

**MINUTES OF LAYTON CITY
COUNCIL WORK MEETING**

DECEMBER 3, 2020; 5:30 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,
TRACY PROBERT, DAVID PRICE, AND KIM
READ**

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

Mayor Pro Tem Day opened the meeting.

AGENDA:

COUNCIL MEMBER REPORT

Councilmember Fitzpatrick announced she had participated with the Davis Chamber of Commerce Legislative meeting earlier today and it had finalized its legislative priorities. If any councilmembers were interested to know what those were, they should get with her. She also mentioned the Communities That Care final core work group meeting took place yesterday. She reported the principals from both Layton and Northridge High Schools were on board and Community Boards should be in place and trained in January.

Councilmember Thomas announced the Christmas lights in Commons Park had been turned on and could be viewed nightly until 11:00 p.m.

COUNCIL TRAINING

Gary Crane, City Attorney, shared a map with directions and used it to illustrate his point; the Council should follow approved ordinances, which he related as a safety zone, in order to avoid lawsuits and court proceedings. He referenced the General Plan and stated significant research and input had taken place for approximately five years prior to adopting the new General Plan and mentioned statute specified what was required to be included in the General Plan. He stated it identified land uses and a zoning map and suggested they carried the weight of an ordinance. He added the General Plan was a rational basis for zoning decisions and cautioned the Council in voting against the General Plan. He mentioned the General Plan could be amended and identified the reasons for doing so: a mistake has been identified or the surrounding area had changed to such a degree that it required a change. He clarified any zone change coming before the Council inconsistent with the General Plan will always come with an Amendment to the General Plan. He stated the Council should always consider whether the zone was compatible to the General Plan when considering a rezone request. He asked if there were any questions from the Council and there were none. He added State law only required one public hearing for a rezone and that the Planning Commission make a recommendation to the Council.

UPDATE – SPONSORSHIP FOR THE NEW AMPHITHEATER PLAZA

David Price, Parks and Recreation Director, stated he was pleased to announce a pledge of financial support from the Jewel Lee Kenley Family. He reminded the Council the Kenley Family had previously supported Layton City, Davis Arts Council, and the performing arts in Layton for many years. He also

pointed out the Family had generously supported the construction of the Ed Kenley Amphitheater 25 years ago and has been a consistent sponsor of the Davis Arts Council since that time.

He announced Ms. Kenley and her Family had pledged \$25,000 per year, for the next 10 years, for a total of \$250,000. He explained each year, for the next 10 years, the Kenley Family had agreed to pledge \$10,000 to the Davis Arts Council and \$15,000 to Layton City in support of the Plaza, any maintenance thereof, the amphitheater and productions.

He expressed the City's pleasure to partner with Ms. Kenley and the Kenley Family to further arts within the community. He mentioned she was prepared to make the first donation this month. He also indicated the City was in the process of identifying how it would demonstrate its gratitude and acknowledging the commitment and expressing appreciation.

He asked if there were any questions.

Mayor Pro Tem Day requested how the naming of the plaza or donation would be recognized. Mr. Price responded the Davis Arts Council had committed to acknowledge the generous support on its programs and signage as well as mentioning the support at the performances. He mentioned the Kenley Family, Ed and Jewel Lee Kenley would be acknowledged as major sponsors, and lastly the plaza would be named the Ed Kenley Plaza which would also have signage reflecting the donation.

Councilmember Thomas stated the Kenley Family had always been supportive of the City. He requested clarification regarding the signage and Mr. Price stated a sign reflecting Ed Kenley's name would be displayed and explained where that sign would be located.

Mayor Pro Tem Day inquired if there were other interested sponsors. Mr. Price mentioned the City had concentrated its efforts on securing the naming rights and major sponsorship. He mentioned the difficulty in soliciting donations due to COVID.

Mayor Petro arrived at 5:49 p.m.

AMEND LAYTON MUNICIPAL CODE – TITLE 19, CHAPTER 19.02, DEFINITIONS; CHAPTER 19.06, LAND USE REGULATIONS; AND SECTION 19.06.030, HOME OCCUPATION – ORDINANCE 20-39

Chad Wilkinson, Community and Economic Development Director, reminded the Council this was a continued discussion specific to Home Occupation standards. He shared a visual presentation and indicated all requested changes from the Planning Commission had been implemented and briefly reviewed the Council's questions from previous discussion. Concern had been expressed about collecting signatures from neighbors for the application allowing a Conditional Use Permit for a Home Occupation. He pointed out if a neighbor wasn't comfortable signing the application or if the resident wasn't comfortable soliciting neighbors, the applicant could simply move forward through the process with City Staff. He clarified the gathering of signatures was a way to streamline the application and pointed out Conditional Use meant it was an allowed use, albeit with "conditions". He also indicated Staff would work on an acceptable avenue for residents to submit signature of approval or express comments directly to the City. Mayor Petro suggested an online portal allowing residents within the neighborhood to make comment eliminating confrontation between neighbors.

He also indicated some grammatical and typos would be made. He pointed out language reflecting an "annual renewal" specific to the business license had also been included. He also mentioned no outdoor storage would be allowed with the Home Occupation. He added there were some businesses which wouldn't be appropriate as Home Occupation and identified the list of restricted businesses and indicated they were included in the packet.

He explained the code didn't allow the storage of indoor storage of materials in conjunction with a Home

Occupation within a garage or accessory structure. He reviewed the City's process in approving these types of businesses to ensure all standards would be met. He clarified the proposed ordinance would allow for minimal indoor storage and referenced the illustration emphasizing the garage space intended for vehicle storage couldn't be replaced with the business storage. He mentioned some space in an accessory structure could also be used. A discussion took place and Mr. Wilkinson clarified the language in the ordinance specific to the size and number of allowed vehicles as well as the allowance for trailer length.

Councilmember Morris inquired about the process for signature gathering and posed an example specific to the timeframe to accept signature gathering and the potential lack of control on behalf of the applicant. Mr. Wilkinson responded it would be necessary to designate a reasonable timeframe for signatures and/or comments from neighbors. He explained his previous experience with approving Home Occupation licenses and stated the vast majority were very low impact and generally there weren't problems associated with collecting signatures. Councilmember Morris asked how a member of the community would become aware of the opportunity to express concern with the Planning Commission and Mr. Wilkinson responded the same noticing process would be followed as that of a Conditional Use Permit.

Councilmember Fitzpatrick inquired about home instruction such as music and/or dance lessons and whether that use would automatically trigger a Conditional Use. Mr. Wilkinson suggested this would be considered a high impact and would require signatures or Planning Commission approval. He pointed out pools in particular have cars/people show up at the same time and leave at the same time and suggested this use would be identified as "high impact" which would allow for further scrutiny and applied conditions.

Councilmember Fitzpatrick asked if guidelines had been determined and where those could be located if these applications were reviewed internally. She expressed concern regarding the number of potential students and whether there was a formula used to determine what was allowed. Mr. Wilkinson responded it would still require a Conditional Use authorized by the Director or Designee acting as the Conditional Use Land Use Authority. He stated not all situations were the same and spoke to some different business plans and reported this issue was also discussed by the Planning Commission. He emphasized if an applicant wasn't successful in obtaining signatures, it could come before the Planning Commission for approval.

Councilmember Day believed Conditional Use Permits generally remained with the property and inquired if these issued permits would remain with the property. Mr. Wilkinson responded these were different because they were subject to an annual review in conjunction with the Business License.

PRESENTATION – DRINKING WATER SOURCE PROTECTION PLAN

Stephen Jackson, City Engineer, mentioned the sensitivity associated with some of the information specific to the City's drinking water and reminded the Council the City had five wells. He announced the State required the City to implement and maintain a public Drinking Water Source Protection (DWSP) plan specific to sources of drinking water. He stated updates to the Plan were required every six years. He identified the key components to the Plan:

- Delineate DWSP zones
- Identify Potential Contaminant Sources (PCS) within the zones
- Development of a management plan for existing and future PCSs

He stated four DWSP Zones had been delineated for each drinking water source for the City and shared the map reflecting them. He reviewed those items the City was required to consider and identify in the Plan and informed the Council of the potential contaminant sources. He announced all contaminant sources were adequately controlled except for residential areas throughout zones 2, 3, and 4 for each well. He stated this was pretty standard across every municipality and explained residential areas were difficult to adequately control because there were so many things which could possibly happen. He pointed out the risks were considered low because most people don't store large amounts of chemicals or inappropriately

dispose of chemicals.

He identified the management tools used by the City:

- Mail notifications with utility bills regarding groundwater protection
- Direct residents to City's website for information specific to groundwater protection
- Present education to fourth grade students in conjunction with Storm Water Pollution Prevention identifying potential water contamination sources
- Information is provided in the Annual Water Quality Report
- Provide fact sheets to residents on how to use and store fertilizer, pesticides, and household hazardous wastes
- An internal review of the PCSA inventory was conducted every two years

He assured the Council everything in the City's Plan was acceptable and stated the State would notify the City regarding specific issues requiring attention. He added councilmembers could personally contact him regarding specific details of the Plan.

Councilmember Day asked about the water the City received from Weber Basin Water and Mr. Jackson responded that Agency had its own Source Protection Plan and was required to adhere to the same regulations in relation to testing and sampling. He explained the City's Water Quality Report reflected the combined data of both the City and Weber Basin. He added it also had the same Drinking Water Source Protection Plans in place and the City was aware of the designated zones specific to Weber Basin and stated it was required to adhere to the same requirements and standards.

Councilmember Bloxham asked about Sandy City's water contamination situation a few years back and inquired about the City's infrastructure to ensure a similar issue wasn't experienced. Mr. Jackson responded the issue experienced by Sandy City was specific to a fluoride overdose into the water system and Layton City Staff immediately double checked the City's system. He explained the City had some "fail safes" built into its system which would prevent a similar experience from occurring at Layton City. In addition the Davis County Health Department had also inspected the City's system and processes during that time and reported more recently the City had completed a sanitary survey with the health department and the Division of Drinking Water with the State of Utah and both had confirmed the City's facilities were up to standard and didn't impose any risk.

Mayor Petro clarified the City completed water sampling and testing on a regular basis and Mr. Jackson responded in the affirmative and reviewed those processes.

PRESENTATION – WATER RATES ANALYSIS AND MASTER PLAN PROJECT REVIEW

Mr. Jackson announced he would review the City projects identified in the City's Master Plan and reminded the Council one of the key components to the Plan was to not only keep the rates as low as possible, but to provide quality water service. He continued to explain the Master Plan was a hybrid system consisting of data for both culinary and secondary water implemented throughout the City, which included optimizing sources of water. He referenced a chart included in the Master Plan which identified Capital Projects specific to each system.

He shared a map which identified the completed culinary water projects, those partially completed, and those projects which were anticipated to be completed within the next few years and reviewed them with the Council. He also referenced an itemized list of the culinary water projects, including the description and identified project which correlated with the previous map.

He also spoke specifically about the Valley View storage tank culinary water project and the pump station locations. He also mentioned projects which couldn't be reflected on a map: meter replacement, SCADA (Supervisory Control and Data Acquisition) upgrades, and auxiliary power pointing out the cost for meter replacement SCADA upgrade costs would be spread out over a significant amount of time. He reported the City had appropriated \$100,000 per year for those upgrades.

Mr. Jackson shared an itemized list of secondary water projects, description and identified project cost which also correlated with the previous map. He mentioned the significant secondary water project near Layton Parkway, 2200 – 2700 West and 2700 West – Hill Field Road were currently in the design with the West Davis Corridor Interchange. He mentioned it would also include work to Gentile Street and reported Davis County had also awarded \$6 million to help build 2700 West over the next few years. He reported on other projects which were development driven such as Church Street and the Gordon Avenue extension and designed loop for the secondary water system. He reviewed the proposed project costs associated with the identified improvements. He summarized the costs for both the culinary and secondary water projects was approximately \$12 million and announced when work for some of the projects would begin.

Tracy Probert, Finance Director, explained the importance of identifying projects included in the Master Plan to determine the need for additional rate increases. He pointed out these projects reported by Mr. Jackson were being completed according to the Master Plan.

He shared an illustration specific to water consumption which compared usage from August 2019 to August 2020 specific to culinary water and pointed out 285 accounts had decreased their consumption suggesting the tiered structure was working as the State and City had intended. He reviewed the number of accounts in each tier.

He informed the Council 2020 was labeled as the 16th driest year in history while 2019 was labeled as the 10th wettest year and pointed out the difference between the billed gallons of water.

He referred to the Master Plan financial coverage projections specific to culinary water which identified proposed revenues needed to complete infrastructure improvements. He referred to an illustration reflected the base rates, based on meter size, beginning in 2018 and reviewed it with the Council. He reminded the Council the original study had proposed a much higher rate than what was adopted.

He shared the projected water revenue identified in the Zions Bank Rate Study compared to the actual generated water revenue which reflected a difference of \$806,175, ahead of what the model indicated. He explained that when the City adjusted the tiers, in addition to taking into consideration of precipitation, adjusted that model. He pointed the model should reflect an “average” year; not the wettest or driest and suggested when that was implemented the consumption figure changed. He reviewed the figures transitioning from wettest to driest year and from wettest to average which concluded if an “average” scenario was implemented, the City would have recognized an increase of approximately four percent.

He suggested the City shouldn’t consider any rate increase based on a wetter or drier water year and summarized if no rate increase was implemented based on the actual generated revenue, which wasn’t the “average” model. He reviewed other scenarios specific to the rate with the Council which suggested the City could easily find itself behind the model, without enough revenue to fund the needed projects just reviewed by Mr. Jackson, if the City didn’t stay the course as the model recommended.

Mr. Probert shared the base rate comparison included in the Study completed by Zions which reflected the City at the very bottom when compared with other municipalities, and even with the proposed increases the City was still in the bottom third. He completed his own comparison based on 10,000 gallons, including the three proposed rate increases, the City was still at the bottom. He announced Staff’s recommendation was to implement the final proposed 10% rate increase as recommended in the Master Plan to complete infrastructure projects and encourage conservation.

Councilmember Day asked how the City compared to other cities specific to the different tiers. Mr. Probert responded it was difficult to compare the tiers after the base rate due to availability of secondary water and other variables; but the best he could compare, those tiers were similar to the City.

Councilmember Fitzpatrick asked about the potential growth and suggested since the newer homes were being constructed on smaller lots there would be less outdoor watering. She asked if this had been factored into the model and he responded in the affirmative and clarified that was the reasoning in adjusting the base rate. She also asked if Impact Fees would be used to complete some of the identified projects and Mr. Jackson responded in the affirmative and explained how Impact Fees were allowed to be used.

Councilmember Bloxham asked if there would be future discussions regarding the water rate increase and recollected that projected revenue had been removed from the budget and Mr. Probert responded in the affirmative. Councilmember Bloxham expressed appreciation to Staff for the presentation to better understand the water revenues in relation to projects for the Council to consider options.

MAYOR'S REPORT

No Mayor's Report was shared.

The meeting adjourned at 6:57 p.m.

Kimberly S Read, City Recorder