MINUTES OF LAYTON CITY COUNCIL WORK MEETING — **FEBRUARY 15, 2018; 5:34 P.M.**

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

EXCUSED: **JOYCE BROWN**

STAFF PRESENT: **ALEX JENSEN, GARY CRANE, 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. He excused Councilmember Brown.

AGENDA:

<u>RECREATION, ARTS, MUSEUM AND PARKS (RAMP) GRANT FUNDING RECOMMENDATION</u>

Tracy Chatwin, RAMP Chair, expressed the Commission's appreciation to the Council for the opportunity to serve. He distributed a handout which reflected the recommendations. He reviewed and reported on the RAMP funding requests and pointed out the following:

- Two major requests were received – Chapel Street pickleball courts and West Layton Jr. High gymnasium. He stated those requests were funded at one hundred percent and mentioned this was the second installment for the junior high. He mentioned the third and final installment would be appropriated next year.
- Eleven Tier I funding requests had been granted, those requesting between $10,000 - $199,000 for various projects.
- Fourteen Tier II funding applications for $500 - $9,999.
- Three applications didn't qualify.
- One application was withdrawn – Layton Parks and Recreation Fishing Trailer. He reported First National Bank of Layton had purchased the trailer for the Department.
- Of the 9 identified "priority 1" projects: 7 received full funding, 1 received partial funding and 1 was not funded.
- 4 other projects were partially funded: project 13, 14, 18 and 24.
- He reported the City's Legal Department had assisted the Commission in explaining reasons why the requests from Layton Christian Academy weren't eligible for funding.

He directed the Council to the packet which identified the project, its description, dollar amount requested and the RAMP Commission's recommendations. He reported $1.3 million had been recommended toward projects, leaving $422.00 to be carried over. A discussion took place regarding the projects which included on the recommendations list.

Councilmember Day inquired about the matching funds and Mr. Chatwin explained they could be recognized as other donations and/or in-kind donations. He reviewed the process used by the Commission to determine the appropriation of funding for the requested projects and the Council discussed the recommended projects.

Mayor Stevenson inquired if there was a need for the City to explore obtaining batting cages should the opportunity present itself and a discussion took place.

Mayor Stevenson asked if members of the Commission were fulfilling their commitment and actively participated. Mr. Chatwin responded in the affirmative and reported there was very little absenteeism.

The Council expressed appreciation to Mr. Chatwin and the Commission.

ART MURALS AT ELLISON PARK

JoEllen Grandy, Parks Planner, shared a visual presentation for proposed art murals at Ellison Park. She explained the City had been approached by an art teacher from Weber State University who teaches at both Layton and Viewmont High Schools, partnering with North Davis Preparatory Academy, looking for space to display art murals completed by students in their classes. She was proposing the City enter into a partnership for these services.

She announced the theme of the project was "A Celebration of Diversity" and explained the art students at North Davis Preparatory Academy would be studying abstract art with acrylic paint. She indicated the 9th grade Geography students and 4th grade Utah History students would be illustrating journeys of people who arrived and lived in Layton, highlighting the diversity of cultures and languages through colors and art. She mentioned the students would be visiting and obtaining information from the City's museum. She shared examples of technique and styles proposed for the murals.

She explained the high school classes would be focusing their art on Spanish-speaking members within the community and identify where they came from and what important cultural traditions/customs they remember. She shared an example of the proposed image transfer design art mural intended to be displayed.

She indicated City Staff had identified proposed location of the Ellison Park Tennis Court backstops and explained how the murals could be accommodated. She stated the students would be applying for grant funds to complete the project and wouldn't be requesting anything from the City other than a place to display the mural. She added the murals would be displayed for approximately one year or until they began to deteriorate. She mentioned if the project was successful there was the possibility to continue with the partnership in future years. The Council discussed the art mural proposal.

Dave Price, Parks and Recreation Director, emphasized the City would have full editorial control and the murals would be inclusive. He also pointed out the murals would be temporary in nature. A discussion took place about the placement of the murals and Mr. Price indicated Staff had specifically chosen this location due to its proximity to the splash pad allowing them optimum visibility by the public. The Council expressed agreement Staff should proceed in a partnership for the murals.

MAYOR'S REPORT

Mr. Price announced Staff had begun work in Commons Park to accommodate the Vietnam Memorial Wall Replica had informed the Council of the work completed thus far. He reported Staff had also identified some deficiencies in the pavilion which needed to be corrected and indicated would be unavailable for use until those issues were corrected.

Councilmember Davis inquired if the funding/donations had been recognized to complete the Replica and Mr. Price stated the City had received a check in the amount of $130,000 which included contributed funds from Davis County. He indicated solicitations were still taking place and bricks were continuing to be sold. He announced Home Depot had committed to provide $24,000 in materials and discussions had taken place with concrete companies for similar donations. He reported the panels were currently being constructed.

Mayor Stevenson proposed the all-day budget meeting scheduled for Thursday, March 15, 2018 be condensed, having it take place from 8:00 a.m. – 11:30 a.m. He informed the Council it had been invited to attend the Davis Chamber of Commerce luncheon and announced Derek Miller, Chairman of the

World Trade Center in Salt Lake. He believed information from Mr. Miller would be worthwhile and important for the Council to attend the event.

Councilmembers Freitag and Petro expressed concern whether there would be sufficient time for Staff to review and discuss the proposed budget. Mayor Stevenson indicated if further discussion was needed the budget meeting could continue in the afternoon following the Chamber's luncheon. Alex Jensen, City Manager, added if the Council needed even further discussion additional meetings could also be scheduled.

AMENDING LAYTON MUNICIPAL CODE – TITLE 19 (ZONING), SECTION 19.14.100 (CONDITIONS RELATING TO SPECIFIC TYPES OF USES), MODIFYING THE REQUIREMENTS OF ITEM 5 (KENNELS), AND AMENDING TABLE 6-1 (TABLE OF LAND USE REGULATIONS) TO INCLUDE "KENNELS, BOARDING" AS A CONDITIONAL USE IN THE CP-1 (PLANNED NEIGHBORHOOD COMMERCIAL) AND CP-2 (PLANNED COMMUNITY COMMERCIAL) ZONING DISTRICTS – ORDINANCE 18-08 (PREVIOUSLY KNOWN AS ORDINANCE 17-51)

Bill Wright, Community and Economic Development Director, announced the proposed text amendment. Tim Watkins, City Planner, stated the applicant, Spencer Wright - Wright Development, representing the commercial subdivision at Wyndom Square, and Salina Beilstein, prospective tenant, was requesting to include "kennels, boarding" as a Conditional Use in the CP-1 and CP-2 zones. He emphasized if the text amendment was approved it would be applicable citywide, not specific to this property.

Mr. Watkins shared a visual illustration and referred to the City's Land Use Table which reflected kennels/boarding was conditionally allowed under the CP-3 and C-H zones and permitted under the M-1 and M-2 zones. He stated the proposal would "conditionally" allow the use under the CP-1 and CP-2 zones and shared a map which identified where these uses could potentially be located within the City. The map also reflected the respective zoning districts currently allowing the use within the City for the Council to reference when considering the proposed text amendment. He also shared photos of the subject property to illustrate its proximity to adjacent residential uses. He informed the Council the applicant was also proposing an outdoor dog run in conjunction with the proposed commercial development and reviewed identified restrictions/allowances which would be required in conjunction with that allowance.

He reported the Planning Commission had expressed concern regarding the outdoor exercise dog run as an accessory to the primary indoor function proposed, specifically the potential impacts to the surrounding residential and commercial uses. He reported Staff believed the outdoor animal enclosure could be compatible to the use if managed properly and, if not, could be controlled via the nuisance ordinance. He asked if there were questions from the Council.

Mayor Stevenson asked the applicant if she believed the dogs would be barking when playing in the outdoor dog run and she responded dogs would only be allowed in the enclosure 15 minutes every few hours and suggested the installation of a privacy fence would contribute to them not barking. She emphasized there would be supervision whenever dogs would be using the enclosure and stated the enclosure wouldn't be used after 7:00 p.m.

Mayor Stevenson requested the applicant explain the services which would be provided by the proposed development and Ms. Beilstein explained her business would be a dog day care, dog boarding, and dog grooming. A discussion took place about Ms. Beilstein's current clientele and she reported many dog owners were uncomfortable boarding their dogs in Industrial areas.

Mayor Stevenson requested further clarification regarding the difference of opinion between Staff and the Planning Commission. Councilmember Day reported its discussion was very similar to the Councils. Mr. Wright reported it recognized the need to distribute these types of businesses throughout the entire City and ultimately the discussion centered on the outdoor nature of the dog run and whether it would create a nuisance.

Mr, Jensen pointed out how allowing these types of businesses throughout the entire City could negatively affect adjacent businesses within the development and inquired if there was a standard by which the City would respond to noise complaints. Mayor Stevenson mentioned there were sound proofing products which could mitigate noise exposure. He inquired if language specific to that needed to be included with the identified requirements. Councilmember Petro asked if the business would also provide overnight services and Ms. Beilstein indicated in the affirmative. Mr. Watkins read the proposed language included in the ordinance which spoke specifically to noise.

Spencer Wright, Wright Development, emphasized it was also concerned about creating a nuisance to neighboring tenants and indicated it would be willing to install additional installation to eliminate noise.

Councilmember Freitag pointed out Staff received the request in December, the Planning Commission reviewed the proposed ordinance during two separate meetings and expressed concern the Council was being requested to approve one of two proposed ordinances it received only two days ago. He also pointed out the scope of the potential change citywide was significant and suggested the Council needed more time to consider any unintended consequences. He also expressed concern with the City receiving numerous applications in the future for other areas within the City. He stated he felt rushed with having to make a decision and hearing about the request the same night.

Mayor Stevenson asked Staff if there was a need for the Council to act on the proposed ordinance during its meeting scheduled at 7:00 p.m. Ms. Beilstein reported her lease at her current location was up in March, so time was important to her. Mayor Stevenson also expressed concern about the proposed impact of allowing these types of uses in the proposed zones throughout the City and also believed two days was a short time to determine how this could affect the entire City.

Councilmember Davis suggested holding the public hearing tonight and continue any action on the ordinance until the Council Meeting scheduled for Thursday, March 1, 2018. Councilmember Freitag requested clarification on the applicant's process once the proposed amendment/ordinance was approved and Mr. Wright explained the Conditional Use Permit approval process with the Council.

Councilmember Petro pointed out Ms. Beilstein's business had been in the City for a long time and suggested she needed a timely solution. Mayor Stevenson clarified the issue wasn't with Ms. Beilstein's business, rather whether further consideration was needed prior to the Council amending City Code and a discussion followed.

Mayor Stevenson suggested holding the public hearing and continuing it until Thursday, March 1, 2018. The Council expressed agreement. Councilmember Day also suggested modifying the proposed outdoor hours.

MAYOR'S REPORT

Councilmember Freitag requested Gary Crane, City Attorney, inform the Council about the proposed legislation establishing an oversight committee for local government. Mr. Crane expressed his opinion it was a bad bill which would affect every department within the State. He pointed out the bill, if approved, was duplicative in that there was already an Auditor, State Auditor, and Legislative Auditor to oversee local government. He stated the Speaker of the House was supportive and suggested the councilmembers reach out to the City's respective legislators expressing concern with HB 175 and a discussion took place. Councilmember Day suggested drafting a letter on behalf of Layton City for the Council to sign which could be forwarded to certain legislators.

Mr. Crane also informed the Council about a bill specific to billboards. He explained it was specific to the City allowing the relocation of a billboard requiring cities to act via eminent domain within 90 days or the billboard company could automatically relocate. He explained the challenge in completing that process in that amount of time.

Mr. Crane also reported on other bills which would negatively affect Layton City's budget. Councilmember Freitag expressed concern about the bill specific to homelessness and a discussion followed.

Councilmember Davis requested a letter which the Council could collectively sign. Mr. Crane stated he would draft a letter regarding HB 175 for the Council to sign to be forwarded to certain legislators.

The meeting adjourned at 6:55 p.m.

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Kimberly S Read, City Recorder