

**MINUTES OF LAYTON CITY
COUNCIL WORK MEETING**

JANUARY 7, 2021; 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, MASON KJAR,
TERRY COBURN, CHAD WILKINSON, 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 the Legislative Affairs Committee specific to the Davis Chamber of Commerce will begin on Thursday, January 28, 2021. She added the Youth Council Advisor and Layton Community Action Council would meet tomorrow, Friday, January 8, 2021, for the purpose of discussing possible reorganization of the Youth Council.

Councilmember Morris reported the ULCT (Utah League of Cities and Towns) had forwarded a letter from the Utah Department of Health regarding the availability of vaccines to first responders. He stated he had reached out to Chief Swanson and Chief Ward and reported the City was in the process of vaccine administration to applicable Staff.

Councilmember Thomas informed the Council he had received positive feedback specific to the individual citizen's holiday lighting displays and acknowledgement from the Mayor and Council at receiving a Commemorative Centennial Coin. Mayor Petro suggested the possibility this be continued next year.

Mayor Petro acknowledged Kathy Downs', Administrative Assistant, retirement effective Friday, January 15, 2021 and introduced Linda Lartigue, new Administrative Assistant, to the Council. Mrs. Lartigue shared a brief bio introducing herself to the Council and expressed her excitement for the opportunity to work at Layton City. She acknowledged Councilmembers Morris and Day for having birthdays this month and distributed cookies to the Council and Staff.

Mrs. Lartigue left the meeting at 5:35 p.m.

SEXUAL HARASSMENT TRAINING

Gary Crane, City Attorney, informed the Council he was prepared to provide training to the Council and referenced a presentation shared by President Wyatt, Southern Utah University, and suggested the Council visit the website and listen to President Wyatt's presentation. He provided the definition of Implicit Bias and explained its importance. He shared a visual presentation in conjunction with the training.

He requested Councilmember Morris explain his position and thought process, which illustrated implicit bias, regarding a recent public hearing specific to a rezone request. Councilmember Morris shared his

initial response to the request, followed by his decision after further “rationale” thinking.

Mr. Crane concluded the Council had applied a more deliberate, reasonable, and controlled system in thinking and decision making. He also pointed out that Councilmember Day believed he could render an unbiased decision during the first public hearing; yet, during the second public hearing, determined the appearance of bias, upon further analysis, resulted in him recusing himself from the discussion and subsequent action. He summarized each councilmember’s thinking system affected their respective actions during the public hearing.

Mr. Crane referenced the following terms and reviewed definitions and examples with the Council:

- Quid pro quo
- Hostile environment, working culture

He shared a video providing training specific to Sexual Harassment with the Council and emphasized the traditional idea of sexual harassment wasn’t accurate. He indicated he had provided the Council with the website to view the other scenarios and encouraged each elected official to view it on their own time. He pointed out the significant costs associated with sexual harassment complaints and settlements and shared some specific examples he was familiar with. He stated control and/or power was a large part of harassment and emphasized the City had a zero tolerance policy for any type of harassment and identified the different avenues available to employees for witnessing and/or reporting harassment. He informed the Council training provided to employees emphasized the underlying reason for harassment and the City’s focus in trying to create a culture in which this doesn’t exist.

Councilmember Fitzpatrick shared a personal example in which she experienced harassment.

Mr. Crane pointed out by empowering employees to spot symptoms of hostility it can eliminate harassment in the workplace, and again, pointed out how unconscious bias contributed to the harassment.

Councilmember Fitzpatrick pointed out many companies have moved beyond sexual harassment training and are providing training focused on any type of harassment and suggested the City emphasize that point with its employees. Mr. Crane responded the City does address other forms of harassment in its training to employees, in addition to legally providing training specific to sexual harassment

OPEN AND PUBLIC MEETINGS ACT TRAINING

Mr. Crane directed the Council to a handout and suggested the Council read through the material on its own. He asked if there were any questions from the Council specific to open meetings. He cautioned the Council, three or more members of the Council, in participating in a Zoom call or texting for the purpose of discussing the City’s/Public’s business as that would be in violation. Councilmember Thomas requested clarification regarding two Councilmembers and the Mayor meeting. Mr. Crane responded that wouldn’t be considered a violation of the Open and Public Meetings Act, unless the Mayor was actually required to express a vote on the issue of discussion, as she was considered a member of the Council. He also cautioned the Council of conversing with one another on the dais, not in a live microphone, during the meeting as it could be misinterpreted as collaborating outside the public. He pointed out and emphasized the official minutes of any meeting were the written minutes approved by the Council and not the recording. A discussion took place and he continued to explain circumstances in which the recording would be referenced.

Councilmember Morris requested clarification about the Council attending or participating in certain “events”. Mr. Crane responded the purpose of convening should be considered and cautioned the Councilmembers to not engage or participate in discussions during which City business or specific items would come before the Council for approval and a discussion specific to minutes took place.

CONFLICT OF INTEREST TRAINING

Mr. Crane reminded the Council if there was an appearance of a conflict, it would be a good idea to recuse oneself and emphasized whether or not a conflict existed was self-determined. He suggested a financial interest could be perceived as a conflict and provided the City's conflict of interest disclosure with the Council and requested those be completed and submitted.

He provided the Council with the list of items which he was proposing for discussion during the joint meeting with the City's legislative

UPDATE – CITY INSPECT PROGRAM

Chad Wilkinson, Community and Economic Development Department, reminded the Council the City had been using City Inspect, the City's automated building inspection program, for almost a year and shared an illustration of how much storage would be needed if paper files continued to exist. He continued to point out the additional benefits of the electronic program which allowed simultaneous reviews of the permits and reviewed the old process associated with paper permits. He added this resulted in providing timely responses and approvals and better reporting of information in the permits. He continued to explain the benefit of the program to the contractors which allowed them to review the status and approval process of the permit.

He illustrated how Staff was able to review documents from the program and pointed out the benefits. He mentioned how the program had benefitted the inspection process for City Staff and emphasized this system ensured all inspections were completed in the right order prior to issuing a Certificate of Occupancy. He added the City's Building Inspectors and other Staff were happy with the system and recognized the benefits.

He asked if there were any questions.

Mayor Petro inquired if a resident or applicant with a specific concern could access the approvals associated with the permit. Mr. Wilkinson responded the program allowed access to notes or other areas within the program: items required to be completed by the developer and/or items required to be recorded at the county. He clarified there were fail safes in place to avoid these types of delays.

Councilmember Fitzpatrick inquired if a checklist was available for the inspector to complete to ensure consistency among the different Staff Inspectors and Mr. Wilkinson responded the checklist hadn't been loaded into the program; however, there was an internal checklist used by the inspectors. He indicated eventually the inspector would reference a number of items identified on a checklist. He believed the biggest benefit in implementing the new program was that online payments could be made for permits. He added this also allowed Staff to assist the applicant with better submittals and shared some examples: records requests and homeowners tracking progress of their respective builder.

Councilmember Day asked if the module specific to subdivision approval had also been implemented and Mr. Wilkinson responded the land use model would eventually be available in the future. He reported Staff was currently working on the Business License module.

AMENDED PLAT – LAYTON PARKWAY NORTH SUBDIVISION – 1ST AMENDMENT – 223 WEST 475 SOUTH

Mr. Wilkinson indicated he would address this agenda item during the regular meeting.

MAYOR'S REPORT

Mayor Petro requested Mr. Crane speak to items of concern regarding bills he was aware of specific to this upcoming legislative session. Mr. Crane mentioned Representative Paul Ray's bill regarding building permits, building inspections, and design standards. He explained a similar bill was proposed last year and provided a brief history of that bill, which led to the new bill proposed this year. He pointed out the consequences associated with the bill which was not limited to: loss in revenue, staffing issues, inconsistency with inspections, safety, and "community". A discussion followed.

Mr. Crane stated the second issue of concern were bills specific to auxiliary dwelling units/structures and also pointed out the negative consequences associated with those types of bills. He explained mandates specific to cities were expensive to cities and pre-emption should only happen in the rarest of occasions specific to cities. He informed the Council he also anticipated a bill specific to fees to be introduced this session which would identify a process in order to assess fees, which would affect everything from building permits to the storm water or lighting fee.

He highlighted the following other bills he was aware of:

- Planning Commission four hour mandatory training
- Clarification on Development Agreements
- Annexations
- Mandate of citizen committees to review police activities
- "Brady list" specific to Police Departments – he reported the City didn't have such a list
- Use of force bills
- Can no longer inquire about an applicant's education status for employment

He requested the Council contact him at any time regarding questions associated with legislation and proposed bills.

COOPERATIVE AGREEMENT BETWEEN LAYTON CITY AND UTAH DEPARTMENT OF TRANSPORTATION FOR THE CONSTRUCTION AND MAINTENANCE OF THE OAK HILLS DRIVE COMMUTER PARK AND RIDE WITHIN THE SCOPE OF THE US-89; FARMINGTON TO I-84 IN DAVIS AND WEBER COUNTIES, UTAH, PROJECT NUMBER S-0089(406)398 – RESOLUTION 21-02

This agenda item wasn't addressed by the Council.

The meeting adjourned at 7:01 p.m.

Kimberly S Read, City Recorder