

**MINUTES OF LAYTON CITY
COUNCIL STRATEGIC PLANNING
WORK MEETING**

SEPTEMBER 28, 2017; 6:00 P.M.

**MAYOR AND COUNCILMEMBERS
PRESENT:**

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

STAFF PRESENT:

**ALEX JENSEN, GARY CRANE, STEVE GARSIDE,
ALLEN SWANSON, JEFF RODERICK AND TORI
CAMPBELL**

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.

PRESENTATION – CODE ENFORCEMENT CONCERNS BY PARKER FREITAG

Jeff Roderick, Code Enforcement Sergeant, presented a slide show for the Mayor, Council and Staff regarding Code Enforcement.

Council Member Scott Freitag arrived at the meeting at 6:05 p.m.

Mayor Stevenson requested clarification about parking tickets issued by Code Enforcement and Sgt. Roderick responded those included with the Code Enforcement statistics were considered “soft violations” which were similar to parking on the front lawn. He continued those identified under parking citations were for illegal parking on public streets. He pointed out these issued citations were specific to the Code Enforcement Division and suggested parking tickets issued throughout the entire City would be higher.

He reviewed the Code Enforcement Officers day-to-day work schedule and when and how they respond to citizen’s complaints and reviewed the different ways a complaint is received by the City. He also explained the procedure used by the Officer once a violation has been identified.

Councilmember Brown requested further clarification if a violation was identified on a rental property and Sgt. Roderick responded contact would be initiated with the property owner to notify the renter of the violation. He stated there had been instances in which both the property owner and the renter were held accountable for the violation and the Officers often responded to these circumstances on a case by case basis.

He continued to review the Code Enforcement Officer’s process and spoke to the 14 day notice. He described circumstances in which a homeowner couldn’t comply within the usual 14 days and mentioned additional time could be allowed to meet compliance if progress was evident. He emphasized compliance was the goal with Code Enforcement.

Councilmember Petro asked if the Officer would strictly adhere to the 14 day turnaround if it was obvious the renter/property owner’s efforts reflected intent toward compliance. Mr. Roderick responded if the Officer could see progress additional time could be granted in order to meet compliance. If compliance

was met within the allowed 14 days, the Officers would close the case; if compliance was not met the property owner would be cited and the citation would be referred to the City Attorney's Office.

Councilmember Brown asked about the procedure if the property owner lived out of state. Sgt. Roderick indicated correspondence would take place through the mail but couldn't recall charging anyone living out of state and indicated most of the violations were in-state. Steve Garside, Assistant City Attorney said the City had dealt with out of state violators and indicated once contact was made the violator did respond.

Sgt. Roderick shared some visual illustrations of actual violations and cases in progress with the Council. He informed the Council the officers could not enter a fenced backyard to make an observation of violation. If the Code Enforcement Officer couldn't see into the backyard, there was nothing the officer could do to enforce the ordinance. He mentioned these types of cases in which an anonymous complaint had been made were the most difficult because the Officer had no way to obtain a vantage point.

Council Member Freitag requested Sgt. Roderick describe what abatement meant. Sgt. Roderick responded Code Enforcement would need to acquire a warrant prior to removing anything from a violator's property. Mr. Garside added historically abatement had been specific to the foliage on the property although if property needed to be removed a warrant had been required. He indicated the City contracted with a private company to mow any weeds/foliage and Alex Jensen, City Manager, requested Mr. Garside explain how the City would receive compensation for the remediation. Mr. Garside stated the City followed state law which allowed a lien to be placed on the property to be collected with the property taxes. He added if the City prosecuted the case criminally, the City would request restitution be paid as part of the penalty and mentioned judges had been responsive to the request in the past.

Councilmember Freitag asked how often abatement took place and Sgt. Roderick responded it didn't happen often. Mr. Garside reported he was aware of one recent case and believed it was the only one for 2017.

Councilmember Davis asked if there were instances in which a resident was sent to jail over a Code Enforcement issue and Mr. Garside responded he was aware of only one individual and shared those circumstances with the Council.

Sgt. Roderick informed the Council of the new process which eliminated the second 14 day notice of non compliance advancing the case to either citation or referral to the City Attorney's office along with a 7-10 day notice of abatement. Councilmember Davis asked when the new program had been implemented and Sgt. Roderick responded approximately two weeks ago and suggested these changes would impact re-offenders. Mr. Jensen and Mr. Garside spoke specifically about re-offenders and additional time extensions granted by judges once cases advanced through the court system. Sgt. Roderick continued to review the current process with the Council and emphasized a large percentage of offenses come into compliance but pointed out the new policy could potentially negatively impact the budget specific to abatement costs.

Mayor Stevenson inquired about agriculture fields relative to mowing and asked if this something that would be addressed by Code Enforcement. Councilmember Day expressed his opinion Mayor Stevenson's property wasn't agriculture and Mayor Stevenson pointed out it was zoned agriculture. Sgt. Roderick stated agriculture property owners were generally compliant and work toward compliance once an officer made contact. Mr. Jensen asked about the comparison between single family residential property owners and developer/farmer owned large parcels specific to non compliance Sgt. Roderick responded chronic abusers were by a large percentage single family residential property owners.

Councilmember Freitag believed the problem associated with these large parcels wasn't necessarily with the open fields; rather it's the property adjacent to sidewalk or in the parkway. Mayor Stevenson shared a personal example on how he had addressed maintaining a large agriculture parcel and a discussion followed. Sgt. Roderick shared an example in which a property owner of a large parcel was notified of its responsibility to keep the sidewalks free and clear of weeds.

Mayor Stevenson left the meeting at 6:33 p.m.

Councilmember Brown mentioned she was made aware of a situation in which the grass was being maintained but the flowerbeds were overgrown with weeds. Sgt. Roderick responded he had written up a complaint earlier in the day for weeds in planter boxes and emphasized weeds 12 inches in height, regardless of where they were located, were in violation as well as noxious weeds which don't grow in height. Mr. Jensen shared an example regarding agriculture property and emphasized agriculture zoning in and of itself didn't make a property owner exempt from the ordinance.

Councilmember Brown expressed her opinion since the City developed a partnership with Kays Creek Irrigation for the urban fishery at Andy Adams Pond, significant improvements had taken place which was visible to the residents.

Mr. Jensen stated Gary Crane and Steve Garside, City Attorneys, were present to provide the correct Code Enforcement Provisions and the Layton Municipal Code to determine if the Council believed changes were needed. Mr. Crane explained there were three ways to enforce compliance:

- Through the City's enforcement Ordinance
- General nuisance
- Three or more people expressing concern about a health/safety issue

Mr. Crane reminded the Council the City's objective was compliance and reviewed Title 6 which the Code Enforcement Officers used in enforcement. He specifically reviewed the portion specific to the "weed" provision and read it to the Council. Mr. Jensen pointed out the code was written in such a way that mowing just the perimeter is the exception to the rule and mentioned topography issues weren't a legitimate reason for non-compliance and a discussion followed.

Councilmember Day pointed out there were several parcels of property within the City in which piles of dirt had been dumped or scrap concrete had been placed that didn't allow for regular mowing which then allowed foliage of weeds and volunteer trees and stated these types of areas were of concern to him. Mr. Jensen requested clarification if volunteer trees could be treated the same as weeds and the discussion continued.

Mr. Crane stated nothing in the ordinance allowed the City to require the property be graded to discourage growth of weeds and volunteer trees. He continued there was a provision which spoke specifically to the grading of agriculture property specific to discing.

Councilmember Freitag pointed out the important issue to remember was the City required residents to install landscaping but it doesn't require them to maintain said landscaping. Councilmember Day also mentioned commercial properties were required to adhere to certain landscaping requirements such as trees in the park strip which could potentially be neglected. Mr. Jensen stated Shannon Hansen, Community Development, enforced landscaping maintenance and replacement of dead trees with commercial property owners.

Councilmember Day inquired if this type of enforcement was applicable to HOA's which have trees and shrubs along fencelines. Councilmember Brown shared something she saw on Facebook from a resident

that the City was requiring her to trim the trees in front of her home. She was part of an HOA and believed that responsibility was the HOA's, but the City said if the HOA didn't take care of it then that responsibility fell to the resident/homeowner. Mr. Crane confirmed that information was correct; but generally the City would attempt to work with the HOA.

Councilmember Davis asked if City owned properties were in compliance with the ordinance. Mr. Jensen responded the City constantly attempted to maintain its properties and if the Council was aware of issues to inform him. Councilmember Day listed a few of the problems within the City.

Councilmember Freitag introduced his son, Parker Freitag, who shared a visual presentation with the Council and Staff regarding Code Enforcement. Councilmember Freitag inquired if there was a need for more Code Enforcement Officers to effectively do their job.

Sergeant Roderick responded the City received 10 to 12 new complaints per day, 5-8 follow ups each day with allowed a very small amount of time to investigate, take photos, and meet with people. He expressed agreement there were limited resources and didn't believe the problem would ever be eradicated completely. He emphasized the officers in Code Enforcement worked extremely hard to address every property to work toward compliance.

Parker Freitag shared photo illustrations of properties he had observed throughout the City and the Council discussed each one. Mr. Roderick pointed out Code Enforcement also completed research to determine ownership of the parcels based on property tax records and was responsible for making contact with appropriate representatives. Mr. Garside emphasized the importance of having the officer complete that task in case the issue advanced through the court process.

The Council continued to review the photo illustrations and discuss each one. It was pointed out the new process recently implemented would alleviate some of the identified repeat offenders of the ordinance.

Councilmember Freitag referred to the slide illustrating the property at Antelope/University Park Boulevard near the Intermountain InstaCare facility which UDOT believed it was the City's responsibility to maintain and a discussion followed.

The Council continued to review the photo illustrations in the presentation and Councilmember Freitag requested Sgt. Roderick make recommendations to the Council to remedy issues with the same commercial/vacant parcels of property within the City. Sgt. Roderick responded the processes used by the Code Enforcement officers was mandated by law and didn't have additional ideas or suggestions. Mr. Garside suggested from a preventative aspect the City could implement an incentive program encouraging beautification/compliance as compared to the punitive approach. Mr. Roderick emphasized there were three officers to enforce the entire City.

The Council continued to discuss the photo illustrations of parcels within the presentation.

Parker Freitag spoke to parcels near the interchanges and mentioned the foliage was so overgrown the "Welcome to Layton" signs weren't visible. Councilmember Freitag reported he had informed Parker the City was in the process of redesigning the signage and landscaping. Mr. Jensen reminded the Council Staff had submitted the City's chosen new signage design when UDOT informed the City the new design was very similar to what had been turned into them from another City so Staff began the design process once again. He stated the City was required to maintain the parcels adjacent to the exits from the freeways. A discussion took place regarding landscaping at those locations.

The Council continued to review and discuss the photo illustrations included in Parker Freitag's

presentation. Councilmember Freitag stated the illustrations aren't new code enforcement violations and suggested the City needed to use a different approach because consistent compliance hadn't been visible. He asked if it would be worth Layton cleaning up some of the small parcels until development takes place to improve the City's image.

Councilmember Brown asked about the nuisance of rodents and snakes associated with some of these overgrown parcels of property. Sgt. Roderick responded those instances were definitely a nuisance and should be addressed.

Councilmember Freitag suggested funds be appropriated to address the interchange exits in the immediate future as opposed to funding the light project proposed for the I-15 underpass.

Parker Freitag shared the following suggestions on what the City could implement to improve the aesthetics within the City:

- Clean up crews for residential clean up passing on the costs to the property owner
- Sponsor/Adopt a road for maintaining weeds/trash along portions of City streets
- Establish a quicker fine process associated with issued citations/violations
- Stricter landscaping ordinance requiring continued maintenance

Councilmember Freitag shared an example to illustrate the success of a sponsor/adopt a road. He also suggested the City's landscape ordinance be amended to encourage xeriscape materials. Mr. Jensen responded City ordinance allowed for xeriscape in conjunction with a minimum amount of green space in front yards. He added this type of landscaping also needed to be maintained as weeds could continue to be a nuisance or concern. Councilmember Freitag suggested the spraying of weeds be part of the abatement process. Mr. Jensen mentioned most of the illustrations identified chronic code enforcement problems within the City and suggested contact be made with the responsible parties requesting they consistently maintain their property at all times, not just when a citation was issued.

Councilmember Freitag suggested soliciting support from ULCT (Utah League of Cities and Towns) or other municipalities prior to contacting UDOT requesting its assistance in addressing the freeways and interchanges. He also suggested working with legislators to encourage the aesthetics along the freeway. Councilmember Davis added he would like to see a conjoined effort by northern Utah cities for this cause. Mr. Jensen emphasized UDOT's position was that Legislature allocated funding to build roads, moving traffic, as opposed to aesthetics adjacent to the interstate and shared an example of when Layton City had received permission to conduct a cleanup of the interstate within its boundaries.

Councilmember Petro suggested conducting a spring cleanup providing dumpsters to encourage residents maintain their property. She realized there would be a cost to the City but expressed her opinion it would illustrate the issue was important to the City. The Council and Staff discussed the pros and cons associated with providing dumpsters for citizens and other options were suggested which could encourage continued cleanup.

Councilmember Freitag suggested a focus on certain roads or areas within the City which were highly visible passing the cost onto the owner. Councilmember Petro suggested using the same identified sectors currently used by the City's Police Department. Councilmember Brown expressed her opinion the City should begin with the identified Midtown and Downtown since the investment had been made for new pole banners.

Councilmember Petro suggested implementing a Beautification Committee to establish an action plan to address some of the problem areas within the City and volunteered to be a part of it. Councilmember Day

expressed caution that most of the parcels were privately owned and stated permission would need to be granted to move forward.

Councilmember Freitag asked if the City could implement escalating fines for continued offenders. Mr. Crane responded if the property owner appeared before the judge a higher fine was generally imposed but added that not many cases actually go to Court; cases were generally resolved prior to that escalation. He also shared an example of residents getting involved with a cleanup for a specific area within the City.

Councilmember Brown suggested taking a closer look at the City's ordinance to determine if modifications were needed. She also suggested there might be a need for an additional Code Enforcement Officer to enforce the ordinance in a quicker timeframe. Councilmember Day and Petro expressed agreement with Councilmember Brown's suggestion of an additional officer. Councilmember Brown also suggested educating residents about the City's ordinance specific to snow and weeds and a discussion followed on how to educate residents.

Mr. Jensen agreed an educational approach was needed and suggested putting something on Facebook, newsletters and the website regarding enforcement and indicated once stricter enforcement happened contact to the elected officials would surely take place. He continued it was also a matter of resources and priorities. He reported the Police Department had requested additional officers and patrol officers would always be a higher priority within the Department. He stated priorities could change and appropriate funding during next year's budget process.

Mr. Jensen expressed appreciation to Parker Freitag for his presentation and suggestions related to Code Enforcement and the aesthetics of the City. He also believed discussion was beneficial to Staff in identifying the Council's concerns regarding the aesthetics of the City. He requested Staff work toward addressing and improving the identified issues expressed by the Council. He expressed concern with the implementation of a beautification committee.

Councilmember Freitag inquired if CDBG funds could be appropriated for this purpose and Mr. Jensen responded that would need to be explored. Councilmember Day asked if the Youth Court offenders would possibly be used in this capacity for their Community Service hours.

Councilmember Brown inquired if panhandling needed to be included in the Code Enforcement ordinance and shared what she had seen on Facebook. Chief Swanson informed the Council officers had visited with the individuals specific to Councilmember Brown's concern and updated the Council and a discussion followed. She suggested installing a sign similar to what she had seen in Salt Lake near the off ramps which stated it was illegal to transfer money from a vehicle and a pedestrian.

Councilmember Davis expressed appreciation to Code Enforcement for everything they did to contribute to the betterment of the City. Councilmember Petro also added her appreciation. Councilmember Brown shared an experience she was aware of from Facebook about an officer serving a citizen. Councilmember Freitag also expressed appreciation for their presentation.

The meeting adjourned at 8:38 p.m.

Kimberly S Read, City Recorder