

**MINUTES OF LAYTON CITY
COUNCIL WORK MEETING**

MARCH 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, CHAD WILKINSON, TIM
WATKINS, DAVID PRICE, 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 Communities that Care program was moving forward and was ready to establish the two separate boards at Northridge and Layton High Schools. She also mentioned the Legislative session was coming to an end.

Councilmember Day informed the Council the RAMP Commission was in the process of reviewing grant applications. He believed it would soon be prepared to present recommendations to the Council.

Councilmember Bloxham reported he and Councilmember Morris were continuing to work with Gary Crane, City Attorney, and elected Layton representatives regarding bills considered at the Legislature. He reminded the Council it had been contacted earlier today soliciting input regarding the “permitting” amendment specific to “events” and mentioned the challenges, burdens, roadblocks, and mandates associated with that bill and how it could impact the City.

Councilmember Morris also mentioned the auxiliary housing bill had advanced to the Governor’s Office and believed the City would need to amend its ordinance. He also mentioned HB98, the bill regarding design elements and building permits, was still being considered. He complimented Mr. Crane for his efforts in working with Representative Paul Ray, bill sponsor, toward a compromise. He mentioned Layton City and the Council were well respected on the Hill for how it operated.

Councilmember Bloxham informed the Council the ULCT (Utah League of Cities and Towns) had taken a neutral position on the final version of HB82, specific to accessory dwellings. He mentioned it was originally opposed to the bill, but following modifications, had taken a neutral position and that was the bill which had advanced to the governor’s office.

Councilmember Thomas stated he had received a comment complimenting Mr. Crane for the way in which he represented Layton City during the Legislative session. The individual mentioned he was very respected.

Mr. Crane stated the City and Staff from Layton City was also respected by many individuals participating in the Legislative process at the Hill. He also expressed appreciation to Councilmember Fitzpatrick and Mayor Petro for their work with the Davis Chamber of Commerce.

COUNCIL TRAINING

Mr. Crane announced the training was specific to exactions and explained the definition and how those were implemented with new development. He also explained the premise, that development should pay its own way, and shared an example. He emphasized the exaction had to be related to a governmental purpose and had to be reasonable or the “standard”. He shared a brief audio as an example and stated this became the example by other entities when considering whether the exaction was fair and summarized Ms. Dolan prevailed at the United States Supreme Court because that City’s request was deemed “excessive”. He continued to share other examples with the Council.

Councilmember Day asked at what time the City should be expected to pay for the property and Mr. Crane shared an example which illustrated the exaction had to be proportional. Councilmember Day continued to ask specific questions about exactions and Mr. Crane responded the exaction was required to be proportional to what currently existed. He stated exactions could be demanded by ordinance, such as the fencing ordinance. He added the City could be excessive in the way in which a permit was issued, such as in issuing a Conditional Use Permit and cautioned the Council in requiring more than what was “proportional”.

A discussion took place with the Council asking specific examples. Mr. Crane emphasized whatever was being exacted had to be proportional to the impact caused by the request.

Councilmember Fitzpatrick requested clarification regarding items called out specifically in a development agreement associated with a PRUD. Mr. Crane explained that was a different circumstance altogether. He mentioned the City could also request additional requirements with an annexation and suggested development agreements were a different development tool than exactions.

Councilmember Morris asked how eminent domain related to exactions and Mr. Crane responded eminent domain involved the City forcing the purchase of property. He clarified exactions were requirements of development approval. Councilmember Day asked if parks were eligible for eminent domain and Mr. Crane clarified parks were; however, trails were not, and the City would have to wait until it could purchase property for that purpose, then Impact Fees would be used for that purchase.

Councilmember Day clarified water exactions were allowed because it provided the water required to serve the new development. Mr. Crane added there was a formula used to identify the amount of water exactions which could be required.

BID AWARD – PARKIN TENNIS COURTS – ANDY ADAMS PARK TENNIS COURT RENOVATION, PROJECT 20-2 – RESOLUTION 21-11 – 1713 EAST 1000 NORTH

David Price, Parks and Recreation Director, identified the location of Andy Adams Park and shared a visual illustration pertaining to the agenda item. He indicated the City acquired the courts from East Layton City and explained the method of construction used at that time. He shared an illustration reflecting the poor condition of the courts and explained the concrete base underneath the acrylic surface was failing, causing the flaking of the surface. He mentioned if the flaking was an issue with only the acrylic finish, the courts could be refinished and explained the process; however, he didn’t believe it would be cost effective. He announced Staff was requesting the Council consider demolition of the courts and re-building. A discussion took place pertaining to contributors responsible for the damaged condition of the courts.

He shared an illustration which identified the proposed footprint of the tennis courts and the proposed pickleball facilities as amenities to the park. He announced a bid process had been completed for the new complex and informed the Council there were only two contractors certified to install pickleball and post-tension tennis courts. He shared an illustration which explained how the new courts would be constructed and indicated the new technology allowed the concrete to be poured as one solid surface.

He also reviewed the amenities which would be included with the tennis court renovation project. He reported two bids were received and reviewed the respectively submitted costs. He informed the Council both bids were higher than the anticipated proposed costs and pointed out those contributing factors. He announced Parkin Tennis Court submitted the lowest responsive, responsible bid and pointed out if the Council approved the bid award, it would also be acknowledging a budget amendment would need to take place for the additional \$55,088, which would be proposed by Tracy Probert, Finance Director, at a later date. He indicated the funding could be recognized by either the General Fund Balance or RAMP Fund Balance.

Councilmember Bloxham inquired about the difference in the bids and Mr. Price responded the term “General Conditions”, conditions imposed on the contractor to do business within the City, hadn’t been included as a line item within the scope of the bid because it was a simple project. He indicated one contractor chose to identify a figure for that purpose. A discussion took place regarding the bid proposal and identified costs.

Councilmember Fitzpatrick asked how soon construction would begin if the Council approved the bid award and Mr. Price responded the start date would probably be around May 1, 2021, and would need to be completed within 90 days.

Councilmember Morris asked if the court lights would remain and Mr. Price responded the project was designed to use the existing lights.

Mr. Price informed the Council of the following updates:

- Due to the governor’s announcement of Davis County transitioning from “High” to “Low” specific to COVID-19, more spectators would be allowed at youth basketball games.
- Harmony Place Park design had been completed and was currently in the bid process.
- Pickleball complex would probably begin the bid process next week. He explained how the bids for both Harmony Place Park and the pickleball complex had been written with “alternates” allowing options for the City in the event the bids came in higher than anticipated.

BID AWARD – LEON POULSEN CONSTRUCTION COMPANY, INC. – LAYTON PARKWAY/2700 WEST CONSTRUCTION, PROJECT 20-59 – RESOLUTION 21-09 – ALONG LAYTON PARKWAY FROM APPROXIMATELY 2200 WEST TO 2700 WEST AND ALONG 2700 WEST FROM APPROXIMATELY LAYTON PARKWAY TO GENTILE STREET

Stephen Jackson, City Engineer, shared an illustration and brief summary regarding the Layton Parkway/2700 West project in conjunction with UDOT’s (Utah Department of Transportation’s) West Davis Corridor project. He announced six bids were received with Leon Poulsen Construction identified as lowest responsible bid in the amount of \$6,360,815. He shared a brief summary of the roadway project which included the following: the road was approximately one mile in length, the right-of-way on Layton Parkway would be 84 feet wide, significant utility infrastructure including sewer, water, storm drain, box culvert, and relocation of a detention basin. He reported the City was struggling with obtaining appraisals for properties needing to be acquired for the project. He added the contractor was eager to begin construction in order to complete necessary work associated with piping the irrigation water prior to the beginning of the April irrigation season. He informed the Council, the City would need to acquire just over 17 acres of property for the right-of-way to be constructed and announced Staff had been working with the West Davis Corridor/UDOT team and Farmington Bay Constructors and reported they were advancing quickly with their portion of the project. He reminded the Council, the City had committed to having this road in place prior to meeting with the new portion of the West Davis Corridor. He also announced Davis County COG (Council of Government) had awarded \$6 million of funding to Layton City to assist with 2700 West.

Councilmember Fitzpatrick referenced the resolution and requested language clarification. Mr. Jackson responded the language authorized the City Manager to enter into agreements, if needed, to timely complete the project. Councilmember Fitzpatrick also inquired about the designated fencing and asked if

there would be a continuation of the concrete wall along Layton Parkway and Mr. Jackson responded it wouldn't be continued at this time. He continued to explain that area was planned to be commercially developed in the future and fencing would be determined as development occurred. He clarified the identified fencing was appropriate for the current agriculture purposes and a discussion specific to fencing followed. Mr. Jackson pointed out there would be sidewalk on the north side of the road.

Councilmember Day requested clarification regarding the different road widths for 2700 West and Layton Parkway and Mr. Jackson responded the Davis County COG grant funding allowed 2700 West to be completed at full width, based on UDOT's projected traffic patterns, the wider road was justified.

Councilmember Fitzpatrick asked when the Parkway east of 2200 West would be widened and Mr. Jackson responded that would take place in conjunction when that phase of the subdivision was completed and clarified it would be the developer's responsibility for that completion and mentioned where payback agreements would be applicable.

Councilmember Fitzpatrick inquired when construction would begin and Mr. Jackson stated construction would begin once access to the property was granted and indicated Staff would like this project to be completed by the end of October.

Councilmember Day requested clarification if the construction for 2700 West was being completed at the City's costs and Mr. Jackson indicated Staff would be establishing payback agreements in relation to future development. Councilmember Day expressed concern whether the irrigation structures could be completed by April 1, 2021, and Mr. Jackson responded construction could begin on the Church property until additional property access was granted. He emphasized the contract stipulated irrigation had to be maintained throughout the entire season and Mr. Jackson reported Staff had met with Church representatives on numerous occasions and it had approved the proposed construction plan. He expressed agreement with Councilmember Day's concern regarding the deadline; however, he stated the City had a signed document from the Church authorizing the City to move forward based on the proposed irrigation agreement.

Mayor Petro asked about the length of time needed to complete the improvements. Mr. Jackson indicated Staff would like to see work completed by April 1, 2021, and emphasized everything had to be completed by April 15, 2021, to allow for irrigation water. Mayor Petro posed the possibility of postponing the project until fall to alleviate any issues or concerns with the irrigation water. Mr. Jackson explained the importance of completing the utility work, including irrigation pipes, initially prior to other construction. He emphasized any postponement would delay the entire project for an entire year.

Councilmember Day inquired about the water continuing further down 2700 West and Mr. Jackson stated those operations had been considered and believed the irrigation wouldn't be completed for that portion of the project. He added Staff would need to work with those farmers to ensure those irrigation operations wouldn't be impacted. He explained what would need to take place regarding construction and/or piping of the irrigation water and pointed out the need for cooperation with users, landowners, and farms. Councilmember Day continued to express concern with regard to starting the project this late in the spring and inquired who would be responsible if crops were compromised due to issues directly related to access of water. Mr. Jackson responded it would either be the responsibility of the contractor or the City and added the City's attorneys would be involved to determine costs and liability. Mr. Crane mentioned the City had a similar experience on a previous occasion and indicated a system had been established should a similar situation occur.

Councilmember Morris requested clarification on the funding for this project. Mr. Jackson stated there was existing funding already in place, appropriated in previous budgets for this project; however, additional funding would be requested in this upcoming budget process. Councilmember Morris asked about COG funding. Mr. Jackson explained the City had requested the use of transportation funding from Davis County, intended to be used for these types of projects.

Councilmember Day asked when work was anticipated to begin and Mr. Jackson responded the contractor was ready to begin as soon as possible and was in the process of securing construction materials. He emphasized Leon Poulsen was a pipe contractor as opposed to a earthwork contractor doing pipe work and expressed his confidence in its abilities in delivering a quality product within the time constraints.

DISCUSSION – LANDSCAPE ORDINANCE

Tim Watkins, City Planner, shared a visual illustration regarding water-wise landscaping which had been presented during the February 23, 2021, Planning Commission Meeting. He pointed out some of the work had been completed by Collin Gee, City Intern. He referenced the General Plan which encouraged water-wise landscaping and efficient use of land to help conserve limited water resources. He announced Staff was proposing a comprehensive re-writing of the Landscaping and Fencing Chapter of the General Plan.

He shared a graph provided by the water conservancy district which illustrated the need for water conservation or to identify additional water supplies to meet the demand. He also shared the educational resources and partnerships which provide landscape options and shared some photos illustrating water scape or water wise landscaping.

He reported Staff had experienced challenges with identifying water-wise ordinances and shared some of the suggestions used by South Jordan City which included the following:

- Prohibition of “wasting of water”
- Restricting watering times
- Detailing penalties and citations for non-compliance

He explained how the development of subdivisions could contribute to water conservation with the clustering of homes and smaller side yards.

He shared the following points included in Arvada, Colorado’s ordinance highlighting the following:

- Definitions and enforcement against the wasting of water
- Incentive program which encouraged water-wise landscaping
- Tree preservation and replacement regulations

He also reviewed the following specific to Reno, Nevada:

- Utilized specific, highly regulated water conservation code and landscaping code
- Turf coverage restricted to 50% of total area for commercial and multi-family properties
- Extensive definition of ‘wasteful use of water’

He continued to review specifics associated with Sacramento, California:

- Graywater recycled program
- Detailed penalties and fees associated with Code violations

Mr. Watkins shared a table comparison of those ordinances which concluded they all focused on defining and stating the infractions for ‘wasting water’ and applicable fees and citations. The other common factor required ‘smart’ irrigation controls which measured the moisture levels in the soil. He also mentioned soil scarifying was also required in the ordinances and explained that process and benefits. He identified the turf restrictions on sloped properties and certain areas such as park strips. He concluded a model ordinance promoted a calculation for total maximum water use and the use of water conserving plants/trees in landscaping.

He announced Staff was working to apply the commonly used regulations in drafting a proposed landscape ordinance to decrease water demand while still providing an aesthetically pleasing landscape. He identified the educational component associated with the proposed ordinance.

He asked if there any questions and there were none.

MAYOR'S REPORT

No Mayor's report was shared.

The meeting adjourned at 6:57 p.m.

Kimberly S Read, City Recorder