MINUTES OF LAYTON CITY COUNCIL STRATEGIC PLANNING WORK MEETING **AUGUST 22, 2017; 6:06 P.M.**

MAYOR AND COUNCILMEMBERS PRESENT: **MAYOR BOB STEVENSON, JOYCE BROWN, BRUCE DAVIS, TOM DAY, SCOTT FREITAG AND JOY PETRO**

STAFF PRESENT: **ALEX JENSEN, BILL WRIGHT, TIM WATKINS, DAVID PRICE, JOELLEN GRANDY AND KIM READ**

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

Mayor Stevenson opened the meeting and turned the time over to Staff.

CANVASS OF ELECTION

MOTION: Councilmember Freitag moved to recess as the Board of Canvassers to canvass Layton City's 2017 Municipal Primary Election and Councilmember Davis seconded the motion, which passed unanimously.

Kimberly Read, City Recorder, reviewed the results of the 2017 Municipal Primary Election with the Board pointing out the following:

- There were 32,191 registered voters in Layton City
- 7,378 ballots were counted
- The City had a 22.9% turnout for the Primary Election
- 116 ballots were not counted because they either lacked a signature, were submitted with "No Tabs", signature didn't match the registered voter, envelopes with missing ballots and ballots received untimely.

Ms. Read reviewed the results:

Number of Precincts	45	
Precincts Reporting	45	100.0%
Times Counted	7478/32191	22.9%
Total Votes	13419	
PETRO	4651	34.66%
DAY	3527	26.28%
FRATTO	855	6.37%
MORRIS	3172	23.64%
WILLISON	1214	9.05%

She announced the following candidates would be nominated for the Municipal General Election:
Joy Petro
Tom Day
Clint Morris
Eric Willison

MOTION: Board Member Davis moved to accept the 2017 Primary Election results as presented and resume as the City Council in a Strategic Planning Work Meeting and Board Member Day seconded the motion, which passed unanimously.

UPDATE – ECONOMIC DEVELOPMENT

Bill Wright, Community & Economic Director, reminded the Council about the rezone and Development Agreement which took place approximately three years ago for property located at Layton Parkway/Angel Street for a medical/dental clinic owned by Dr. Kyle Harmon. He reported Dr. Harmon had submitted a letter to the City requesting the Development Agreement be amended. Mr. Wright reviewed the Development Agreement requirements pointing out the following:

- Use limitations to medical office, dental, clinics and labs and professional office and services
- Required DRC(Design Review Committee) architectural review specific to architectural features, roof pitch, exterior materials
- Access to Angel Street
- Stop bar in parking lot
- 5 additional parking stalls above the required amount
- Limitation on the size of the building pad to 6,000 square feet

Dr. Kyle Harmon explained the need for a second dentist to join the clinic as well as a dual split level building for the development to be financially feasible. He shared the proposed visual illustration with the Council.

He indicated interest had been expressed by several dentists which had backed out because of the size restrictions of the building and shared some examples. He pointed out the new proposal reflected a smaller square footage building but a larger footprint which could accommodate two office suites and believed he would have no difficulty in filling the available space.

Mayor Stevenson asked how many chairs were needed for two dentists and Dr. Harmon responded his preference would be eight or nine chairs.

Councilmember Petro requested Mr. Wright address questions in the emails received by the City from residents regarding the development.

Mr. Wright stated the Development Amendment would need to be amended to reflect the increase with the footprint square footage from 6,000 square feet to 9,000, pitch of the roof and fencing. Mr. Wright explained these two lots were originally part of the Roberts Farms development but a fence was not required because the fence would only be required with the business development. Councilmember Brown referred to the emails submitted by adjacent property owners which expressed concern about the height of the building and suggested the one level structure would mitigate that concern.

Councilmember Brown requested clarification as to whom should be responsible for installing the fence and Mr. Wright stated since the lots were part of the subdivision, fencing wasn’t required until the business development took place; therefore, it would be the responsibility of the developer for the dental building to install the required fencing. He also mentioned City Code would determine the required number of parking stalls for the building and estimated approximately 27 stalls would be needed for a 9,000 square foot building. He emphasized the required parking spaces would be calculated on the square footage of the building. Councilmember Petro mentioned concern had also been expressed specific to lighting on the building and in the parking lot and a discussion followed.

Mayor Stevenson asked if the children's walking path concern expressed approximately three years ago had been addressed. Mr. Wright indicated the safe walking route had been revised which resulted in a longer route and a discussion followed.

Councilmember Petro inquired whether the identified parking spaces could accommodate for overlap incurred by patients and the dental office staff. Dr. Harmon responded the dental office wouldn't have an overlap of staff and didn't anticipate the need for a lot of staff for only two dentists.

Mayor Stevenson pointed out Dr. Harmon had agreed to the Council's conditions in the current Development Agreement and requested Dr. Harmon further explain about the financial feasibility associated with the dental office building. Dr. Harmon responded the highest majority of his costs were directly related to the development of the building and property compared to the structure itself and indicated other dentists had also recognized the need to merge to make it economically feasible and successful.

Councilmember Brown asked if the residents' concerns regarding the landscape buffer and fencing had been addressed in the current Development Agreement. Mr. Wright responded some were identified by the zoning classification and some were identified in the Development Agreement such as the fencing. He mentioned City Code was now requiring "dark sky rated lighting" for parking lots and stated this was becoming a standard. Dr. Harmon stated unless the cost associated with that type of lighting was prohibitive he would be receptive to the request.

The Council discussed previous concerns associated with its original approval of the development and Councilmember Brown asked about the process to amend the Development Agreement. Mr. Wright responded the Council would need to approve any amendment to the Development Agreement and added the Planning Commission's approval wasn't required unless the Council instructed Staff to proceed in that direction. He mentioned the Council could approve it as either a consent item or in conjunction with a public hearing to allow public comment. Councilmember Brown expressed her opinion a public hearing should take place in conjunction with amending the Development Agreement. She also requested Staff to look at the lighting costs to determine the financial impact to the applicant.

Councilmember Petro requested clarification regarding the fencing requirement. Alex Jensen, City Manager, clarified the City required the placement of a fence upon development as opposed to zoning classification because zoning of a property could change over a period of time. Councilmember Petro asked if the Development Agreement could reflect language stating the fencing would need to be in place prior to construction beginning on the property. Mr. Jensen stated the Council could place that condition within the Development Agreement. Mr. Wright clarified the developer/owner would need to provide documentation the fence was going to be built at the time of acquiring the building permit. A discussion continued to take place regarding fencing and the lighting requirement. Mr. Wright also clarified an illumination plan was also required to be submitted.

The Council directed Staff to work toward amending the Development Agreement in conjunction with a public hearing prior to consideration of approval. The Council didn't believe the amendment needed to proceed through the Planning Commission.

Mayor Stevenson invited residents to address the Council on the matter.

George Humbert, 1266 West Forrest Creek Lane, stated he was supportive of Dr. Harmon's proposed changes and believed it would benefit the neighborhood in general. He stated he was concerned with a few items:

- Light pollution – he didn't necessarily believe the "dark sky lighting" requirement was necessary and emphasized he didn't want Dr. Harmon to incur excessive costs associated with the lighting.

- Fencing – he expressed frustration no fencing had yet been installed between his property and Dr. Harmon's in the two years he owned the property as his backyard was visible to vehicles traveling Angel Street. He stated he was agreeable with the landscaping proposal but expressed concern that the lighting of this development resembling that of a new dental office on 2nd North in Kaysville.

Derek Thatcher, 1274 West Forrest Creek Lane, informed the Council he purchased his home knowing that a dental office would be a backyard neighbor and had been promised by the developer a fence would soon be installed with the completion of Roberts FarmsSubdivision.

Mr. Humbert emphasized that both he and Mr. Thatcher would have installed a fence except for the fact they were told Dr. Harmon was responsible and willing to install the fence with the development of his property. Mr. Humbert stated he and Mr. Thatcher expressed support for Dr. Harmon compared to previous comments made by other residents who weren't direct neighbors of Dr. Harmon.

Cameron Talbot, Developer/Agent, expressed appreciation for the support of the adjacent neighbors. He stated precedent could be set which could sometimes be difficult to retract. He stated the fence was not required until development takes place and suggested the residential neighbors could install their own fence.

Mayor Stevenson suggested sometimes things should be done just to be a good neighbor. Mr. Thatcher believed the developer of Roberts Farms should be responsible for the fencing. Mr. Humbert pointed out there was no need for two fences which could be the result if he installed his own fence and suggested these unusual circumstances should be considered. Mr. Talbot suggested all beneficiaries of the fence participate with cost for the fence.

Mr. Wright reported IHC (Intermountain Healthcare) had began its planning for the development of its property on the north side of Layton Parkway zoned Mixed-Use Transit Oriented Development (MU-TOD) near the Larsen Lane entrance to the hospital. He stated two meetings had taken place reviewing the concept and design. He indicated a concept plan would be brought forth for discussion in a future meeting and suggested some development on that property would take place sooner rather than later.

Councilmember Petro asked if there were intentions for a walking path/trail to go over or under the FrontRunner rail tracks. Mr. Wright believed the estimates associated with an underpass for the project deemed the project unfeasible and subsequently an overhead crossing was being explored and shared options being considered.

UPDATE – POOL STUDY

David Price, Parks & Recreation Director, shared an illustration which identified the Division Cost Comparisons for programs offered through the Parks & Recreation Department and reviewed it with the Council pointing out the following:

- The difference between the General Fund Programs and General Fund hard costs or long term improvements
- Revenues received for each program
- Cost expenditures for administering said program
- The City not only subsidized Surf'n Swim, but Parks & Recreation and provided programs associated with each

Ms. Grandy reminded the Council of the previous discussion related to the pool facility. She shared a visual illustration and reviewed the proposed five options and requested the Council provide input specific to bonding scenarios following the review:

- Indoor municipal pool which would meet the needs for school swim meets, lap swim and exercise programs
- Outdoor aquatic center similar to Farmington City and North Shore which was a summer-only facility but which included swim lessons/lap swim/aerobics
- Combination of indoor municipal pool w/outdoor recreational aquatics center could accommodate swim meets/lap swim/aerobics
- Indoor municipal pool w/indoor recreational aquatics amenity to include swim meets/lap swim/lessons/aerobics similar to the St. George facility
- Indoor/outdoor recreational aquatic & fitness center similar to South Davis or Clearfield facility which could accommodate swim meets/lap swim/lessons/aerobics

She shared proposed construction costs associated with each of the proposals and a discussion followed specific to bonding costs and life expectancy of facilities.

The Council directed Staff to eliminate option #2 the outdoor only aquatic center and the discussion continued specific to the indoor municipal & recreation aquatic center option similar to South Davis and Clearfield.

Mayor Stevenson asked how Mr. Price would propose to pay for the facility and he responded the Council needed to determine what it believed the City could afford in addition to determining what the City's role was in providing the aquatic amenity to its residents. He suggested a flat water pool large enough to offer life safety skills and water fitness with a small entertainment area would be sufficient. Councilmember Petro asked what size of pool could accommodate Mr. Price's suggestion and he believed a 100 meter pool would be needed to accommodate all the needs within the community. He pointed out there were three high school swim teams using the facility in addition to one private swim team.

Ms. Grandy shared case studies specific to the five options specific to debt payback, operational costs, annual revenue and General Fund transfers and the Council discussed those costs. Mr. Jensen pointed out a flat bottom pool provided more opportunities for partnerships for use of the facility. He pointed out the Council needed to determine if the pool was providing a service to the community and how much it was willing to pay for this benefit. He suggested the City engage with a consultant whose expertise in this arena could provide hard figures to the Council for making an educated recommendation.

Mayor Stevenson stated the Council would need to consider projects the City would want or need to fund in the future and Mr. Jensen stated future debt would also need to be considered.

Mr. Price stated completing this process had made him grateful for the current facility and what a great benefit it has been to the community and emphasized it had some severe deficiencies and believed it was time to retire the current pool. Ms. Grandy shared an illustration which identified remodeling options for the location and a discussion followed considering those options.

Mr. Jensen inquired whether the Council wanted to keep the facility in the same general location and the Council discussed the pros and cons with the location and its priorities. Each councilmember expressed its respective preference and also expressed agreement with enlisting a consultant.

MAYORS REPORT:

Mr. Jensen informed the Council the contractor constructing the flyover had expressed the need to close 1425 North near the frontage road for a few months. He indicated this would create some traffic and safety issues for the area but emphasized business access would continue to be provided.

Mr. Jensen informed the Council the City had received a request from Kirt Bateman, Davis Arts Council Executive Director, specific to the meal provided to the artist by the Arts Council prior to the performance. He explained Mr. Bateman generally had the alcohol request stricken from the agreement and if the performers insist they leave the premises to eat dinner where alcohol was served.

He stated the act was generally allowed to retain some of the tickets for its performance and in this case the Act had offered the tickets as a VIP event consisting of a meet and greet which included alcoholic beverages being served. He continued this had created a problem with an upcoming performance in that the Act had made representations to fans. Mr. Bateman had indicated the logistics of moving the number of people involved wasn't feasible and requested allowing the Arts Council to host the meet and greet in its facility and consider it a private reception. Mr. Bateman, on behalf of the Arts Council, requested permission to allow it to order alcoholic beverages, control them, dispense them and ensure they didn't leave the premises for this one time performance.

Mr. Jensen stated he had reviewed Mr. Bateman's request with Community Development and Legal and believed it was a logical request. He emphasized this would allow the Arts Council to meet the expectations for an upcoming concert and Mr. Bateman had no interest in honoring similar requests in the future.

Councilmember Davis expressed his opinion this was a reasonable request and a discussion followed resulting in the Council expressing its agreement with Mr. Bateman's request for this performance. It also suggested further discussions take place regarding contracts for future performance requests.

CLOSED DOOR:

MOTION: Councilmember Petro moved to close the meeting at 8:27 p.m. to discuss the character, professional competence, or physical or mental health of an individual. Councilmember Freitag seconded the motion, which passed unanimously.

MOTION: Councilmember Davis moved to open the meeting at 9:36 p.m. Councilmember Petro seconded the motion, which passed unanimously.

The meeting adjourned at 9:36 p.m.

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Kimberly S Read, 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 **22nd day of August, 2017**, was to discuss the character, professional competence, or physical or mental health of an individual.

Dated this 16th day of November, 2017.

ATTEST:

ROBERT J STEVENSON, Mayor

KIMBERLY S READ, City Recorder