

LPC Minutes

Zions Bank Founder's Room

September 13, 2016

Mayor Steve Hiatt Kaysville welcomed the group out to LPC and the ULCT Convention. Motion for approval of minutes Council Member Jewel Allen Grantsville and seconded by Mayor Joann Seghini Midvale. Approved.

Cameron Diehl-resolutions LPC: all resolutions on League website. Doing two firework resolutions at a time. First is a fireworks resolution from Vernal. The second one is fireworks resolution from Conference of Mayors in Salt Lake County. The third resolution is on Truth in Taxation, and comes from the League board of directors.

Mayor Freeman of Herriman and Mayor Norton of Vernal, unanimously bring the resolution to the body. 14 days in July where fireworks are available to residents; risks: trauma to pets, air pollution, etc. Mayor Norton: something was taken away from us that we should have the ability to govern (fireworks). We want the ability to regulate fireworks in our city and not the legislature. Throughout the state there are different issues and concerns and municipalities should regulate these items on their own; i.e. Vernal doesn't have the same landscape as Herriman and so on. Freeman: our resolution is driven by concern about fires. Our fire chief said there were more fires this year by fireworks and this is a concern for us. We need to look at other issues; i.e., when it's windy, the garbage left from mortars. We need some regulation on types of fireworks and when they can discharge these as well (number of days). Norton: safety; i.e. burns. We want to limit the "cake fireworks," the big, aerial ones. Freeman: local leadership should have a say in their local fireworks.

Cameron Diehl: Fireworks law over the years slide show. 1983: First law said three days before and after for July 4th and 24th. 2011: All month, expanded types of fireworks and restricted any city-wide bans. 2013: return to the 3 day before and after language. 2013 Jim Dunnigan: Cities can take reasonable steps to limit firework discharge in certain places (hazardous environmental conditions). Under this law the fire code official determines the conditions and the legislative body then prohibits firework use in mountainous, brush covered or forest covered areas or in the wildland urban interface. Bottles rockets, roman candles, etc. are still not allowed. Cameron: You have two resolutions before you. Vernal's resolution is more broad, and the Salt Lake County Mayors' is more narrow.

Mayor Hiatt: Questions? Lynn Pace Holiday: These two resolutions are the same to me, both asking for restoration for local control. We don't feel we have local control in our communities. One size doesn't fit all. I'm in favor of resolutions.

Jewel Allen Grantsville: what's the advantage of this resolution? Cameron: prior to 2011 the city would have had authority to prohibit firework usage etc. and now you only have the ability to regulate. Timing, type of fireworks and authority. These are the three items these resolutions want changed.

Matt Dias Park City: Where are the fire chiefs? Cameron: we worked closely with them in 2012 to figure out parameters of what cities can do. We have not talked with them lately about what they would do or want to do, if anything.

Mayor Sonja Norton of Vernal: We feel in our community it's a safety issue, but we do understand the wildland interface city concerns. This is why it should be up to individual municipalities.

Mayor Freeman Herriman: Asked a question on weather and fires resulting from fireworks. Cameron: nothing in law currently for weather and that could be another potential angle on language.

Mayor Bryan Cox of Hyde Park: All cities up North in our area are affected by this. We restrict the foothills and not the whole community. Who would monitor wind? Let the language stand but let county fire marshals help restrict where needed.

Do local communities have control on what time they can terminate? 11 pm, three days before and after, no local authority there.

Buxton South Jordan: injuries increased and fire increase data? Cameron: no, we have a good working relationship with state fire marshal and what they have collected the last 5 years.

Tom Hansen of Washington Terrace: No problems with our restrictions along wildland urban interface. If we start changing our laws city by city, how will everyone know what the law is? We provided enough of a buffer zone we have never had problems with fireworks.

Council Member Jewel Allen of Grantsville: Tooele had a huge brush fire that devastated a whole neighborhood. I could see the confusion with different laws and citizens choosing to let fireworks off in a neighboring city that comply with what they want to do and what they want to let off.

Mayor Jon Pike St. George: We take advantage of the ability to show the law in our area through our city website, this has worked pretty well. I still come back to the local control issue, I would be in favor because of this.

Council Member Lynn Pace of Holladay: When this law was first passed our fire marshal came to us and discussed areas where fireworks cannot be lit. We have areas with a lot of brush and trees and no vehicle access A fire in these areas would be catastrophic. There should be no aerial fireworks in these areas. This dialogue is very important.

Mayor John Curtis of Provo: When people are mad at noise from fireworks they call me, not the local legislator. This law is not driven by citizens. I agree with Mayor Pike from St. George, it's a local control issue.

Mayor Hiatt: Motion on resolutions?

Cameron: The Vernal resolution is broad; the legislature should restore some local authority. The Council of Mayors in SL County modifies the current fireworks law with specific counsel. Merge the two of them?

Council Member Brian Braithwaite of Highland: Motion to merge and endorse, and a second by Mayor Pike of St. George. Passed by the body with a few nays.

Council Member Lynn Pace of Holladay: The Board of Directors for the League has had a few long-term agendas to discuss and one of these is to collect local sales tax on remote, online purchases. Address Truth in Taxation issues on property tax that keeps it flat, this is not sustainable. Costs escalate and property tax stays flat while sales tax revenue decreases due to online sales. The purpose of this

resolution is to discuss modifying the property tax system. Everyone that runs for city government claims they will not raise property taxes. Property tax is a revenue-based tax, it generates the same number of dollars. The system works that if Holladay receives \$10 million in property tax, 10 years from now they would receive the same number of tax dollars. That's not sustainable. Our state collects income tax at %5 year after year. This is a rate based system. It is not truthful to say we propose to raise taxes when the actual rate goes down. We need to start a dialogue about the notice process; it's dishonest to require us to say we are raising taxes. Find more balanced municipal finance system including property tax. This will be a multiple year process.

Council Member Steve Fairbanks of Sandy: Over the years I have brought this up to many legislators and it falls on deaf ears. Thanks to the League for wanting to back this up.

Deputy Mayor John Hiskey of Sandy: We are put in a situation that's impossible. This will be hard work, but support it.

Assistant City Manager JJ Allen of Clearfield: Item three - If values drop then the rate could go up.

Council Member Lynn Pace: To make me state I'm raising rates when it's actually going down is not truthful.

Another possibility is to say the certified rate might go down and the actual rate go up. If we don't start the dialogue it goes nowhere.

Mayor Steve Hiatt of Kaysville took a Motion on the resolution. Steve Fairbanks of Sandy motioned, and a second by Mayor Taylor of North Ogden. Passed unanimously.

Cameron Diehl: Gas Tax - two key terms: qualification on hold harmless and guarantee of funds for city or county as a hold harmless entity. July 2015 HB 362 went into effect. HB 60 passed in January 2016. New money started coming in Jan 2016-April then in June we were notified about this discrepancy. We requested UDOT hold 6th disbursement. The media reported a couple weeks ago that the legislature was holding the money hostage. This is not true. The League requested that they hold this until we resolve the issue and it forces all the stakeholders to the table. FY16 1st and 2nd distribution: Hold Harmless (HH) entities receive 103 percent instead of 120 percent plus growth and non-hold harmless entities see a slight increase in the 50/50 formula, but no new gas tax yet. 3rd distribution: HB 60 retroactive to the 3rd UDOT FY16 B&C distribution (last distribution prior to HB 362 4.9 cents). 4th and 5th distributions of HB 60 expand HH; non HH cities/counties receive less than anticipated from the 4.9 cent increase. The 6th B&C distribution was delayed with ULCT support. Now what happens in 2017? The expectation gap was \$4 million versus what they received and what was expected. FY15 to FY17 everyone should see a 17.5 percent increase. In FY17 everything will run the way it was intended to run. There will be two hold harmless entities, not twelve. Hold harmless will get \$1.2 million, not \$11.8 million. That \$10 million will stay in the 50/50 formula. Cities, towns and counties will qualify for this based on lane miles and population. Soft landing: Ten HH entities who naturally grow out of HH. \$1 million off top of B&C fund before the 50/50 formula runs. ULCT doesn't seek reimbursement for the expectation gap of \$4 million from FY16 and we acknowledge unique rural needs and seek options. We recognize you need to close out your budgets, we will have data from 6th distribution from UDOT. Interim in October or November will likely be the special session, which will distribute the 6th payment and fix formula for FY17. Any questions?

John Hiskey Sandy: Moved to endorse compromises worked out between UAC and ULCT.

How's temperament from counties on this? Cameron: We have been successful working with them. UAC has been willing to compromise. They have pledged to take this back to their body and discuss it.

Mayor Seghini of Midvale: We don't want this problem to happen again. Cameron: The legislature wants to fix this right now. Ken Bullock: The leader of the house and Senate President look to us to fix this.

Andrew Gruber with Wasatch Front Regional Council: Congratulated Cameron on a hard job and how well he has explained the situation. He anticipates everyone will say this makes sense in FY17. This is simply a technical fix.

John Hiskey made a motion and Mayor Cronin seconded the motion. It passed unanimously.

Mayor John Curtis of Provo: Possibility of coopting 311 line to suicide prevention hotline. 311 is used for municipalities to communicate with citizens. Friday morning resolution that this line stay for municipalities?

Mayor Steve Hiatt Kaysville: Beth Holbrook will now be conducting LPC meetings.

Cameron: We did not print programs this year, please download our app for the conference. Wildland fire folks not coming, they are doing a round table tomorrow afternoon. They will also have office hours Thursday.

Motion to adjourn and passed.