MINUTES OF LAYTON CITY COUNCIL WORK MEETING — **MARCH 18, 2021; 5:50 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, STEVE GARSIDE, TERRY COBURN, PAUL APPLONIE, STEPHEN JACKSON, CHAD WILKINSON, TRACY PROBERT, ED FRAZIER, DAVID PRICE, AND KIM READ**

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

Mayor Petro opened the meeting.

AGENDA:

COUNCIL MEMBER REPORT

Councilmember Fitzpatrick reported on the following:

- The Youth Council had expressed interest in mentoring with the Council and mentioned she had already provided the Councilmembers' respective responsibilities with the Youth Council.
- The two core groups had been established with Communities that Cares: at Northridge and Layton High Schools, and indicated the committees and sub-committees were also in place. She announced she and Mayor Petro had met with two representatives from Davis Behavioral Health and indicated it would be requesting funding from the City.
- She and Mayor Petro had participated in legislative wrap-up with Senator Weiler by Zoom this morning. She announced a special legislative session would be called to address the second distribution of CARES funding.
- She had received feedback from a developer regarding the fact the City wasn't truly open for business and suggested the time had come to fully open all departments within the City. She shared his concerns with meetings having to take place via zoom and it slowing the development/building process.

Chad Wilkinson, Community and Economic Development Director, assured the Council there was no delay with respect to the design review or inspection process. He reported in-person meetings had been taking place, by appointment, with masks required, within his department for several months. He mentioned he couldn't speak on behalf of all design review Staff from Fire and/or Engineering. He believed there were varied levels of concern regarding in-person contact and meetings.

Alex Jensen, City Manager, believed some miscommunication had taken place and shared this particular situation with the Council. He emphasized the individual was a good builder within the City and indicated Staff was working with him specific to the circumstances.

Mayor Petro inquired about moving forward with fully opening City Hall, no longer requiring appointments and a discussion followed. Mr. Jensen emphasized Staff was accommodating to requests for in person meetings, although Staff requested meetings took place via Zoom. Tracy Probert, Finance Director, responded his Department wouldn't be open until all employees had the opportunity to be fully vaccinated and a discussion followed.

Councilmember Bloxham informed the Council he had attended the board meeting for the Davis Arts Council earlier today and indicated although it had adequate operating funds, he suggested the City consider increasing its donation. He reported the City had donated the same amount for several years. He indicated he was impressed with the new Executive Director, Tessa Vaschel. He mentioned most all of the RAMP funding requests had been granted.

Councilmember Morris suggested Gary Crane, City Attorney, share an overview or recap of the bills signed by the governor explaining how they would affect the City and a discussion followed.

COUNCIL TRAINING

Gary Crane, City Attorney, shared a training specific to grandfathering, otherwise known as non-conforming uses. He explained it was a use, allowed prior to adoption of an ordinance prohibiting the use, and emphasized it was something original to the land/property and legally allowed. He shared some examples with the Council. He shared key issues to consider specific to non-conforming uses and/or structures and shared examples in explaining the application of each:

- Parameters – picture taken in time
- Continuous – relatively uninterrupted
- Modifications or additions – allowed if consistent with current code
- Abandonment – usually over a year, not counting a disaster
- Amortization – the value of its useful life

Councilmember Fitzpatrick asked if non-conforming structures were insurable and financeable and Mr. Crane responded in the affirmative and shared an example.

Councilmember Morris asked how the code applied to ADU’s (Accessory Dwelling Units). Mr. Crane reminded the Council the non-conforming use was applied to something which was legally allowed; therefore, if the ADU was illegally constructed it wasn’t entitled to that designation, He pointed out there were probably illegal ADU’s within the City and the challenges associated with bringing those into legally compliance to allow them to be licensed.

RECREATION, ARTS, MUSEUM, AND PARKS (RAMP) COMMISSION RECOMMENDED FUNDING

Mayor Petro welcomed Tracy Chatwin, RAMP Chair, referred to the illustration which identified funding requests and projects. He pointed out the Commission hadn’t approved two funding requests: On Pitch Performing Arts, OPPA, INC for 2022 Community and Children’s Theatre Project and the request from Davis Arts Council for the Veterans Day Storyteller at the Vietnam Wall. He explained the Commission’s perspective for those requests not meeting the designated criteria. He suggested the storyteller at the Vietnam Wall would be an excellent project for a different date.

He reviewed the RAMP Fund Balance and announced two projects had subsequently increased the requested grant funding after the deadline: Andy Adams Project and Chapel Street Park Playground. He explained no applications were submitted for these projects. Although the Commission indicated no objection to the projects, it didn’t believe it was within its scope of responsibility to approve additional funding, since the original funding hadn’t been granted via the formal application process.

He continued to explain members of the RAMP Commission accepted their roles very seriously and pointed out no other applicant had the opportunity to request additional funding after the submission deadline and the Commission took that under consideration and advisement when it denied the two requests. Councilmember Day concurred with Mr. Chatwin’s reporting of the discussion and subsequent reason for denial of the requests.

Mr. Chatwin asked if there were any questions.

David Price, Parks and Recreation Director, clarified there had been previous opportunities for organizations to approach the Council requesting funding in the non-traditional process, one being the Tour of Utah. He expressed his opinion, it was inappropriate for any commission to limit the Council's ability to appropriate RAMP funding for a project. He also believed if an opportunity presented itself outside of the application timeframe, the organizations could come to the Council requesting consideration for funding. Mr. Chatwin emphasized the Commission only made recommendations.

Mayor Petro expressed appreciation for the efforts of the Commission and asked if discussions had taken place regarding earmarking or setting aside funding for future large projects. Mr. Chatwin responded the Commission didn't discuss possible future projects, only submitted project requests. He reminded the Council it had appropriated funds for large projects over three separate years; however, that was how the application/request had been made. He emphasized the City Council had the final say specific to funding projects.

Councilmember Thomas requested clarification regarding the funding request and remaining fund balance specific to the RAMP fund and Mr. Chatwin indicated there were remaining funds. Tracy Probert, Finance Director, reviewed the remaining fund balance and a discussion took place.

Mr. Chatwin expressed his appreciation for the opportunity to serve his community. He expressed an invitation to the councilmembers to attend a RAMP meeting and announced they were scheduled for the third Monday of every month.

BETTERMENT AGREEMENT WITH UTAH DEPARTMENT OF TRANSPORTATION FOR LIGHTING IMPROVEMENTS ALONG SR-232 (HILL FIELD ROAD) FROM APPROXIMATELY GORDON AVENUE TO SR-193, PROJECT NUMBER F-0232(13) – RESOLUTION 21-16

Stephen Jackson, City Engineer, shared a visual presentation and announced UDOT (Utah Department of Transportation) had received Federal Highway Safety Funds to improve the lighting along Hill Field Road from Gordon Avenue to Highway 193. He added UDOT had inquired if the City was interested in a betterment for the project. He reported 60 lights were needed for this project and reviewed specifications. He mentioned the City had expressed its desire to use its standard light fixture which would double the number of lights in order to meet the Federal Highway Safety criteria.

He reported Staff had reached out to the supplier to identify the most appropriate light and shared an illustration of the proposed light fixture. He explained another option was to black powder coat the UDOT proposed fixture for approximately $55,000. He reviewed the proposed costs associated with the project and indicated the project funding would be included in next year's budget request.

Councilmember Fitzpatrick requested clarification if the traffic light was included in the project. Mr. Jackson responded that would be a completely separate project; however, the black powder coating had also been included for those fixtures. A discussion took place specific to both projects. Councilmember Fitzpatrick also inquired about the fixtures meeting dark sky lighting requirements and Mr. Jackson responded the lights were similar fixtures to what was already being used with the light focused/directed downward to strictly light the road and walkways.

AUTHORIZING THE ACQUISITION OF INTERESTS IN REAL PROPERTIES FOR THE LAYTON PARKWAY AND 2700 WEST PROJECT BY NEGOTIATION OR BY EMINENT DOMAIN – RESOLUTION 21-13

Mr. Crane explained state statute required the Council to adopt a resolution which allowed the City to move forward with the acquisition of property for the Layton Parkway/2700 West Project in anticipation of the West Davis Corridor. He stated there were requirements which the City had to fulfill; one of those was obtaining appraisals for the property and indicated all of those had been completed. Additionally, Staff has been talking to affected property owners since last spring; as well as the City sending a notice to the property owners informing them of the ombudsman which could assist the property owners with the property acquisition. He indicated the City was also required to negotiate with the property owners and inform them by letter that the City Council had to approve the acquisition. The property owners also had to be made aware of meetings in which the property acquisition was being discussed and they were allowed an opportunity to speak before the Council. He indicated notification had been sent to all affected property owners and this was the meeting in which they would have an opportunity to speak to the Council.

He pointed out the item had been included in the Consent Agenda as opposed to a Public Hearing because it wouldn't be appropriate for the public to comment on the item; rather, it was an opportunity for the property owners to talk to the issue. He recommended the agenda item be removed from the Consent Agenda and address it separately.

He informed the Council, the City had received permission from most of the property owners for the purpose of survey stakes placement associated with completing water and irrigation infrastructure. He also mentioned a pre-construction meeting had taken place earlier in the week with the utility companies to identify what they needed.

Councilmember Fitzpatrick inquired about the detention basin relocation and Mr. Crane explained the Harmony Place subdivision detention basin would be relocated on a parcel of property currently owned by the Church of Jesus Christ of Latter-Day Saints. He mentioned the relocation of the detention basin was needed because the road was proposed to cross the current detention basin.

Councilmember Bloxham clarified approval of the resolution increased the City's ability to negotiate with property owners and Mr. Crane responded it allowed Staff to make offers to property owners.

Councilmember Morris pointed out the tight timeline and inquired if it was attainable and Mr. Crane responded in the affirmative and expressed his confidence in the contractor.

BUDGET DISCUSSION

Tracy Probert, Finance Director, shared a visual illustration and reviewed the revenue and expenditures specific to the water fund and believed there would probably be an increase in revenue due to new development. He reviewed expenditures pointing out personnel costs, operation costs specific for water meters, capital, and transfers for shared equipment. He pointed out the funds appropriated for the utility billing system planned over a three-year period.

He reviewed the proposed projects specific to the water fund and specifically mentioned the 2700 West/Parkway project.

Councilmember Fitzpatrick requested clarification why the City was responsible for costs associated with the Kroger project. Stephen Jackson, City Engineer, explained a large City water line existed between King Street and Sugar Street for Kroger that the City couldn't access. He continued the City had proposed, through negotiations, that Kroger take over the ownership and maintenance of that line. He explained as part of the agreement, the underground meters would need to be installed and the City had agreed to complete that as part of the agreement.

He also reviewed long term water fund projects with the Council and those which qualified for the use of Impact Fees.

Mr. Probert reviewed the Storm Water Fund and pointed out the reserves for this fund He also reviewed storm water projects with the Council.

Mr. Probert reviewed the Sewer Fund with the Council and pointed out the decrease in unrestricted balance over the past few years and mentioned the City might want to consider raising fees for this fund in the future. He indicated the City hadn't increased these fees for quite a while because North Davis Sewer District (NDSD) had regularly increased its fees; however, the City's fund balance was significantly decreasing and suggested the Council might need to implement an increase to help maintain its lines separate from NDSD.

He reviewed the Street Lighting Fund with the Council and indicated the fee increase had resulted in an increase in revenue which had been anticipated. He explained the added revenue allowed the City to hire needed personnel for lighting as well as an increase in projects. He reviewed the street lighting projects and shared a map which identified where lighting would be installed specific to identified projects. Mr. Jackson clarified $80,000 would fund lighting projects identified in the red box on the map illustration.

Mr. Jensen reminded the Council, the City's plan was to address areas where there was no lighting as opposed to areas in which lighting needed to be improved.

MAYOR'S REPORT

Councilmember Morris believed a discussion should take place in a future meeting specific to stimulus funding which would be coming to the City. He pointed out the requirements for the funding was that it needed to be appropriated for projects and not programs. Mayor Petro suggested this would be a topic for a future strategic planning meeting.

Mayor Petro expressed her desire to discuss the water pledge/project following the Council Meeting.

The meeting adjourned at 6:57 p.m.

The meeting resumed at 7:54 pm

Mayor Petro stated she was proposing the City participate in a water conservation effort and stated it was her goal to encourage conservation. She explained the program she was proposing would allow the City to tie into a national organization and identified the name of the program was "The Mayor's Pledge". She stated the website allowed residents to participate in as much or as little as they desired and suggested each individual identify those small things they could do, then make a pledge. She requested the Council's support for the Pledge and encourage residents' participation and briefly explained the Program/Pledge. A discussion followed and the Council expressed agreement and Mayor Petro believed this was a great opportunity to promote conservation within the City.

Councilmember Thomas suggested the City display illustrations and/or videos promoting conservation on the website or suggesting ideas residents could implement. Mayor Petro shared some ideas suggested by Councilmember Fitzpatrick. Councilmember Thomas suggested highlighting those residents which had implemented water conservation efforts.

Councilmember Morris believed there was a difference between educating residents into caring about their respective water use compared to how much they were paying for water. Mr. Jensen informed the Council a meeting had taken place with key Staff and spoke to the spirit of what the City would like to encourage in the form of water conservation. He stated this challenge would tie into the Governor's declaration and identified those things the City was considering and progressively implementing to conserve water. A discussion followed and Mr. Jensen informed the Council of those things recognized by the City the last time water restrictions were implemented and suggested a balanced approach on behalf of the City regarding conservation. He suggested soliciting information from City engineers and the discussion continued.

Councilmember Bloxham believed water rates were an incentive regarding water conservation. He believed the City provided information which it has implemented regarding the use of water.

Mayor Petro announced she would direct Staff to move forward with the conservation campaign.

The meeting adjourned at 8:21 p.m.

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Kimberly S Read, City Recorder