

**MINUTES OF LAYTON CITY
COUNCIL WORK MEETING**

JUNE 4, 2020; 5:40 P.M.

**MAYOR AND COUNCILMEMBERS
PRESENT:**

**MAYOR JOY PETRO, ZACH BLOXHAM, TOM
DAY, DAWN FITZPATRICK, CLINT MORRIS,
AND DAVE THOMAS**

STAFF PRESENT:

**ALEX JENSEN, GARY CRANE, STEVE GARSIDE,
TIM WATKINS, WESTON APPLONIE, TERRY
COBURN, TRACY PROBERT, ALLEN SWANSON,
KEVIN WARD, AND KIM READ**

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

Mayor Petro opened the meeting.

AGENDA:

COUNCIL MEMBER REPORT

Councilmember Bloxham informed the Council he had participated in the Utah Department of Transportation Board of Trustees meeting Wednesday, June 3, 2020, and mentioned discussions centered on Sales, Gas, and Road Taxes, and the Ogden connections. He stated the Board was optimistic regarding the Sales Tax data and believed it was good to hear from a second source that the trend of Sales Tax was better than anticipated.

Councilmember Thomas announced the City's Parks and Recreation was primarily opened. He reported he had visited Surf'n Swim and the skate park and witnessed all participants were compliant to the identified guidelines. He also mentioned there was activity on the ball fields, playground, and splash pad and was impressed with the low numbers at all locations. He believed the public was policing themselves appropriately and adhering to the suggested guidelines.

Councilmember Fitzpatrick updated the Council on Communities that Cares. She announced it had sponsored a B-I-N-G-O activity and indicated this week's activity was centered around the City Centennial. She indicated a Zoom meeting would soon be scheduled for interested stakeholders. She announced the Youth Council was looking for a City service project and mentioned she would follow-up with Parks and Recreation Staff. She mentioned the Davis Chamber of Commerce meeting held earlier today during which a legislative update took place. She mentioned a discussion specific to budgets took place and reported the school district had expressed concern in moving forward with classroom instruction in the fall with social distancing guidelines. She stated Police Reform would definitely be discussed further by the Legislature.

**AMEND THE LAYTON MUNICIPAL CODE – TITLE 19, ZONING; CHAPTER 19.06, LAND
USE REGULATIONS, SECTION 19.06.080, FARM ANIMALS – REQUESTING THE
MINIMUM LOT SIZE FOR RESIDENTIAL CHICKENS BE DECREASED TO 8,000 SQUARE
FEET AND TO REGULATE DUCKS BASED ON COMPARABLE STANDARDS TO
CHICKENS – ORDINANCE 20-14**

Tim Watkins, City Planner, introduced Weston Applonie, Planner, and informed the Council the request submitted by residents Kelly Morris and Jason Edwards, would be to allow ducks similar to how the City regulated backyard chickens. He shared an illustration which identified the City's current code compared to the proposed code, pointing out the following:

- The number of chickens allowed R-S zoning districts
- Minimum lot sizes
- The number of chickens and roosters allowed in the Agriculture Zone and lot size
- The allowance of chickens/ducks determined by lot size

Councilmember Day asked how Staff had identified the proposed allowance for the Agriculture Zone and Mr. Watkins responded Staff had completed extensive analysis of codes from other municipalities. Alex Jensen, City Manager, believed many cities had determined the number based on square footage and shared an example. Mr. Applonie added obviously larger lots could better accommodate more birds.

Councilmember Fitzpatrick expressed concern about existing residents raising chickens for egg distribution. Mr. Applonie responded residents approved for chickens under the old code would be allowed that same number. Councilmember Thomas requested further clarification and Mr. Watkins explained the completed research and stated Staff was comfortable with proposing this allowance.

Councilmember Bloxham asked if neighboring jurisdictions had implemented an ordinance and then changed it back to the more restrictive due to possible negative consequences from other residents within the City. He expressed concern the City was implementing an ordinance Citywide for one resident's request.

Mr. Jensen pointed out Staff wasn't proposing the ordinance; rather, Staff had completed research to accommodate the resident's request and had drafted a reasonable ordinance. He suggested it was up to the Council to determine whether the drafted ordinance was reasonable for the entire City.

Councilmember Morris asked about the limitation of roosters and Councilmember Fitzpatrick responded they were noisy. Councilmember Bloxham asked if there was a specific reason why ducks weren't included in the original ordinance. Mr. Jensen mentioned the original request was to allow for chickens and the City responded by providing an ordinance for that allowance; not to specifically prohibit any particular animal.

Councilmember Thomas expressed his opinion a resident might not be aware a neighbor has chickens but would definitely know if a neighbor had a pet duck. He also expressed concern with the increased limitation of the number of chickens being proposed in the ordinance and requested clarification regarding the proposed increase. He also asked about the enforcement of the ordinance. Mr. Applonie expressed agreement with Councilmember Thomas' comments and reported very few residents were repeat offenders, rather it was due to lack of education.

Councilmember Fitzpatrick pointed out the ordinance didn't address turkeys and informed the Council they were sold by a local within City boundaries. She read from the proposed ordinance and also expressed concern with the change in lot size. Mr. Watkins clarified the current ordinance allowed for flexibility by the Zoning Administrator to determine what was appropriate specific to farm animal, size and impact for unlisted animals. He continued to explain the lot size had been discussed during Planning Commission meetings which ultimately concluded it didn't determine the health of the birds. Mr. Applonie added Staff tried to be as simplistic as possible for larger lots not being capped on the number of birds. Councilmember Fitzpatrick expressed concern the coop or pen could utilize the majority of the space in the backyard and inquired if that scenario would be ideal and shared an example.

Mr. Watkins believed the birds created the impact as opposed to the coop and believed the ordinance allowed for a larger coop. Councilmember Fitzpatrick pointed out the proposed ordinance would allow a resident on a large lot to essentially not have a traditional backyard; rather, it would accommodate a large number of chickens. She suggested designating setback requirements for the coop/pen and believed this was more relevant as a health issue compared to an animal allowance issue. Mr. Applonie responded it would be fine to require a setback from the home, and shared some examples for consideration by the Council. He mentioned Staff had drafted an ordinance which didn't require square footage per bird and shared some suggested language specific to the pen size. He mentioned these requirements made it more

difficult to manage and enforce the ordinance. Councilmember Fitzpatrick suggested a percentage of the yard size and a discussion took place.

Councilmember Morris asked how many chicken permits had been granted and Mr. Watkins didn't have that information but indicated he could provide it at a later time.

Mr. Jensen emphasized this item was on the regular meeting agenda as a public hearing and it would be up to the Council to either adopt or deny approval. There was latitude for the Council and mentioned the current ordinance wasn't broken.

Councilmember Morris asked if the City received complaints regarding ducks. Mr. Applonie responded it had been minimal and estimated maybe three within the last several years. Councilmember Morris proposed issuing a variance to the applicant based on the current ordinance.

Mr. Jensen inquired if the Zoning Administrator had the authority to address the ducks under the current format and Mr. Watkins responded that provision was specifically applicable to large farm animals and not small animals. Mr. Jensen explained the resident had been managing the ducks and the City only became aware of the issue once a neighbor complained about the ducks wandering into their yard, which prompted a call to Code Enforcement, and the subsequent action. Councilmember Morris suggested the neighbors could still be upset and complain about the ducks even if the ordinance was approved by the Council. Mr. Applonie pointed out the original complainant had signed a petition in support of the new City ordinance.

**GENERAL PLAN AMENDMENT AND REZONE REQUEST – 2430 NORTH 1200 WEST
REZONE – A (AGRICULTURE) TO C-TH (CONDOMINIUM/TOWNHOUSE) – ORDINANCE
20-09 AND ORDINANCE 20-10 – APPROXIMATELY 2430 NORTH 1200 WEST**

Mr. Watkins identified the parcel and oriented the Council to the location of the parcel and explained the request was to amend the future land use map from Community Residential to Transitional Residential, and to rezone the property from Agriculture to Condominium/Townhouse.

He shared an illustration of the Layton Forward General Plan and Land Use map and pointed out the adjacent parcels and uses. He reviewed the definition of transition residential and suggested the traffic volumes would continue to intensify in that area. He clarified the canal had been enclosed and there was no open water in that area. He shared some other examples of uses adjacent to the parcel which was located in Clearfield City.

He announced Staff was requesting approval based on recommendations by the Planning Commission and the consistency with the General Plan text and definition for the transitional residential zone.

Councilmember Fitzpatrick requested clarification if the rezone would be applicable only to the .68 acres and Mr. Watkins responded it would be applicable to the full property. She expressed concern from the canal company specific to the groundwater in the area and pointed out the City's ordinance stated the geotechnical report would determine whether a land drain was necessary. She pointed out this area had a reputation for ground water and believed the need for a land drain in the area needed to be addressed prior to any development. She also referred to the City Engineer's report which mentioned the storm water issue and whether a detention basin would be required based on the number of allowed homes. Mr. Watkins responded a small detention area would suffice. Councilmember Fitzpatrick expressed her opinion the small parcel wouldn't accommodate anymore homes under the new zoning with a larger detention basin than what would be allowed under the current General Plan. She summarized the rezoning wasn't necessary if the outcome would be the same. Mr. Watkins responded the outcome would be different as more units would be placed on the site. He added the single family homes wouldn't be a comfortable fit and believed townhomes would fit better on the odd sized parcel.

Councilmember Thomas requested clarification the canal would be piped and Mr. Watkins responded in

the affirmative.

Councilmember Day disclosed he was a shareholder and boardmember of Davis Weber Canal Company. He stated he had no objection with the rezone; however, he expressed concern whether the property owner or developer would be responsible for the installation of a fence. He indicated the issue had been discussed during the Planning Commission meeting but nothing was determined.

The property owner responded a six foot chain link fence was currently located on the property. He mentioned the canal company had a right-of-way and believed a fence would be wanted once the trail was completed as a form of protection for the homeowners. Mr. Jensen suggested this issue would be addressed during the development approval and would probably be required in conjunction with the commercial housing. Councilmember Day pointed out the fence would be required if it was adjacent to Agriculture Zone, but not required against other residential.

Mr. Watkins recollected fencing wasn't required but could be through an agreement during the approval process. He stated he would like to review the landscape matrix between townhomes or two-story multi-family and a public utility. Councilmember Day didn't believe the canal company was expecting new vinyl fencing, just an appropriate chain link separation. Mr. Watkins pointed out a future trail would be located in the area and the open space would lend toward a nice open space area. Mr. Jensen pointed out a developer would probably desire to upgrade the fence in conjunction with the proposed housing development.

The property owner asked if there was a reason the canal company would want the property fenced and Councilmember Day responded a fence would keep people off the right-of-way/easement. After quick research on the part of Mr. Watkins, he confirmed the City would require a solid, six foot fence between the townhomes and the utility.

Councilmember Thomas requested clarification regarding the canal company's property. Councilmember Day responded the canal company was in the process of identifying easements and firming up its property ownership in that area. Mr. Watkins explained the easement allowed the canal company access to the canal which restricted the developer from developing that property.

The Property owner clarified he owned the property to the outer redline which included the easement.

APPROVE THE FIRST AMENDED AND RESTATED INTERLOCAL AGREEMENT OF THE UTAH RISK MANAGEMENT AGENCY – RESOLUTION 20-39

Gary Crane, City Attorney, explained URMA (Utah Risk Management Agency) was established by a group of cities to manage its liability insurance since 1985. He reported the City participated with the Agency and indicated it had done a good job in providing the City its liability insurance. He stated it provided ongoing training and consistently monitored those entities it insured. He explained with the installation of a new director, a liability attorney had reviewed the agreement it had with participating cities, and briefly reviewed the following suggestions:

- URMA was subject to the Open Meetings Act
- Bonding of URMA employees would be tied to the State requirement
- What would happen if URMA no longer ceased to exist
- "Mutual Association" would be removed from the name

He asked if there were any questions.

Councilmember Fitzpatrick asked who represented Layton City and was informed it was Alex Jensen, City Manager, She also inquired about the new Executive Director and Mr. Crane responded it was David Petersen. She requested clarification about the members being elected or appointed and Mr. Crane indicated the City was responsible for making the appointment of the voting member. Councilmember Fitzpatrick asked about the employee's Risk Manager and Mr. Crane announced that responsibility was

under the Legal Department's scope of responsibility and Michelle Gallacher was the City's Risk Manager who reported directly to Kiley Day, Human Resources Manager.

BUDGET FOR FISCAL YEAR 2020-2021

Tracy Probert, Finance Director, pointed out a public hearing would take place during the City Council Meeting, immediately following this meeting, to accept public comment on the proposed 2020-2021 Budget. He stated the City would adopt a Budget during the meeting scheduled for Thursday, June 18, 2020.

He reminded the Council of hypothetical figures based on 10% Sales Tax reduction as a result of the Covid-19 Pandemic. He mentioned the City hadn't received any specific figures reflecting that trend and indicated Staff had reviewed budget requests and was prepared to present a proposal which would identify Staff's recommendations based on the hypothetical amount of reduction.

He announced Staff was prepared to postpone some items to the subsequent year, place a number of expenditures on hold until later in the fall following analysis to determine how the budget was performing. He pointed out both of these expenditures totaled more than the anticipated decrease in revenue, which would allow for some items to remain in the proposed budget.

Mr. Probert reviewed the following items proposed for postponement with the Council totaling \$1.2 million:

- Personnel – insurance
- Accounting Clerk
- Fire apparatus replacement
- HVAC upgrade at City Center
- Playground replacement at Chapel Street Park
- Transfer – street lighting

Councilmember Bloxham asked if the street lighting adjustment would impact personnel and Mr. Jensen clarified the positions would be held until January or February. Mr. Probert emphasized the City was well prepared to move forward with the proposed budget and a discussion took place regarding those items specifically identified for postponement.

Councilmember Fitzpatrick inquired about the CARES Act and asked if there could possibly be incurred expenses by the City which might not be reimbursed. Mr. Probert didn't believe so and reported the City had received grant funding which it hadn't applied for. Fire Chief, Kevin Ward, explained how his department had expended funds and believed the City could justify expenditure of the grant funds.

MAYOR'S REPORT

Mayor Petro pointed out a City Council meeting was scheduled for Thursday, July 2, 2020; however, due to a lack of agenda items, asked the Council if it concurred to cancel that meeting. The councilmembers expressed agreement and directed Staff to cancel the meeting.

She requested the Police Chief speak to protocol regarding how the City would protect residents similar to what had taken place and experienced in Salt Lake City specific to public protests by supposed Black Lives Matter members. Mr. Jensen responded Staff hadn't prepared a formal presentation and indicated he would speak to the issue.

Mr. Jensen indicated Staff desired to be responsive to address questions of the Council and believed the City was in control of "possible scenarios". He emphasized the fire and police Staff were very good at their jobs and expressed his confidence with the professionalism, capabilities, and preparedness in responding to incidents by the Public Safety servants of the City. He assured the Council not to worry or contemplate the credibility of Police Staff, because he didn't, and again expressed his confidence in Staff.

Allen Swanson, Police Chief, stated every scenario would be different in how Public Safety employees would respond. He shared some examples and reviewed the protocol he had recently used with the Council.

Chief Ward explained response from the Fire Department would be specific to medical calls and explained how the City was prepared and responded to these recent events. He pointed out different scenarios and examples specific to the City's preparedness exercises used to train Staff.

Steve Garside, Assistant City Attorney and PIO (Public Information Officer), explained additional protocol used by the Police and Fire Department's respective Staff. He expressed hope that the elected officials had confidence with Staff to take care of problems in the City and that the confidence would increase given their current positions as elected officials.

Mayor Petro expressed appreciation to all City Staff.

CLOSED MEETING

The Closed Meeting took place following the regular City Council Meeting.

The meeting adjourned at 7:03 p.m.

Kimberly S Read, City Recorder