

**MINUTES OF LAYTON CITY
COUNCIL MEETING**

OCTOBER 15, 2020; 5:30 P.M.

**MAYOR AND COUNCILMEMBERS
PRESENT:**

**MAYOR PRO TEM TOM DAY, ZACH BLOXHAM,
DAWN FITZPATRICK, CLINT MORRIS, AND
DAVE THOMAS**

PARTICIPATED ELECTRONICALLY:

MAYOR JOY PETRO

EXCUSED:

ALEX JENSEN

STAFF PRESENT:

**GARY CRANE, TERRY COBURN, AND KIM
READ**

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

Mayor Pro Tem Day opened the meeting. Councilmember Bloxham led the Pledge of Allegiance and offered the invocation. The public was welcomed.

MINUTES:

MOTION: Councilmember Fitzpatrick moved and Councilmember Morris seconded to approve the minutes of:

**Layton City Council Work Meeting – July 16, 2020; and
Layton City Council Meeting – September 17, 2020.**

The vote was unanimous to approve the minutes as written.

MUNICIPAL EVENT ANNOUNCEMENTS:

There were no announcements.

PRESENTATIONS:

There were no presentations.

CITIZEN COMMENTS:

David Cook, 329 North 1500 East, expressed concern regarding the new road in the Sherman Acres development and the subsequent increase of traffic and speed on the road. He suggested the implementation of speed bumps or placement of the Police Department's speed trailer. He reported a neighbor's cat had been recently ran over by a speeding vehicle. He requested the City consider options in addressing the vehicular speed of those traveling on the road.

Councilmember Fitzpatrick suggested Mr. Cook contact the Police Department to request placement of the speed trailer and directed him to the website to obtain the phone number.

Councilmember Bloxham expressed appreciation for bringing attention to the issue.

Mayor Pro Tem Day mentioned he lived in the area and was familiar with the issue. He also expressed

appreciation to Mr. Cook for addressing the Council with his concerns.

CONSENT AGENDA:

BID AWARD – ADC CORPORATION – PRECAST WALL FOR GORDON AVENUE, PROJECT 18-59 – RESOLUTION 20-60 – GORDON AVENUE FROM APPROXIMATELY 2030 EAST TO 2575 EAST

Terry Coburn, Public Works Director, announced the bid award was specific to precast concrete wall for the Gordon extension. He identified other areas where these walls had been used along other roadways and explained approving the bid award tonight would ensure timely completion and taking advantage of good weather prior to winter. He pointed out locations of other road projects within the general area which would also need the precast walls and suggested ADC Corporation's availability could become scarce in the future. He indicated if the Council needed additional information, Staff could share a visual presentation during a future work meeting.

Mr. Coburn announced the agenda item and reviewed the scope of the project with the Council. He stated one bid was received with ADC Construction submitting the lowest responsible responsive bid in the amount of \$350,530. He indicated the engineer's estimate was \$350,000 and Staff recommended approval.

Councilmember Fitzpatrick referred to the colored illustration in the packet and requested clarification of the location of the wall and inquired why a wall wasn't proposed near the Cottages at Valley View. Mr. Coburn responded he couldn't speak to specifics associated with the wall; the purpose of adopting the resolution was to secure the contractor and reiterated Staff would be willing to address specifics during the November 5, 2020 Work Meeting.

Councilmember Morris asked why the wall was needed. Mr. Coburn responded a sound wall had always been included with the Gordon Avenue extension to Highway 89 to mitigate the noise from the additional traffic which hadn't been experienced previously. He reported funds for this portion of the project had been appropriated since 2018.

Mayor Petro asked how many companies had been solicited to submit bids in order to determine whether this was a competitive bid. Mr. Coburn pointed out the lack of submitted bids supported his earlier statement that these types of companies were already busy and also committed for future projects. He emphasized the City never solicited companies; it always advertised for the project, and interested contractors would obtain a bid book which identified what was necessary to submit a bid.

Mayor Petro asked if bid books were obtained by other contractors and Mr. Coburn reiterated only one bid was received and didn't know if other companies had obtained a bid book. He stated ADC's pricing for these projects had always been competitive.

Councilmember Bloxham asked about the legal minimum requirements on behalf of the City regarding bids and procurement. Gary Crane, City Attorney, responded the City was required to advertise for the project and accept the lowest responsible responsive bid. He mentioned during a competitive market there were times in which the City received no bids because contractors already had enough work. He emphasized the City had followed all legal requirements by advertising and noticing for the specific project.

Mr. Coburn further explained these particular contractors were becoming scarce as these products were being used more often by not only other cities and the state, but also private developers. He added this particular company had workers available to begin the project and approving the bid award during tonight's meeting was critical to allow ADC to begin work during the three weeks as opposed to waiting for it to be on the November 5 agenda.

Mayor Pro Tem Day indicated his interest in learning the details from the presentation planned for Thursday, November 5, 2020 and clarified if the bid only included the precast wall or if retaining walls were also

included as part of the project. Mr. Coburn believed there might be some retaining walls at the eastern portion and pointed out Staff was still finalizing details with residents and suggested specifics would be addressed on November 5. Mayor Pro Tem Day inquired if the wall was proposed for the north side or on both sides of Gordon and Mr. Coburn responded the majority of the wall would be on the north side but suggested there might be areas in which the wall would also be on the south side.

Councilmember Fitzpatrick also requested clarification why there was a small section consisting of three residential lots in which the sound wall wasn't proposed. Mr. Crane pointed out there were properties that faced Gordon Avenue which would preclude the need for the sound wall and a discussion took place.

Mayor Pro Tem Day asked if Ovation Homes had been required to contribute any funds for the sound wall adjacent to its development. Mr. Crane explained the process used by the City to identify any developer's responsibility to contribute toward the sound walls.

Councilmember Fitzpatrick asked who would be responsible to maintain the buffer along the sound wall and Mr. Crane explained the north side would be maintained by the City and mentioned the trail would ultimately be maintained by the City because it was part of the larger trail system. He indicated the buffer between the trail and the fence would be maintained by the HOA (Homeowner's Association) of the development.

Mayor Pro Tem Day asked if there would be any recourse specific to the project once the bid was awarded. Mr. Coburn expressed his confidence in ADC and its submitted bid. He added any additional costs would require the contractor to submit a change order which required additional oversight and approval by the Council.

Councilmember Fitzpatrick pointed out many of the line items in the submitted bid reflected "estimate" figures and believed ADC wouldn't be held to that amount. Mr. Coburn believed ADC wouldn't want to jeopardize its relationship with Layton City and its reputation within the industry to try and "get one" over on the City. He emphasized this was a very reputable contractor.

MOTION: Councilmember Bloxham moved to approve the Consent Agenda as presented. Councilmember Morris seconded the motion, which passed unanimously.

PUBLIC HEARINGS:

There were no public hearings.

UNFINISHED BUSINESS:

Councilmember Bloxham requested Mr. Crane explain how the governor's latest order specific to the pandemic and how it will affect Layton City residents.

Mr. Crane explained the new order wasn't intended to revamp or replace the previously identified colored system; rather it was meant to more closely monitor what was currently taking place within the different counties of the state. He added the governor's director used the description it was similar to a "circuit breaker", that when any city exceeded a certain number of cases, judged on a weekly basis (every Wednesday based on the previous week), a determination would be made by Thursday afternoon whether the "circuit breaker" was required to be implemented within any jurisdiction. He stated the "circuit breaker" would immediately require the higher standards for any specifically identified city which included: mask mandate, socially distancing, allowed number of congregating people, and a designated "Manager" with authority to cancel events. He further explained how a signed waiver could be implemented. He announced this higher level would begin on Sunday, October 18, 2020, night and would be in effect until Thursday, October 29, 2020.

Mayor Petro clarified the governor's order was effective beginning today, Thursday, October 15, 2020. She pointed out the City would be graded each week and pointed out any increase in numbers the City would be

held to the higher standard; but to “back out” or loosen the standard would require the City to recognize a decrease for two weeks.

Mr. Crane reported Layton was considered “moderate” and would be invoking the “higher” standard.

Mayor Petro believed Layton City was doing well and encouraged residents to continue following the identified guidelines.

Mr. Crane believed there was a real possibility of cancelling two separate scheduled events in the future.

Mayor Petro announced she had been in contact with David Price, Parks and Recreation Director, regarding the protocol he followed in scheduling events and believed he would be making an announcement specific to requirements and considerations regarding events within the next few days.

The meeting adjourned at 6:12 p.m.

Kimberly S Read, City Recorder