. He said they talked about education possibilities; apparently a large portion of Google was dedicated to education projects. Gary said Google had spent a lot of money teaching kids to program because they recognized that the future was connectivity.

Gary said they recognized that UDOT had more dark fiber in its roads than almost any state in the Union. He said the fiber was there for future use. Gary said UEN had its own fiber network, and there were other governmental entities such as UTOPIA that had its own fiber network. He said Senator Stephenson's dream was to have all of these things connected, including those lines owned by private industry, to build a network in the State that would provide total connectivity, whether you were in the house, out of the house, to the homes, to businesses, to schools, etc. Gary said Layton had already started doing that and recently connected all of the parks in the City to wireless networks. He said each of the parks would become a hotspot and citizens could use their electronic equipment in the parks. Gary said people were realizing the high speeds that UTOPIA was able to provide. He said they were looking at a bill perhaps that would be enabling in nature and allow cities to do things like dedicating conduit and putting it in the ground in advance of development and to allow for the conduit to be used by private companies and public companies to provide for connectivity.

Gary said pole attachment agreements had been a tough thing in the past. Google indicated that they essentially used an army of attorneys to negotiate pole attachment agreements in states that didn't have legislation that required for some type of attachment to the poles. He said it would be these types of things they were looking for; ways to totally connect the communities and State. Gary said they were putting together a task force that would include Senator Stephenson and members of the ULCT to come up with legislation to help with connectivity. He said connectivity was an important tool when trying to lure companies into the State; it affected economic development and education.

FIRST NET - UCAN

Gary said First Net was also a concern to the cities. He said it was a 4-G network that the federal government was imposing on the states relative to 911 calls.

PUBLIC SAFETY ISSUES

Gary mentioned a few public safety issues cities were concerned with.

They briefly discussed anti-discrimination legislation.

Mayor Pro Tem Francis expressed appreciation to the local legislators for their leadership.

The meeting adjourned at 8:52 p.m.

Thieda Wellman, City Recorder