

**MINUTES OF LAYTON CITY
COUNCIL WORK MEETING**

AUGUST 1, 2019; 5:33 P.M.

**MAYOR AND COUNCILMEMBERS
PRESENT:**

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

STAFF PRESENT:

**ALEX JENSEN, GARY CRANE, TIM WATKINS,
BRANDON RYPIEN, LON CROWELL, TRACY
PROBERT, TERRY COBURN, STEPHEN
JACKSON, AND KIM READ**

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

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

AGENDA:

PRESENTATION – AGRICULTURE AND FARMING

Mayor Freitag introduced Tyson Roberts, Vice President of Davis County Farm Bureau, and announced he would be sharing a presentation on Agriculture and Farming. Mr. Roberts informed the Council agriculture was one of the most regulated industries and the role of the Bureau was to implement good policies for farmers to be successful.

He informed the Council the Envision Utah results ranked agriculture as one of the highest priorities for Utahns and reported ninety percent of his personal income was recognized from direct sales such as farmers markets. He pointed out some operations associated with farming take place during the nighttime hours such as the cutting and baling of alfalfa. He continued to explain the leaves on the alfalfa stems is what provides nutrition for animals; therefore, farmers will bale with dew on the loose leaves. He also explained how impending weather could destroy a crop and necessitate harvesting to take place during the night. He added vegetables harvested in the early morning hours will store longer.

Mr. Roberts also explained the necessity of moving farm equipment from one place to the next on public roads during the day and pointed out the challenges associated with doing that.

He spoke to the Agriculture Protection Area designation available to local farmers which provide them protection. He requested this information be provided to the City's law enforcement officers.

Councilmember Davis inquired if the City had current ordinances which were problematic to the farmers. Mr. Roberts expressed his opinion Layton City was supportive to farmers.

Councilmember Day believed Layton City was supportive of the farmers within Layton City and shared a personal example.

Mike Kolendrianos stated he would be willing to purchase some tractor signage if the City would allow placement along Gentile and identified the locations where he believed they should be placed. Mayor Freitag directed Terry Coburn, Public Works Director, to follow up with the request. Mr. Kolendrianos also expressed concern regarding a developer removing a fence without any notification which could subsequently allow the roaming of livestock. He expressed appreciation to the City's Police Department, Building Department, and Engineering Department for their support to the farmers within the City.

PRELIMINARY PLAN APPROVAL – EAST LAYTON COMMONS – APPROXIMATELY 1300 EAST HIGHWAY 193

Tim Watkins, City Planner, shared an illustration identifying the location of the proposed development. He reminded the Council of previously expressed concerns and discussions regarding the public access to Highway 193 within the development from 3025 North, as well as access to possible future development on the western parcel. He reported further discussion had taken place regarding the issue.

Stephen Jackson, City Engineer, addressed whether there was a need to provide public access from 3025 North to Highway 193 and possible future access to 193 from the western parcel of the Jaques property. He expressed agreement cross access would be prudent to the Jaques property as UDOT would probably deny additional access to Highway 193. He spoke to the possibility regarding the access to the property further north and the private road within that development and identified what would need to take place for it to become a city road. He didn't believe this public access was needed and pointed out other options available to those residents. He indicated if someone used the private road it would decrease the amount of travel time by approximately 40 seconds, at the most. He concluded since the developer had agreed to grant the public via cross access easements, the City wouldn't want to assume the maintenance responsibility of the private roads since it didn't meet its standards as a public road. A discussion took place regarding sidewalks, and snow removal within the development.

Councilmember Petro clarified the layout of the development identified rear alleys running east/west and trash would be located there for pickup as opposed to the street. Mr. Jackson suggested access to 193 should only be utilized by those living within the development and not greater area as a whole.

Councilmember Day asked how the water and sewer infrastructure would be accommodated when the western parcel was developed in the future. Mr. Jackson responded it would tie into the East Layton Commons development or those located within Highway 193. The discussion pertaining to access continued and Mr. Jackson emphasized the easement provided access to certain property owners, not the public as a whole.

Mr. Watkins clarified the Annexation Agreement required access to future development which was different than public access. He summarized it supported the goal in providing the circulation for what was needed and connectivity. Councilmember Day couldn't identify another circumstance within the City in which a public road didn't provide access to property or a development. Mr. Jackson responded the Cottages at Cherry Lane was a similar example and identified the similarities.

Alex Jensen, City Manager, pointed out City Ordinance required every property had to accommodate neighboring properties whether the roads were private or public. He believed there were several roads within the City which were private but which the public used. He stated there was a difference between having public access and having public ownership and the discussion continued. Mr. Watkins emphasized language within the Annexation Agreement required cross access between property owners.

Gary Crane, City Attorney, explained everything within a private subdivision was private; if another private subdivision connected to the first, both would remain private subdivisions. He pointed out the City would retain an easement, usually for utility/fire hydrant access. He clarified when dealing with two property owners of two separately private subdivisions, a cross access easement was appropriate to allow access for both developments.

Mr. Watkins reported conversations had taken place between the applicant and the neighboring Jacques property owner reminding each of them of the rezone and application processes.

Councilmember Day asked what was planned for the storm water associated with the west Jaques property. Mr. Crane responded the storm water sewer access obviously wouldn't flow to the east and indicated the applicant would need to figure that out during the subdivision design process and the City would need to have access to those utilities. A discussion followed and Mr. Jackson spoke to options

available to the applicant. Mr. Crane added all utilities would need to be stubbed into the west Jacques property.

Councilmember Carter requested clarification regarding the west Jacques property. Mr. Watkins stated the west Jacques property had not yet been annexed or rezoned. He indicated the Annexation Agreement required, if and when future development occurred on the west area, that the east development would provide cross access to that future development.

Councilmember Day asked if the City's utilities could accommodate future development and Mr. Jensen stated Engineering Staff ensured developers weren't allowed to install substandard utility infrastructure in conjunction with development. Mr. Crane emphasized City Code required the same type of utilities and infrastructure whether it was a public or private development within the City. Mr. Jensen indicated the developer had been accommodating to the City's previous requests during this process and suggested having him submit a letter to reaffirm his intent. The Council and Mr. Crane were in favor of that request.

Mr. Jensen asked the developer's representative, Logan Johnson – Wright Development, if anything discussed during the meeting hadn't been anticipated by the developer. He indicated they hadn't anticipated the road being a public street, it was anticipated to have private access and reported UDOT(Utah Department of Transportation) had required the developer to grant access to the neighboring property. He further explained they had intended access easements and utility easements associated with Questar/Dominion stubbing them at the property line. Mr. Jackson stated he would look into plans for clarification. Mr. Johnson also mentioned water and sewer utility access easements as well.

DISCUSSION – COMPREHENSIVE GENERAL PLAN AMENDMENT

Mr. Watkins explained Staff had completed some refinements to the proposed General Plan based on public comments received for two separate town centers. He spoke specifically to the Gordon/Highway 89 Town Center and shared an illustration which identified the location for the storm water conveyance and detention provided by UDOT (Utah Department of Transportation) plans. He mentioned this would be used as a buffer to the single family residential development. He asked if there were any comments or questions regarding this refinement and there were none.

He also shared an illustration regarding the West Layton Town Center which identified proposed zoning and uses and pointed out the text box which would co-relate to the different properties and identify the entitlement specific to the property north of Hill Field Road.

Councilmember Day suggested text should reflect that any proposed changes would need to be consistent with this proposed General Plan.

Mr. Watkins explained the intent of the current General Plan, in conjunction with the mixed use corridor, should provide for professional businesses to serve the population of the west Layton area. He suggested the City should anticipate the need for professional business along the southern side of Hill Field Road.

Councilmember Day stated reference had been made to an overall map and couldn't recall the Council discussing the overall map. He expressed his opinion he would like to see more areas in the western portion of the City designated R-S. Mr. Watkins explained the land use spoke specifically to the text which defined the use. He reported Staff was working toward an interactive map to be available on the website which would provide the definition and the land use designation and suggested the online version would identify the use. Councilmember Day requested a hard copy of the map and asked the other Councilmembers' opinions of the map.

Councilmember Brown expressed her opinion the map identified the different opportunities for development and she didn't believe its intent was to direct developers/residents to a certain "type" of development, with the exception of town centers. Councilmember Davis stated he was satisfied with what Staff had presented. Councilmember Brown stated she didn't believe the proposed General Plan limited

development opportunities within the City. Brandon Rypien, City Planner, emphasized the goal of the future land use map was to display policies described in the General Plan document.

Councilmember Petro requested clarification that once the proposed General Plan was adopted it would supersede the existing plan and Mr. Watkins responded in the affirmative. He explained the language which spoke to the downtown element and which plan would be followed. Mayor Freitag expressed agreement with Mr. Rypien's comments and emphasized this was an illustration of what was written, and if there were any questions, reference should be made with the written document as opposed to the map. Mr. Rypien stated the website would reflect density as well as development opportunities.

Councilmember Davis pointed out a resident had addressed the Council during the Public Hearing who had identified some corrections and suggested those be implemented within the Plan.

A discussion took place whether the Council wanted to continue the public hearing and accept public comment during the Council's meeting scheduled for Thursday, August 15, 2019. Mr. Crane added no additional noticing was required as long as the Council continued the public hearing to a date and time specific. The Council concluded to continue the public hearing to the next meeting and possible adoption.

MAYOR'S REPORT

Councilmember Brown requested clarification about the adoption of the International Fire Code which was on the Council Meeting agenda. She reminded the Council of concerns regarding open camp fires expressed by a resident during the citizen comment portion at a previous Council Meeting. Mr. Jensen believed the resident expressed concern regarding recreational fires and indicated adoption of the proposed changes would bring the City into compliance with State Code. Mayor Freitag clarified the Council would be adopting International Fire Code. He added the State Fire Code provided guidance on restrictions of fires and informed the Council no restrictions had been recommended at this time. Mr. Jensen reported the Fire Chief didn't see a need to make any additional changes at this time.

Councilmember Carter also requested clarification specific to Appendix D. Mr. Crane explained the intent and Mr. Jensen provided additional language "of more than" which could be included with the motion.

Mayor Freitag recommended the Council reconvene in a Work Meeting following the Regular Meeting for additional discussion during Mayor's report.

OPEN AND PUBLIC MEETINGS ACT TRAINING

This item was not addressed by the Council.

CONFLICT OF INTEREST TRAINING

This item was not addressed by the Council.

SEXUAL HARASSMENT TRAINING

This item was not addressed by the Council.

The meeting adjourned at 6:56 p.m.

The meeting resumed at 8:30 p.m.

MAYOR'S REPORT

Mayor Freitag announced the Open and Public Meetings Act training, the Conflict of Interest Training,

and Sexual Harassment Training would take place during a future City Council Work Meeting.

Mayor Freitag indicated he would like to have a discussion regarding the Truth in Taxation process and allow Councilmembers the opportunity to share any information they learned from the Open House on Wednesday, July 31, 2019. He also wanted to address how members of the Council should respond to emails.

Mayor Freitag directed his comments to Mr. Jensen and expressed appreciation for the work of City Staff and the information which was provided which lent to informative discussions. Mr. Jensen reported Staff believed it to be a successful event and the residents were receptive. He also indicated some candidates had expressed appreciation for the information as well. He stated one of the concerns and discussions which took place was specific to how it would affect the older residents living on a fixed income.

Councilmember Day complimented Staff for their efforts, specifically with the visual illustrations, and stated he was disappointed in the public turnout attending the Open House.

Councilmember Petro reported she had received more complaints/concerns regarding the water rates and the tiered structure compared to the proposed new fire station. Councilmember Day agreed with Councilmember Petro and a discussion followed. Mr. Jensen reminded the Council the tiered structure associated with the water rates was dictated by the State to promote conservation.

Councilmember Carter mentioned the Fire Department Staff, especially Scott Maughan, and Jason Cook, Battalion Chiefs, were well prepared and did a great job of informing the public of the issues.

Mayor Freitag announced the Public Hearing specific to the proposed increase to the Certified Tax Rate was scheduled for Thursday, August 8, 2019, at 7:00 p.m. and desired to discuss the flow of the meeting. He proposed the following:

- Introduction of the Issue by Tracy Probert, Finance Director
- Individuals wishing to address the Council would need to submit a card reflecting their name and address allowing each to be called to the podium in an orderly fashion
- Written comments could be submitted OR shared verbally
- Allotted time limit to be reflected on the screen
- Two minute time limit per individual

Councilmember Day expressed concern that the two minute limit wasn't enough time for a resident to express their opinions/concerns on the issue and a discussion followed. Councilmember Petro expressed agreement with Councilmember Day.

Mr. Jensen expressed his opinion the facts associated with the proposed tax increase be shared as part of the introduction in order to educate those in attendance and the discussion continued.

Mayor Freitag reminded the Council the General Plan Amendment Public Hearing and Action was scheduled to be on the agenda for Thursday, August 15, 2019. It was also planned to approve the budget at that same meeting. Councilmember Davis announced he would be out of town on August 15, 2019. A discussion took place whether to change the date of the meeting. The Council determined to cancel the City Council Meeting scheduled for Thursday, August 15, 2019 and schedule a Special City Council Meeting on Thursday, August 22, 2019.

Mayor Freitag clarified the Council would be approving the Certified Tax Rate and the 2019/2020 Fiscal Year Budget. Mr. Crane suggested any discussion related to the Tax Rate take place during the public meeting and a discussion took place specific to the Tax Rate and some of the equipment needs specific to the Fire Department.

Mr. Jensen distributed the different percentages specific to the Property Tax Adjustment Scenarios to the Council.

The meeting adjourned at 9:43 p.m.

Kimberly S Read, City Recorder