

**MINUTES OF LAYTON CITY
COUNCIL WORK MEETING**

SEPTEMBER 17, 2020; 5:36 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, TERRY COBURN,
ASHLEY NIMMO, STEPHEN JACKSON, CHAD
WILKINSON, BRANDON RYPIEN, TRACY
PROBERT, ED FRAZIER, DAVID PRICE, AND
KIM READ**

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

Mayor Petro opened the meeting.

AGENDA:

COUNCIL MEMBER REPORT

Councilmember Bloxham informed the Council the Audit Committee had met this morning with Staff and the City's independent auditor to identify how the internal audit would take place this year. He indicated a discussion had taken place regarding the appointment of two members of the public to the Committee. He stated both selected individuals came highly recommended and believed this would be a great asset to the Committee.

Councilmember Fitzpatrick stated she and Mayor Petro had participated in Suicide Prevention training for the workplace. She hoped to have the key leader team designated, trained, and serving in that capacity by Wednesday, November 4, 2020. She mentioned the City had received support from Davis Behavioral Health.

Councilmember Morris reminded the Council the Utah League of Cities and Towns annual convention would take place next week. He announced the training and presentations would be "virtual" He encouraged participation.

Councilmember Day arrived at 5:39 p.m.

Councilmember Thomas announced the Centennial Committee would meet on Tuesday, September 22, 2020, at 4:00 p.m. in the Parks and Recreation Office.

Councilmember Day – nothing to report.

MONTHLY TRAINING MOMENT

Gary Crane, City Attorney, announced he had been asked to provide a quick training at the beginning of every work meeting. He believed the Legislature were talking about a mandate of four hours of Land Use training for City Councils and Planning Commissions.

He informed the Council of the City's form of government and stated the Council wore many hats. He explained the difference between Legislative powers and Administrative decisions. He pointed out the importance of the councilmembers knowing and understanding the City's ordinances.

He explained a rezone was a Legislative decision and pointed out the Master Plan identified whether the rezone was allowed and shared an example with the Council. He cautioned the Council in requesting details specific to any development which could possibly take place on the parcel proposed for the rezone and stated development generally followed the rezone process and indicated that action would be an Administrative decision.

He pointed out there were two rezones coming before the Council during its regular council meeting and emphasized the Council should only consider the zoning and not the details of the development itself which would be determined during the subdivision process.

Councilmember Day commented members of the Council could sometimes get hung up on what the developer was intending for the property as opposed to all allowed uses for that specific zone. Mr. Crane pointed out the developer, could at any time, sell the property which was approved for a rezone. He suggested the Council should consider all possible allowed uses for the zone, when it comes for approval of a rezone. He mentioned language would be reflected on the agenda item coversheet, included in the packet, whether the decision was either Legislative or Administrative and believed this would help the Council.

Councilmember Bloxham expressed appreciation for this clarification and believed the implemented change on the agenda item coversheet would be helpful.

REZONE REQUEST – 1650 NORTH MAIN STREET REZONE – C-H (PLANNED HIGHWAY COMMERCIAL) TO MU (MIXED-USE) – ORDINANCE 20-32 – 1650 NORTH MAIN STREET

Chad Wilkinson, Community and Economic Development Director, announced this rezone came before Planning Commission which recommended approval to the Council. He identified the parcels location pointing out surrounding uses and announced the request was rezone from Planned Highway Commercial to Mixed-Use. He reported the area was identified in the City's General Plan as a Mixed-Use corridor surrounded by transit and other services and referred to a map identifying surrounding parcels and uses which illustrated this was an appropriate use for this zone.

He reported the applicant had provided some conceptual plans which included commercial on the ground level adjacent to Main Street with some residential above and townhomes located at the rear of the property. He emphasized this use was consistent with the General Plan for the area as designated on the map. He stated the applicant was present to respond to any questions.

Councilmember Fitzpatrick asked if Mr. Wilkinson was aware of any commercial use which would be detrimental given that the property was surrounded by residential and its proximity to the park and elementary school.

Mr. Wilkinson responded Staff could provide a list of permitted and conditional uses for the zone. He explained the uses were carefully considered to determine compatibility during the process of adopting the Mixed-Use zone in City Code. He informed the Council, Staff would be bringing some modifications to the Mixed-Use zone at a future meeting. He explained the modifications would propose expansions for some light manufacturing uses which would be appropriate in attracting tenants in commercial spaces.

Councilmember Fitzpatrick stated it would be advantageous if the table reflecting permissible uses specific to the respective zones was included in the agenda packet. Mr. Wilkinson responded Staff could do that in the future. He explained the Mixed-Use already anticipated compatibility uses and pointed out heavy commercial uses weren't allowed in this zone.

AGREEMENT BETWEEN LAYTON CITY AND WASTE MANAGEMENT OF UTAH FOR SOLID WASTE COLLECTION SERVICES – RESOLUTION 20-58

Tracy Probert, Finance Director, announced the agenda item to the Council and stated Staff was

recommending approval of Resolution 20-58, authorizing an agreement for the City's solid waste contractor. He reminded the Council it had approved a one year extension to the existing agreement with Waste Management and reported Staff had completed the RFP (Request for Proposal) process. He indicated the City received three proposals: Waste Management, Republic Services, and Ace Recycling and Disposal. He added all three were professional proposals, were professional organizations and expressed his opinion all three would do a good job for the City. He reviewed the RFP process used by Staff in reviewing the proposals and stated the lowest bid submitted by Republic Services was only \$0.04 lower than Waste Management, for the first can, and Staff didn't believe that small price difference outweighed the current relationship and customer service the City was familiar with specific to Waste Management, along with a number of other things with the proposal. He announced Staff's recommendation was to continue with Waste Management for another five years and explained approval of the resolution would authorize the City Manager, Alex Jensen, to enter into negotiations for final agreement and be allowed to execute the agreement on behalf of the City. He indicated the agreement would be based on the proposal presented by Waste Management and also the needs of the City.

He asked if the Council had any questions pertaining to the process or clarification.

Councilmember Fitzpatrick asked if the rates would remain the same since the City would be entering into a five-year contract or could the rates be negotiated every year. Mr. Probert responded the proposal submitted by Waste Management it proposed the use of the Solid Waste Index, a regional index, to determine rates and explained how Staff had identified appropriate increases which resulted in an average price for the five-year period, which avoided the City increasing rates every year. He stated Staff could inform the Council of final rates following negotiations of the contract. He reported it was currently charging \$5.69 for the first can and was now proposing \$5.44, which could possibly afford the City of not having to increase rates for another five-year period.

Councilmember Day inquired about the cost difference between the other submissions. Mr. Probert reported Republic Services proposed a cost of \$5.50 for the first can and Ace was significantly higher for the second can. Councilmember Day believed the process used by Staff was sufficient.

Mayor Petro asked about the number of complaints the City received regarding the solid waste collection. Mr. Probert responded the City didn't get many complaints because of the longevity of working with Waste Management and identified most calls received by Staff were trash can related. He reported one of the items recognized during the review process was that Waste Management had the capacity to service larger cities.

Councilmember Day asked who was responsible for repair and replacement of existing trash cans and Mr. Probert explained as per the contract, Waste Management, and pointed out the City didn't own the trash cans, Waste Management did. He added the other two responses was pushing for the City to own the cans and pointed out the issues and costs of doing that. He believed the City was in a good position with Waste Management.

Councilmember Thomas asked when the current extension would expire. Mr. Probert responded following negotiations the City would move forward with a new contract and would most likely request the new rates would begin immediately.

AMENDING LAYTON CITY ZONING ORDINANCE – TITLE 19, ZONING, CHAPTER 19.11 MOBILE HOME PARKS AND TRAVEL VEHICLE PARKS AND CHAPTER 19.12, OFF-STREET PARKING – ORDINANCE 20-29

Mr. Wilkinson shared a presentation and reminded the Council, Staff had completed refinements previously identified and discussed during the work meeting from Thursday, September 3, 2020:

- Electric Vehicle Charging Stations – he reported following discussion with a consultant, it was determined electric vehicle charging stations would be encouraged, however, wouldn't be requirement; rather those would:

- Count towards the total minimum off-street parking requirements
- Accessible and in close proximity to the building entrance
- Signage at or near the station/stall to direct drivers to the designated and labeled stalls as “Electric Vehicle”
- Striped at a standard size parking space
- Retirement/Continuing Care Communities – facilities offering multiple types of care, each of these would be calculated separately, by its own rate:
 - One parking space per independent living dwelling unit
 - Assisted living, nursing home, etc. would be calculated by their respective individual rates
- Public, Quasi-Public, and Private School – rates would be calculated at the same rate and referred to the slide which reflected the proposed rate:
 - K-9th grade – 1.5 per classroom
 - High school or similar – 1 per 4 seats in auditorium or stadium, whichever is greater
- Hospitals, Convalescent Hospitals, Nursing Homes – parking would be based on highest shift
- Professional Office, Multi-story building – parking spaces would be different for each floor
- Pharmacy/Drugstore – minimum parking rate and vehicle stacking as identified in Table 12-4. He indicated consistency had been made throughout the code.
- Animal Daycare and Grooming – would needed to clarify whether it offered grooming services to accommodate for parking
- Banks/Credit Unions/Finance Companies – required vehicle stacking was identified in Table 12-4
- Barber Shop/Personal Services – 5 per 1,000 SF of GFA (Gross Floor Area)
- Car Wash (Self-Service and Automatic) – see stacking requirement as identified in Table 12-4
- Mixed-Use Structure Development – base calculations would be based on minimum parking for each identified uses
- RV Business – the ordinance accommodated for large parking spaces which were being serviced at these facilities.
- Tire Store – additional parking could be required for automotive services and/or repair based on the rates of the table.
- Bicycle Parking – identified where these locations should be located
- Stacking of vehicles for different uses: bank teller, pharmacy soda/drink shop
- Joint-Use Parking/Overlapping Peak Parking Demand – he shared the definition of substantial conflict which identified when the overlapping peak demands would not apply. He shared an example of the joint-use table to reflect proposed land uses.

He addressed the Council’s concerns regarding on-street semi-truck parking specific to different distribution facilities in different cities. He reported the cities had codes similar to the City and indicated the large distribution centers far exceeded the minimum standards. He suggested the City’s issue was probably specific to operational standards. He reported some of these out of state facilities had made some operational changes which alleviated the issue of stacking semi-trucks believed there were

opportunities which could be presented to the current facility in Layton.

Councilmember Morris asked about grocery stores which had dedicated parking spaces for online ordering and pick-up of groceries and the possible queuing and inquired if this use had been included in the proposed ordinance. Mr. Wilkinson responded that specific use had not been addressed in the ordinance and although the locations were very close to the store he indicated the City hadn't received any complaints or recognized any issues with minimum parking standards.

Councilmember Day expressed appreciation for Staff exploring the issue associated with Smith's distribution center/warehouse. He emphasized he still had an issue with the parking of semi-trucks in the travel lanes on the road and suggested enforcement by the Police Department was needed and pointed out the potential safety concerns with this practice. He also expressed concern with the proposed decrease of the 20-foot length of the parking stalls and the Council expressed agreement.

Councilmember Fitzpatrick informed the Council she had complimented Staff earlier today for taking the time to respond to her concerns; however, she announced she still had two issues with the proposed parking ordinance. She didn't like travel trailers being allowed to park in the front yard for up to 24 hours and that carports would be allowed with current construction of single family homes and expressed her opinion it was a safety issue for the resident, an aesthetic issue for the City, and posed challenges associated with Code Enforcement. She mentioned the ordinance made reference to the Development Review Committee and inquired who served in that capacity. Mr. Wilkinson responded it was a Board made up of current City Staff. Councilmember Fitzpatrick reiterated her appreciation to Staff and Mr. Wilkinson acknowledged Tim Watkins, City Planner, and Brandon Rypien, Planner, for their research, efforts, and refinements in writing the parking ordinance.

Councilmember Bloxham also expressed his appreciation to Staff and Councilmember Fitzpatrick and asked about the City having flexibility to change circumstances in the ordinance and believed the Pandemic had resulted in a significant increase of use for drive-thru lanes of all fast food establishments. He requested the ordinance have flexibility to no longer require a minimum standard of parking stalls should the industry change that most establishments had drive-thru or carryout as opposed to in house dining and requested Mr. Wilkinson explain how changes could be made as needed based on economic circumstances.

Mr. Wilkinson responded Staff also had the same concern and suggested the City adopt a wait and see approach for that particular issue. He added the proposed ordinance included standards specific for queuing and stacking of vehicles which he believed would address some of the previous shortfalls. He indicated if this was a recognized continuing trend it might need to be revisited. He also mentioned certain queuing and stacking of vehicles was a component of the business model for certain franchises, which Staff believed instituted a higher standard than anything which would be imposed by the City.

He stated the 18-foot dimension was recommended by Staff after extensive research and comparison with other cities. He clarified as long as the 24-foot maneuvering space wasn't diminished, the 18-foot was adequate.

He commented the Council hadn't requested any clarification or provided any direction specific to the temporary parking of RV's on site for 24-hours or less, and therefore believed that provision didn't need to be addressed.

He shared some illustrations and informed the Council the Planning Commission had questioned the allowance of carports. He pointed out the intention was an attempt to retrofit older neighborhoods and suggested any new construction would build a garage. He shared an illustration and explained how the garage space could be converted to living space and a carport could adequately be accommodated for vehicle parking. He explained the current code didn't allow flexibility for these types of older neighborhoods.

MAYOR'S REPORT

A. Discussion - Pickleball

David Price, Parks and Recreation Director, expressed appreciation to the Council for its direction specific to the City's pickleball facilities from the meeting on Thursday, September 3, 2020. He announced Staff was prepared with a new proposal specific to pickleball within the City. He shared a visual presentation and referred to a map which identified both the existing and proposed facilities in the City and highlighted Andy Adams Park, Harmony Place Park, and Ellison Park.

Andy Adams Park – Staff was proposing, after further consideration, one tennis court and two pickleball courts and announced the project could be completed within the existing footprint of the two existing tennis courts within the current budget for a proposed cost of \$150,000. He pointed out no RAMP funds would be needed and announced this project could be completed spring of 2021.

Mayor Petro requested Mr. Price define the use of space and different colors reflected on the illustration. Mr. Price also identified the fencing height, waiting benches, and independent access to each court. Councilmember Thomas requested clarification for the location of the gate access to the courts. Mr. Price believed this facility would be an asset to the neighborhood park.

Harmony Place Park – Staff was proposing one tennis court and two pickleball courts and announced the project would be funded by Impact Fees, RAMP Funds, and a developer's contribution. He pointed out the smaller pickleball footprint would allow \$76,000 to be returned to the 2021 Budget. He mentioned this park was fully funded and anticipated completion in spring of 2021.

Councilmember Day asked if lighting was proposed for these courts and Mr. Price responded no lights had been proposed because it was a neighborhood park.

Ellison Park – Staff was proposing to construct a complex at Ellison Park and stated this was an appropriate location for this type of facility. He added the location would accommodate lighting and indicated a restroom would need to be constructed and shared a map which illustrated the proposed location in the park pointing out a portion of the gravel parking lot area would be needed. He explained a small portion of the gravel parking lot area would remain until further park development had been identified. He explained the proposed location for the pickleball complex pointing out the benefits for the proposed location. He identified the funding sources and suggested construction could begin as soon as this spring, or at the Council's direction.

The Council requested clarification regarding the location of the complex within the park and the adjustment/elimination for the temporary gravel parking. Councilmember Morris questioned the need to continue maintaining the tennis courts. Mr. Price provided the enrollment specific to the youth tennis programs offered by the City. He expressed agreement it wasn't as popular as pickleball; however, enrollment was holding steady over the last 10 years and Staff believed it was still a viable sport. Staff believed the tennis courts was a good amenity to the neighborhood parks. He stated Staff was still proposing to stripe the tennis courts for pickleball which could allow the City to accommodate large events. He pointed out approximately half of the courts utilized for the National Championship for pickleball were multi-use courts.

Councilmember Thomas asked about the possibility of installing lower eight-foot tall basketball hoops at these multi-use parks in order to accommodate younger basketball players. Mr. Price responded that could also be considered.

Mayor Petro commended Mr. Price for responding to the Council's direction specific to pickleball courts within the City.

B. Secondary Water

Mayor Petro announced this agenda item would be addressed during the regular City Council Meeting immediately following this meeting.

The meeting adjourned at 7:04 p.m.

Kimberly S Read, City Recorder