

**MINUTES OF LAYTON CITY
COUNCIL WORK MEETING**

NOVEMBER 5, 2020; 5:32 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,
STEPHEN JACKSON, CHAD WILKINSON, TIM
WATKINS, TRACY PROBERT, DAVID PRICE,
JOELLEN GRANDY, 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 Fitzpatrick announced a new Youth Council had been put in place and asked when the Oath of Office/Swearing in of the new Council should take place. Councilmember Day responded in previous years that had taken place during a Council Meeting. Councilmember Fitzpatrick announced she, and Mayor Petro, would be attending an orientation tomorrow for Communities That Care. She announced she had the opportunity to participate in the Davis Chamber of Commerce Legislative Zoom meeting and identified the three focuses for the coming year:

- Education
- Healthcare
- Economic Development

She informed the Council this year's Legislative session was scheduled to begin on Tuesday, January 19, 2021 through Thursday, March 4, 2021. She announced President Adams would be having a "hybrid" session which would allow for online participation. She indicated no large groups or organized events would be permitted at the Capital building this year and indicated the Youth Council Day would be cancelled. She mentioned new committee rooms were being constructed in the State and Senate office buildings to accommodate larger attendance at those meetings. She added no notes to legislators would be allowed this year; however, they were considering other options to accommodate communication with them.

Councilmember Morris reported he had attended a UTOPIA meeting in October and announced Layton City was fully built-out and was experiencing a thirty percent take rate and indicated there was still plenty of space/room for new customers. He shared a personal example how it accommodated his family due to the Covid-19 Pandemic and believed it had been a real advantage for those users. He announced UCLT (Utah League of Cities and Towns) had hosted another town hall for an economic/Covid-19 update. He stated the economy was slowly coming back on the State level. Greg Bell, CEO Utah Hospital Association, reported the State had lost control of the Covid-19 Pandemic and provided some statistics. He mentioned Layton was experiencing significant increases and implored residents to eliminate small social gatherings.

Mayor Petro mentioned she was still responding to questions from the public and residents about UTOPIA and encouraged the Council and Staff to continue to promote that service.

COUNCIL TRAINING MOMENT

Gary Crane, City Attorney, shared an example to illustrate a point and shared some video footage from Fox 13 News reporting on a public body texting and emailing during meetings and amongst each other when not in a public meeting. He identified the laws which the public body in the video had violated. He cautioned the Council about texting each other concerning City business.

Councilmember Day clarified he could converse with other councilmembers. He requested Mr. Crane explain how the councilmembers should conduct themselves when conversing with citizens. Mr. Crane discouraged councilmembers from attending neighborhood meetings during which City issues under consideration for decision by the City Council would be discussed. He suggested if a councilmember has discussed a City issue with a resident, the councilmember should disclose that information to the Council during the City Council Meeting.

Mayor Petro added a councilmember could invite another councilmember if he/she felt obligated to meet with a resident. Mr. Crane pointed out two councilmembers could meet with a resident but indicated three shouldn't meet. He reminded the Council the Mayor would need to vote in the event of a tie.

PRESENTATION – PRE-CAST WALL FOR GORDON AVENUE

Stephen Jackson, City Engineer, shared a visual illustration and reminded the Council the bid was approved during the City Council of Thursday, October 15, 2020. He also reminded the Council the Gordon Avenue extension project was being completed in conjunction with the US 89 project. He stated the Gordon Avenue extension had been planned by the City for a number of years and explained as part of the project a wall was proposed for the north side of Gordon Avenue, from approximately 2030 East to 2575 East, adjacent to existing development to mitigate the noise from the new road. He reviewed the bid submitted by ADC Corporation for the wall and pointed this same company had completed the wall along Layton Parkway.

He explained the Gordon Avenue portion of the project was accelerated by UDOT, in conjunction with the Highway 89 project, due to its access for specific areas. He identified the total bid amount and explained the process which would be followed if additional funding would be required for completion. He mentioned portions of the wall had been reduced due to sight distance and easement issues. He referred to the bid sheet and reviewed the scope of the project, and mentioned it would be constructed on the north side of Gordon Avenue. He highlighted those areas of undeveloped property and indicated the wall wouldn't be constructed in those areas. He also explained how the site distance requirements would be addressed near intersections.

He indicated the placement of the wall near the Cottages at Valley View subdivision would be modified due to an underground gas line in the easement. He also identified the property which fronted Gordon Avenue and indicated the wall would not be installed at the request of the property owner. He also identified the area where the wall would be installed on top of a retaining wall and shared an illustration of what the wall would resemble.

He identified the different accent block product options for the Council to consider and identified Staff's recommendation. He indicated homeowners would have the opportunity to select either the Council's choice of the accent wall product or continue with the plain gray color, without any accent coloring, visible to the homeowners. He also mentioned the concrete product shortage currently being experienced in the industry and was hopeful it wouldn't impact the project.

He reported Alan McKean, Assistant City Engineer, had also personally contacted each homeowner regarding the different aspects of the project. He pointed out some homeowner's had requested the height of the wall be reduced to six feet in height from eight feet and reported Staff recommended the wall remain at the eight feet height for consistency and to assist with noise reduction, although it wasn't

designed as a sound wall. He requested direction from the Council regarding the accent or color scheme for the wall.

Councilmember Day inquired whether the homeowners had been receptive to the wall and Mr. Jackson responded in the affirmative with the exception of the few requesting the six foot height and mentioned some had even asked about its installation since construction had begun. He added the City was doing its best to complete the wall before the interchange was completed at Highway 89 and Gordon. Councilmember Day inquired about the vinyl fence for the Ovation Homes development and Mr. Jackson responded the vinyl fence would remain and explained it would be a similar situation with Roberts Farms along the Layton Parkway and shared an illustration. He explained specifics to the buffer already in place in conjunction with the elevation of the homes and led Staff to only propose the wall along the north side. Mr. Jackson requested direction from the Council on the color preference for the wall and a discussion took place and the Council directed Staff to use the same color scheme as what was used along the Layton Parkway.

Mayor Petro requested the letter, submitted and signed by the resident which requested no wall along the frontage of their property, be recorded against the property to transfer to any future property owners.

Councilmember Fitzpatrick requested clarification on what portion of the vinyl fence would be removed to facilitate the wall installation and Mr. Jackson responded there were three homes with existing vinyl fencing, located at approximately 2150, and indicated those sections would be removed. He pointed out the two property owners to the west were those which requested the lower six foot wall. He also explained where the construction would begin in this area in order for the contractor to construct the wall going upward.

Councilmember Day requested clarification if a wall was planned to be installed near the proposed senior center in the area and Mr. Jackson responded no wall was proposed for the south side near that location.

Mayor Petro asked if the sound wall would be constructed anytime in the future for property on the south side in conjunction with future development. Mr. Jackson continued to point out the properties on the south side were lower than the road and didn't believe they would provide noise abatement. Chad Wilkinson explained zoning determined whether fencing would be required in conjunction with development and based on what he could determine, it wouldn't be a requirement. Mr. Jackson also pointed out the landscape buffer which would be constructed in conjunction with the Andy Adams Reservoir trail and trailhead parking along the south side of Gordon.

ACCEPTING THE PROPOSAL FOR AN AGREEMENT BETWEEN LAYTON CITY AND DESIGN WEST ARCHITECTS FOR LANDSCAPE ARCHITECTURAL/ENGINEERING SERVICES FOR A NEW LAYTON CITY NEIGHBORHOOD PARK – RESOLUTION 20-63 – 2525 WEST SUNSET WAY

JoEllen Grandy, Parks Planner, shared a presentation specific to the Harmony Place Park. She announced the City had completed the RFP process for the Harmony Place Park site, located at approximately 2525 West Sunset Way. She stated 10 different firms responded to the RFP and each one had an opportunity to be interviewed and present their respective submissions. She indicated seven jury members reviewed the submitted bids and briefly explained the selection process for each submission. She announced Design West Architects was identified as the firm with the highest score through the evaluation process and Staff recommended approval.

ACCEPTING THE PROPOSAL FOR AN AGREEMENT BETWEEN LAYTON CITY AND DESIGN WEST ARCHITECTS FOR LANDSCAPE ARCHITECTURAL/ENGINEERING SERVICES FOR LAYTON CITY'S PICKLEBALL COMPLEX – RESOLUTION 20-64 – 700 NORTH 2200 WEST

Ms. Grandy shared an illustration specific to the Ellison Park Pickleball Complex and announced the City had completed the RFP process for an eight court pickleball complex for the eastern portion of Ellison Park adjacent to Cold Creek Way. She reported 11 firms responded to the City's RFP and each one also had the opportunity to be interviewed and present their respective submissions. She indicated seven jury members reviewed and scored the bids and briefly reviewed the selection process for each submission. She announced Design West Architects had also been identified as the highest scoring firm through the evaluation process and Staff recommended approval.

Councilmember Fitzpatrick complimented Staff for the community outreach efforts associated with Harmony Place Park and inquired if Design West would be receptive to comments received from the neighborhood during its design process and Ms. Grandy responded in the affirmative and reported those comments would be provided to Design West by City Staff. Councilmember Fitzpatrick asked if the small children provided helpful information and Ms. Grandy indicated most of those comments were specific to the playground and believed they would be helpful.

Councilmember Morris asked about the process used to determine names for new City Parks and Ms. Grandy responded naming the park usually occurred at the end of the project and announced the City Council generally named the park.

Councilmember Day asked if the courts proposed for Andy Adams had gone out to bid. Ms. Grandy responded the construction documents had been prepared and believed that project would soon go out to bid. David Price, Parks and Recreation Director, added once construction numbers were identified, the item would come before the Council for approval. He added the City was fortunate and pleased to have Design West associated with City Projects and provided a brief background.

BETTERMENT AGREEMENT BETWEEN UTAH DEPARTMENT OF TRANSPORTATION AND LAYTON CITY FOR LAYTON CITY KAYS CREEK PEDESTRIAN BOX CULVERT WITHIN THE SCOPE OF THE US-89; FARMINGTON TO I-84 IN DAVIS AND WEBER COUNTIES, UTAH, PROJECT NUMBER S-0089(406)398 – RESOLUTION 20-65

Mr. Price shared an illustration and identified the project with the Council. He identified the proposed location for the Kays Creek pedestrian box culvert and emphasized it would provide the most safe and effective crossing of Highway 89 from east to west.

He emphasized there were two components associated with the project:

1. UDOT betterment agreement
2. Trail connections associated with the UDOT project

He clarified the UDOT betterment was strictly within UDOT's construction limits and spoke to the importance of having City trails connect to the box culvert in order for it to be effective. He shared an illustration which identified the costs associated with each of the projects and the identified funding sources appropriated for the project. He mentioned the number of identified secured funding from different agencies to fund the projects and stated the costs associated with the trail connections was a conservative estimate, at best. He believed the City would be able to proceed through the bid process on its own, without UDOT's participation, for the east west trail connection for the underpass and emphasized these figures were preliminary estimates. He complimented Ms. Grandy for seeking out grant opportunities in addition to acquiring funds for these projects to lessen the burden on the City and reported Staff would continue in this effort. He pointed out the importance of the underpass in providing a safe connection for the City's trails, safe routes to schools, biking, and hiking.

Councilmember Thomas asked if the underpass would have lighting and Mr. Price responded in the affirmative.

Councilmember Day asked if Mr. Price anticipated any issues related to rights of way or property acquisition for the trail connections. Mr. Price referred to the map illustration and indicated it was the City's intent to continue the trail on UDOT property which would reduce the need for acquiring property from individual owners. Councilmember Day specifically asked about the trail heading west towards Hobbs Reservoir and Mr. Price clarified UDOT property was available for that trail and didn't anticipate the need for additional property.

Councilmember Morris directed the Council to the Kays Creek Trail connection identified by green dots on the illustration and pointed out concern had been expressed by some residents regarding the proposed trail adjacent to backyards for some City residents and asked if there would be public input. Mr. Price responded public input was the City's general procedure; however, he clarified the proposed trail would not be located on any of the residents' property. He added those trail improvements would be made as development occurred on that parcel of property.

AMENDMENTS TO LAND USE DEFINITIONS AND REGULATIONS – TEXT AMENDMENT

Chad Wilkinson, Community and Economic Development Director, informed the Council the City had received a request from a property owner requesting additional flexibility in the Mixed-Use zone to provide additional flexibility in these developments. He pointed out some of the buildings could appropriately accommodate small scale light industrial/manufacturing uses known as "maker spaces". He announced Staff would be identifying some of the potential uses which could be added to the use table and also the restrictions proposed to mitigate any concerns with the residential component. He reported the Planning Commission had also requested Staff to re-evaluate the Table of Uses and identify those which should be conditional or permitted uses.

Tim Watkins, City Planner, shared a visual illustration of property located within the City of which a request had been made for a small scale salad dressing manufacturer and another for bath and beauty product manufacturer, which the Commercial Highway zoning didn't allow. He also shared an illustration of a successful example of this implementation.

He reviewed the proposed Land Use Definitions and Regulations:

- Expand MU and MU-TOD uses with standards and limitations
- Comprehensive review of non-residential and residential land uses
- Adding/clarifying institutional and residential uses
- Consolidate/update manufacturing and commercial uses

He mentioned assisted living was an example of a use which wasn't in the code, although there were similar uses and suggested there was a need for this to be included in the code. He added a community center was an existing use, but Staff believed a new definition was needed. He shared the Table of Land Use Regulations with the Council to further explain and identify the conditional and permitted uses for each.

He announced the new use of E-commerce retail and fulfillment and shared some examples of what that could look like with the Council; possibly online sales with a retail presence or a fulfillment warehouse area in the rear of a building and a small retail presence in the front. He stated this was a new use with a new definition, including standards and reviewed those with the Council.

Another new definition for a proposed existing use specific to Indoor Commercial Amusement and shared it with the Council. He also shared the definition for Light Commercial Flex Manufacturing and shared some different examples with the Council. He explained how this use would be defined in City Code in that those machines couldn't exceed a noise decibel of 85, similar to that of a vacuum cleaner.

He shared the definition of Manufacturing/Industrial Services and the proposed use standards for that use. He shared an illustration specific to noise decibels associated with Manufacturing/Industrial Services compared to Light Commercial Flex Manufacturing.

Councilmember Thomas inquired if there would be designated time allowances or limits with these uses and Mr. Watkins responded some zones would have time limits such as in the Mixed-Use zone.

Mr. Watkins shared the Land Use Table and indicated it explained how light manufacturing could fit into the table. He also spoke to the other heavier industrial uses pointing out outdoor storage would be designated as a permitted use in the M-1 and M-2 zones. He also explained how retail would be limited in manufacturing areas and shared the definition.

He informed the Council of another proposed use of Office and Indoor Storage and shared some illustrations and definitions. He pointed out this use wouldn't be allowed in the MU-TOD zone and suggested it would provide flexibility for additional commercial spaces in certain zones.

He explained the definition for Retail Sales and Commercial Services was a consolidation of the many redundant types of commercial uses currently in the table. He shared the new Table of Land Use Limitations with the Council and indicated many would be consolidated and reviewed them with the Council explaining how the limitations could be applied.

He asked if there were any questions.

Councilmember Fitzpatrick stated Mr. Wilkinson had invited her to make an appointment with Staff to address any concerns. She inquired about truck loading and spoke to the DABC (Department of Alcoholic Beverage Control) building. She explained the truck loading was in the rear of the building and posed an issue with pedestrian traffic as those trucks couldn't clear the sidewalk.

**DEVELOPMENT AGREEMENT AND REZONE REQUEST – 1333 EAST 3000 NORTH
REZONE – REALIGNMENT OF THE CURRENT ZONE DISTRICT AREAS BY INCREASING
THE MU (MIXED-USE) ZONE DISTRICT AREA, AND DECREASING THE AREAS
CURRENTLY ZONED AS C-TH (CONDOMINIUM/TOWNHOUSE) AND C-P1 (PLANNED
NEIGHBORHOOD COMMERCIAL) – RESOLUTION 20-66 AND ORDINANCE 20-37 –
APPROXIMATELY 1333 EAST 3000 NORTH**

Mr. Wilkinson indicated due to time constraints, this item was on the regular Council Meeting Agenda and would be discussed during that meeting, immediately following this Work Meeting.

MAYOR'S REPORT

Mayor Petro requested Tracy Probert, Finance Director, provide an update regarding COVID Cares funding. Mr. Probert reminded the Council the City had received five grants related to the CARES Act:

- The Police Department had spent most of its funding on appropriate safety equipment
- The Council was familiar with appropriations specific to CDBG funding – business grants
- HHS Cares Act – EMS grant which was used for PPE (Personal Protection Equipment) and specialized equipment required by the CDC (Centers for Disease Control) to respond to Coronavirus
- 9-1-1 Dispatch – received a grant and reported most if had been expended on dispatch related items as it pertained to COVID-19
- CARES Act Funding received through the State of Utah. He reported the City had received \$6.6 million and stated Staff was tracking expenditures and announced \$265,000 had been appropriated, to date, for PPE, employees with COVID, emergency responders, etc. He announced the City recently received guidance from the Office of the Inspector General of the Treasury, the final decision maker on how the funding would be audited. He added very direct

guidance was provided to Municipalities that the funds could be used to cover wages and benefits for frontline workers. He stated the City would spend more than the grant funding for wages/benefits of frontline Staff. He reported he had visited with the City's independent auditors regarding this direction and they also expressed agreement. He stated Staff's recommendation would be to appropriate the grant funds based on this direction.

The meeting adjourned at 6:57 p.m.

Kimberly S Read, City Recorder