

**MINUTES OF LAYTON CITY
COUNCIL WORK MEETING**

OCTOBER 1, 2020; 5:48 P.M.

**MAYOR AND COUNCILMEMBERS
PRESENT:**

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

PARTICIPATED ELECTRONICALLY

CLINT MORRIS

STAFF PRESENT:

**ALEX JENSEN, GARY CRANE, CHAD
WILKINSON, TERRY COBURN, PAUL
APPLONIE, STEPHEN JACKSON, WES ADAMS,
ASHLEY NIMMO, TRACY PROBERT, 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 announced that he, Councilmembers Morris and Fitzpatrick, and Mayor Petro had participated in the Utah League of Cities and Towns training this past week. He expressed his opinion the Council was fortunate to serve in Layton City, given its professional Staff and the working relationship amongst the elected officials and the citizens. Mayor Petro expressed agreement with Councilmember Bloxham's remarks.

TRAINING MOMENT

Gary Crane, City Attorney, reminded the Council of the previous training which explained the difference between Administrative and Legislative action and the authority associated with each. He shared an example which illustrated his point specific to Staff and its authority to make Administrative decisions. He distributed a handout to the Council and explained there were issues which the City Council was obligated to approve; if the applicant had submitted a request and paid the appropriate fee as identified by ordinance. He cautioned the Council in approving requests and requiring conditions which weren't included in the ordinance. He pointed out the handout identified the approving authority of certain actions.

Councilmember Morris recalled an experience from his time serving on the Planning Commission which illustrated Mr. Crane's point.

Councilmember Thomas asked if the Council didn't have the authority to deny approval of a request, why did it even come to the Council. Mr. Crane responded many times there were options to the Council for approval.

AMEND LAYTON MUNICIPAL CODE – TITLE 20, SIGN REGULATIONS; CHAPTER 20.01 GENERAL PROVISIONS; SECTION 20.01.120 DEFINITIONS; CHAPTER 20.04 SPECIFIC SIGN REGULATIONS AND PERMITTED LOCATIONS; SECTION 20.04.130 ATTACHED SIGNS; SECTION 20.04.160 SIGN CLEARANCE AND ILLUMINATION; AND SECTION 20.04.120 DETACHED SIGNS; AREA AND LOCATION; COMMERCIAL AND INDUSTRIAL ZONES – ORDINANCE 20-34

Chad Wilkinson, Community and Economic Development Director, explained the amendment was to allow for signage in the Agricultural zone which wasn't allowed in the current ordinance. He further explained the proposed standards would provide for some reasonable signage for agricultural businesses while at the same time preserving the agricultural character. He reviewed the proposed text for detached signs with the Council pointing out the style, size, illumination, and allowable construction products. He also reviewed signage requirements for buildings and shared some illustrations.

He reported the Planning Commission had reviewed the amendments and recommended approval.

Councilmember Fitzpatrick inquired about the reasoning for not allowing awning signage. Mr. Wilkinson responded awning signage was typically associated with a downtown area. Councilmember Fitzpatrick shared an example of a circumstance in which an awning sign would be appropriate. Mr. Wilkinson added allowances already existed in current code specific to produce stands and other farmer-direct sales.

Councilmember Fitzpatrick also asked about off-premise signage on agriculture property and shared an example. Mr. Wilkinson wasn't sure that signage was legal and indicated Code Enforcement had been asked to look into the issue.

Councilmember Day stated he had attended the Planning Commission meeting and indicated a discussion had taken place specific to produce stands and farmer direct sales and appreciated the definitions which clearly identified the difference between farmer direct sales and commercial ventures on agriculture zoned property. He believed Mr. Wilkinson provided an appropriate response during the discussion. Councilmember Day specifically asked about Arrowhead Stable/Farms. Mr. Wilkinson stated he would review the requirements and provide an answer during the Council Meeting scheduled to take place immediately following this meeting.

PRESENTATION – SECONDARY WATER

Stephen Jackson, City Engineer, announced he was prepared to review the City's secondary water system and explain its importance to the City's water resource plan. He reminded the Council the City had completed a Water Master Plan which identified the City's objective of providing Layton City residents with water in the most efficient and cost effective way. He pointed out the City had access to water which was "drinking water quality" and sources of water which weren't "drinking water quality"; however, both were used to effectively provide residents with water. He added another component of the Master Plan was to ensure the City had enough water not only now but in the future and emphasized this required planning on behalf of the City. He explained promoting water conservation and preserving water rights were tools which contributed to that effort. He identified the last objective of maintaining reasonable culinary rates by using secondary water and identified areas served by the different secondary water sources.

Mr. Jackson shared a visual presentation and explained by utilizing the available secondary water, the City was able to reduce the demand on the culinary system; allowing the City to build smaller pipelines, smaller reservoirs/storage tanks, and smaller pump stations. He added a reduction in infrastructure could be recognized if the secondary system was effectively and efficiently used for outdoor watering purposes. He reported the recommendation of the Master Plan was to bring the secondary water systems together to create one single system managed by a single entity and stated the City had been working toward that end and pointed out many residents already believed the City operated these systems.

He identified the secondary water resources and their respective costs: Weber Basin, Kays Creek Irrigation, Davis and Weber Canal, which all provided pressurized irrigation/secondary water. He indicated Holmes Creek Irrigation provided flood irrigation water.

Mr. Jackson stated he was prepared to discuss some challenges experienced by residents living in the western portion of the City serviced by Kays Creek. He reminded the Council of the iron and minerals present in the water at Andy Adams reservoir causing staining. He also reviewed the following issues experienced system wide specific to secondary water with the Council:

- Low Pressure – inadequate pressure requires the use of pumps in some areas
- High Pressure – pressure regulators used to control misting and blowouts
- Odor – untreated water can have an unpleasant odor
- Clogged Filters – some users required to clean filters weekly
- Staining – natural minerals in the water causing staining with overuse or misdirection

He reported all secondary systems in the City experience one or more of these issues and indicated technology now allowed the use of water meters on secondary systems. He shared some photos which illustrated some of the issues.

He informed the Council, Kays Creek had identified an effective rust removal cleaner which had been effective in removing the rust stains from their home and/or concrete. He indicated a rust stain preventer could also be used and mentioned concrete sealant applied to driveways and sidewalks would also prevent the rust from accumulating on those surfaces. He shared a video from 2019 which illustrated the effectiveness of the cleaner in removing the rust from a vinyl fence. He emphasized the product was safe to use around humans, pets, and plants.

Councilmember Fitzpatrick pointed out the product “dulled” the finish on the vinyl fences. Mayor Petro asked how often a resident would need to clean their fence. Mr. Jackson responded the best way to eliminate the issue would be to adjust the sprinklers from spraying on the fence and the frequency of cleaning the fence would be up to the home owner. He explained how the residue on concrete was removed with the cleaner.

He informed the Council of steps taken by Kays Creek Irrigation: three bubblers had been installed at Andy Adams Reservoir to breakdown the minerals in the water and reduce odor. He mentioned a fourth bubbler was planned to be installed within the next few weeks. He explained the bubblers aerate the pond and break down the minerals and added they also contribute in reducing odor.

He reported future plans call for a connection between Hobbs Reservoir and Andy Adams Reservoir would help dilute the mineral content and hopefully eliminate the issue. He explained this problem wasn’t just an issue in Layton; but in many others areas as well.

Councilmember Fitzpatrick shared her personal experiences with secondary water within the City and expressed her opinion the bubblers hadn’t affected the staining from the water. She believed there should be a better solution to the residents. She suggested City Staff identify what would be needed for Davis Weber Canal Company to provide secondary water to Kays Creek users. Mr. Jackson responded Davis Weber Canal wasn’t currently capable of providing water to that much area in the western portion of the City. He pointed out the Water Master Plan was used to identify how water could be provided from the east and north to the areas out west. He mentioned Davis Weber Canal had experienced pressure issues into Kaysville City and the southern portion of Layton and surmised adding the entire western portion of the City would exacerbate that problem.

Councilmember Fitzpatrick asked why the staining and odor weren’t issues in the eastern area of the City also served by Kays Creek. Mr. Jackson responded the area east of I-15 came from reservoirs east of Highway 89 which was a complete different water source. He pointed out the mineral deposits in Andy Adams Reservoir area had a higher iron content than the waters feeding the Weber Basin system or those

east of Highway 89. Councilmember Fitzpatrick inquired if the secondary water system on the east side could bypass Andy Adams to connect to the system out west and Mr. Jackson responded the system on the east side was a substantially smaller reservoir and wouldn't be able to accommodate that capacity. He added, in order to balance the system, major infrastructure changes would need to be made, and indicated that justified the tying together of Hobbs, Holmes, and Andy Adams Reservoirs, which were critical to the future system. He estimated the connection between Hobbs and Andy Adams would probably take place within five to seven years, but mentioned timing would be development and demand driven. He reported the Master Plan identified the project cost of approximately \$1.2 million dollars and pointed out the current system was built to accommodate a certain capacity and the water needs were currently being met. Councilmember Fitzpatrick inquired about the proposed timing of joining the three systems together and Mr. Jackson believed that wasn't planned for another 15 years. He indicated Mr. Crane was currently in negotiations with Kays Creek representatives about that system.

Councilmember Fitzpatrick pointed out the cost differences between the different systems to City residents and asked if the costs would be equalized once the secondary water became one system. Mr. Jackson believed it was the City's intent to not adversely affect a resident due to where they choose to live.

Councilmember Fitzpatrick expressed her concern assessing a resident \$150 for secondary water, without the use of a water meter, didn't promote water conservation. Mr. Jackson responded the City was currently working with Weber Basin to identify tools which could be used to educate residents specific to the culinary water system to understand their water usage for both indoor and outdoor water use. He suggested it would entail an educational component and was always a difficult conversation with residents and mentioned the different programs and policies such as landscaping. He stated the conservation component with secondary water came into play when residents originally intended to use secondary but instead chose to use culinary water for outdoor use. Councilmember Fitzpatrick commented other than visiting Weber Basin or receiving one of their statements, she wasn't aware of any education efforts and was hopeful the Plan included education as a priority, in addition to metering.

Mayor Petro believed more discussion was needed and suggested the education component could take place regarding the overall consumption of water. Councilmember Fitzpatrick added this was the reason why she had proposed revising the City's landscape ordinance to encourage water wise landscaping. Mr. Jackson added his Staff was working with Staff in Community Development to help educate residents with how to efficiently landscape their yards.

Councilmember Day disclosed he was a Boardmember of Davis Weber Canal Company. He expressed his opinion there were some serious issues associated with the Water Master Plan which needed to be addressed; however, stated he supported the Plan. He believed if residents properly used the water resources available, the City could continue to easily provide it to the residents. He pointed out one of the main reasons the previous Council had voted in favor for the water rate increases was to fund some of the major projects mentioned by Mr. Jackson. He believed the water increases were necessary and asked if Mr. Jackson could provide an update regarding revenue and expenditures specific to improvements and the timeline of those identified improvements.

Tracy Probert, Finance Director, responded this discussion could take place when he shares information with the Council regarding the second increase based on summer usage.

Councilmember Day pointed out the secondary water companies were currently private irrigation companies, operating independently of the City, and the issues and problems associated with them were their responsibility. He believed the equalized costs and rates would be difficult at best in the future and pointed out the Weber Basin system was a quasi-government entity and controlled its own rates. Mr. Jackson expressed agreement with Councilmember Day's distinction and clarified it retained control of its facilities and added most of the Weber Basin infrastructure was owned by the Bureau of Reclamation. He pointed out the portion of its system operated and maintained by the City was authorized via contract and emphasized Weber Basin retained ownership.

Councilmember Morris expressed agreement with Councilmembers Fitzpatrick and Bloxham regarding the proposed water increase and believed the City needed to review data to determine whether the increase was justified and identify where it was on completing infrastructure projects. He asked if the rates for residents with secondary water were based on access to secondary water or if they were placed in the tiered structure because their rates were different. Mr. Probert responded the system was based on access as opposed to hook-ups to secondary water. Councilmember Morris commented there were residents that had access to secondary water but had chosen the culinary due to the odor and staining issues and concluded they were paying more. Mr. Probert indicated that was correct and suggested residents using culinary water should expect to pay more for using the more costly resource of the treated water for outside watering. He also explained the City had adjusted the tiered structure for those whom didn't have access to secondary water and stated the amount of the water bill, based on usage, for outdoor watering months May through September, was in the realm of what another resident would pay for secondary water; therefore, the City believed the rate was reasonable.

Mayor Petro expressed appreciation to both Mr. Jackson and Mr. Probert for their presentation and explanation.

MAYOR'S REPORT

Mayor Petro mentioned the recent wind storm experienced in Davis County around the first of September and informed the Council of the following information:

- The wind storm experienced in 2011 resulted in over 10,000 tons of debris taken to the landfill
- This recent wind storm resulted in over 6,500 tons of debris

She pointed out the landfill was prepared and had a system in place and only experienced one bad day of long lines. She compared the number of vehicles, following the storm, unloading at the landfill to a busy day during peak season, far exceeded that number by 1,600. She complimented the agency for making the necessary adjustments to accommodate the amount of loads.

The meeting adjourned at 6:58 p.m.

Kimberly S Read, City Recorder