

**MINUTES OF LAYTON CITY
COUNCIL WORK MEETING**

FEBRUARY 4, 2021; 5:34 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, PAUL APPLONIE, ASHLEY
NIMMO, TRACY PROBERT, 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 Bloxham reported he and Councilmember Morris had both participated in discussions, via technology, with the legislature specific to billboards and/or outdoor advertising. He explained the proposed legislation would have pre-empted the City Council from regulating off premise signage. He informed the Council he provided testimony that elected officials of a municipality should be able to legislate what was best for their respective communities and not mandated by the state. He explained the proposed provisions would have allowed a current billboard to be converted to an electric sign. He informed the Council following testimonies there was a lot of hesitation among the committee members and reported Senator Stevenson voted against the bill; however it was passed out of committee with direction that some of the issues needed to be addressed.

Councilmember Morris informed the Council billboards could currently be moved within one mile from where it was currently located and pointed out that might have significant negative impacts to certain residential subdivisions.

Mayor Petro requested the Councilmembers carefully follow this bill and lobby for defeat of this bill.

Councilmember Day asked about other bills previously discussed with the legislative delegation. Gary Crane, City Attorney, responded the bills specific to development and ADU's (Accessory Dwelling Units) were still being worked on and discussed. He informed the Council the proposed bill regarding inspections, plan reviews, and design criteria was continuing to be drafted. He indicated ULCT (Utah League of Cities and Towns) Staff was working with the sponsors of these bills in drafting language which would be acceptable to cities. He informed the Council of another bill specific to billboards in RDA areas was recently introduced and reviewed those specifics.

Councilmember Fitzpatrick reported on the following items:

- Davis Chamber of Commerce had taken a wait and see approach specific to the bill addressing ADU's and the language prohibiting cities from regulating parking. She also reported it had also taken a position of opposition to HB98 and indicated a representative from the homebuilders association recognized the issue should be dealt with specific cities of concern; that not all cities should be penalized. She also mentioned HB214 which addressed masonry construction and required disclosure on the sale of the home and the possible impact to sellers of these types of properties.

- ULCT would be conducting a well-being survey within the next few weeks. She indicated the City would be involved with advertising and stated it would provide some good information for City Staff. She announced Layton would be one of 29 participating cities.
- Once the Youth Council was fully functioning the Councilmembers would be asked to mentor the participating youth.
- Provided an update from Governor Cox's press conference earlier today regarding COVID-19 vaccinations. She reported Utah would begin receiving more doses of the vaccine and beginning Monday, March 1, 2021, eligibility would move to those 65 years old; or 18 years old with certain comorbidities, which were defined on the health department websites. She also mentioned that beginning Thursday, February 11, 2021, specific locations of Smith's (Kroger's) and Walmart store's pharmacies would begin issuing vaccinations. She reported the single dose J & J vaccine was advancing to FDA (Federal Drug Administration) and could be available as soon as March. She added this would be a one dose vaccine and could be administered at a local pharmacy. She complimented Davis County for its system in administering the vaccine and suggested it should be the national example and believed the residents of the county were very fortunate.

Councilmember Morris announced Utah was ranked sixth in the nation in administering the vaccine.

Mayor Petro added Davis County was second in the state for the number of administered vaccines and stated Layton City by far exceeded those from other cities receiving the vaccination. She mentioned there were still available appointments in March for those 70 years old and older.

Councilmember Day reported the RAMP Commission had received submitted grant applications and indicated they were currently being reviewed by the Commission. He indicated the fund had received a significant amount of revenue this past year and believed a balance would remain upon completion of awarding grants.

UPDATE – UTAH DEPARTMENT OF TRANSPORTATION'S (UDOT) NEXT PHASE OF US-89

Mike Romero, Project Director, UDOT (Utah Department of Transportation), Bryan Griffith, Project Manager, Oak Hills Constructors, and Aubrey Bennion, Communications Team, David Evans and Associates was present to provide an update to the Council. Mr. Romero expressed gratitude for City Staff in the Engineering Department that the construction team had been working with; specifically dealing with the utility issues associated with the project. He also expressed appreciation for the City's Parks Staff.

Mr. Griffith expressed agreement with Mr. Romero's comments and added Layton City had been a great partner in contributing to the project. He shared a visual presentation and provided Year in Review specific to the project highlighting the following:

- 800,000 people hours since 2019
- More than 35,000 linear feet (almost 7 miles) of new water lines
- 500,000 cubic yards of earth moved
- 50,000 tons of permanent asphalt placed
- Nearly 335,000 linear feet (more than 63 miles) of other utilities
- Demolished and replaced the Layton City water tank

He announced the Weber Basin Culinary Water serviced approximately 140,000 residents within Layton, Kaysville, and Fruit Heights, and mentioned the mild winter had allowed waterline installation to continue in December. He reviewed the utility work completed to date within Layton City which included new water lines, sewer lines, and Century Link fiber.

He shared illustrations of the water tank demolition and the paving which took place late in November and Mr. Romero spoke to what had been involved in ensuring a high quality asphalt product installed that late in the year.

Mr. Griffith reviewed upcoming construction activities specific to the Gordon interchange:

- Utility work on the east side, while traffic flows continue on southbound lanes
- Bridge work consisting of support beams and foundation, bridge deck
- Once Gordon extension opens in the summer, Cherry Lane would close; however, the new frontage road system would be connected.

He shared an illustration of Oak Hills Drive and mentioned the following:

- Traffic pattern shifted to the southbound lane, in December, while utility work was ongoing
- The intent was to open interchanges this summer, if at all possible
- Irrigation utility lines needed to be completed by April 1
- Paving would begin sometime around April 15

Mr. Griffith continued to identify upcoming construction activities specific to Antelope Drive:

- Mentioned the numerous utility work which would need to be completed in the area
- Intermittent closures at County Oaks and Oak Lane
- First phase of the Kays Creek Box Culvert would begin in March and take approximately one year to complete

He asked if there were any questions.

Councilmember Fitzpatrick inquired what was planned for the existing coffee shop currently located at Cherry Lane and the frontage road. Mr. Romero stated currently there was a lease between UDOT and the operators of the coffee shop and indicated there was no intention to request they close or relocate; however, it would be up to the owner to make those decisions once the interchange and frontage road was reconfigured. He mentioned the north driveway would experience a temporary closure to complete utility infrastructure improvements.

Aubrey Bennion informed the Council the communications team was continually updating the Facebook page and identified how information was being provided to residents. Mr. Romero mentioned the effectiveness of Facebook and the positive feedback.

Mayor Petro expressed appreciation for the responsiveness of the citizen committee and Ms. Bennion commented the great feedback received from Layton City residents.

COUNCIL TRAINING

Gary Crane, City Attorney, informed the Council of a situation specific to a “variance” recently experienced by Councilmember Morris. He explained the definition of a variance; waiver or modification of administrative requirements of zoning ordinance and pointed out the challenge in obtaining approval for a variance. He reviewed the following criteria which should be considered with granting a variance:

- Demonstrate an unreasonable hardship which cannot be economic or self created
- Special circumstances attached to the property which didn’t exist to other properties in the area
- Denied a substantial property right others in the area had
- Geotechnical issue was present- something the property owner had created
- General Plan compliance
- Spirit of land use law was met

He announced a Hearing Officer, appointed by the City Council, granted variances in Layton City, and if a situation presented itself this would need to be put in place. He added the decision could be appealed to District Court.

He asked if there were any questions.

Councilmember Day asked about a situation in which property had been taken for a road and encroached upon the setback. Mr. Crane explained if the new road was encroaching upon an existing home, it would then be referred to as non-conforming. He explained similar circumstances in which an administrative variance could be granted in situations which couldn't be contested.

2021 MUNICIPAL ELECTION

Kimberly Read, City Recorder, informed the Council a Municipal Election would take place this year and was proposing to again contract with Davis County to administer the election. She reported she had been in contact with the election representatives at the county and indicated there would be an increase of approximately \$11,000, per election, for a proposed total cost of \$56,935. She reviewed the following specifics associated with the proposed increase:

- 6,296 more registered voters; \$5,200 of the increase was directly related to the number of registered voters
- Implemented legislation which required an early voting facility, Farmington
- Additional costs associated with web and administrative support

She emphasized this estimate was based on a single General Election with all 15 Davis County cities participating since there were shared costs. She clarified fewer cities participating in the election would result in a higher costs; therefore, Layton City would most likely pay more for a Primary Election since most cities don't always have a Primary Election. She mentioned ballots would continue to be mailed out four weeks (28 days) prior to the election.

She asked if there were any questions.

Mayor Petro requested clarification on some of the proposed costs and Ms. Read emphasized the increase in registered voters equated to an increase in printing and postage for ballots.

Councilmember Bloxham asked about the 2019 General Election in which the City was notified by Davis County after its initial canvass of additional vote totals. Ms. Read responded there were some additional votes which the County hadn't included in the totals; however, once those were added the order of the candidates did not change.

Councilmember Bloxham asked Ms. Read if she believed processes had been implemented so a similar circumstance wouldn't be experienced in the future. Ms. Read stated Brian McKenzie, Deputy Clerk, had assured her new procedures would eliminate this error in the future. She expressed her opinion the county's process was very efficient and assured the Council the integrity of the election and shared some examples. The Council directed her to proceed with the contract and she announced it would come to the Council for approval during its next meeting.

REZONE REQUEST – 1598 NORTH MAIN STREET REZONE – C-H (PLANNED HIGHWAY COMMERCIAL) AND R-M1 (LOW/MEDIUM DENSITY RESIDENTIAL) TO MU (MIXED-USE) – ORDINANCE 21-06

Chad Wilkinson, Community and Economic Development Director, announced the proposed rezone and identified the location of the parcels on a map. He identified the zoning of each respective parcels and informed the Council the applicant requested to rezone the parcels to facilitate development of a mixed-use development. He shared a conceptual plan of the proposed development and also identified the street access within the development and pointed out how the proposed access to the highway would benefit the City. He identified proposed uses adjacent to the parcel. He emphasized the Council wasn't approving any type of development or design plan at this point. He announced the Planning Commission had reviewed the request recommended approval based on the fact the use was compliant with the General Plan.

Councilmember Bloxham requested further clarification regarding Commissioner Manning's comments

associated with his dissenting vote specific to the loss of commercial properties on Main Street. Mr. Wilkinson stated his concern was just that, the loss of potential commercial use or development on that portion of Main Street. He pointed out those parcels had been zoned commercial for many years, yet had never been viable for commercial development. He stated the General Plan anticipated and recognized there should be some opportunities for these under performing and underutilized parcels and pointed out the benefits to the mixed-use development in this area. He also reminded the Council the purpose of the General Plan was to identify where commercial made the most sense, re-evaluate areas where commercial development hadn't made sense in the past, and identifying areas for new commercial development, in order to provide services to the residents.

Councilmember Day stated he was present at the Planning Commission Meeting when this was discussed and expressed his opinion Mr. Wilkinson had provided a great explanation of Commissioner Manning's concern.

Councilmember Thomas asked if there would be any on street parking along Main Street and Mr. Wilkinson indicated if it was allowed, it wouldn't count toward the minimum parking for the development; it would be considered "extra" parking and referred to the conceptual plan which identified where parking was designated.

Councilmember Fitzpatrick inquired about the access on Avalon as well as on North Main Street and Mr. Wilkinson responded the applicant was currently working with UDOT (Utah Department of Transportation) regarding that access.

MAYOR'S REPORT

Mayor Petro reminded the Council about the COVID vaccinations.

Councilmember Bloxham inquired about the order of agenda items for the City Council Meeting following this meeting and Mayor Petro responded item C of the Consent Agenda would be deferred until after the Public Hearing, allowing the Council to act upon it separately.

The meeting adjourned at 6:38 p.m.

Kimberly S Read, City Recorder