

**MINUTES OF LAYTON CITY  
COUNCIL MEETING**

**JUNE 17, 2021; 7:02 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, CHAD  
WILKINSON, TIM WATKINS, TRACY PROBERT,  
STEPHEN JACKSON, DAVID PRICE, AND KIM  
READ**

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

Mayor Petro opened the meeting and the public was welcomed. Councilmember Morris led the Pledge of Allegiance and offered the invocation.

**MINUTES:**

No minutes were submitted for approval.

**MUNICIPAL EVENT ANNOUNCEMENTS:**

Councilmember Thomas announced the Liberty Days activities::

- Friday, July 2, 2021 – free movie in the park, ‘An American Tail: Fievel Goes West’ at the Ed Kenley Amphitheater
- Saturday, July 3, 2021 – Pool party at Surf’n Swim
- Sunday, July 4, 2021 – ‘Voices of Liberty’ concert at the Ed Kenley Amphitheater during which Hometown Heroes presentation would take place
- Monday, July 5, 2021 – City Celebration including parade, activities in Commons Park, concluding with a fabulous fireworks performance

Councilmember Bloxham informed the Council of Davis Arts Council events:

- Free Friday movie, ‘Remember the Titans’ at the Ed Kenley Amphitheater, Friday, June 18, 2021, beginning at 7:30 pm
- Free Sunday concert performed by ‘Jupiter’, Sunday, June 20, 2021, 7:00 pm
- Other events: ‘Asia’ concert on Wednesday, June 23, 2021, ‘Newsies’ free movie on Friday, June 25, 2021, ‘GENTRI’ concert on Monday, June 28, 2021

Mayor Petro announced ‘Sounds of Freedom’ Car Show was scheduled for Saturday, June 19, 2021, in Commons Park.

**VERBAL PETITIONS AND PRESENTATIONS:**

No verbal petitions or presentations were presented.

**CITIZEN COMMENTS:**

LT Weese, 1246 East 425 North, informed the Council he had started organizing car shows following the events of 9-11 and expressed appreciation to Layton City for allowing him the opportunity to have Sounds of

Freedom in Layton Commons Park. He announced the flag ceremony would take place at 12 noon, followed by a program. He extended an invitation to the Council to attend and participate in that ceremony. He explained how participants could enter vehicles in the show and mentioned it was also a fund raiser, raising funds for the Utah Warriors hockey team, Fort Douglas, and HAFB (Hill Air Force Base).

Savanah Centner, 769 East 900 North, expressed concern with development of Fairfield Square, a high-density housing project within the City. She believed there were consequences associated with poor development and the lack of communication have caused her and her husband issues with the neighboring development. She reported no retaining walls or barriers had been installed for the redirection of water runoff or for privacy, respective to her property. She continued to report the property had been physically altered causing the land to slope into her backyard. She informed the Council numerous phone calls had been made to the Planning and Zoning Department, developer, Homes by Holmes, multiple construction companies, and eventually the City's non-emergency dispatch number. She had experienced flooding and privacy issues and informed the Council of failed communication and returned calls by City Staff. She informed the Council she had consulted with an attorney and reported on those findings and pleaded with the Council to help with her issue.

#### **CONSENT AGENDA:**

#### **INTERLOCAL COOPERATION AGREEMENT BETWEEN LAYTON CITY AND DAVIS COUNTY FOR THE SUGAR FACTORY DRAIN LINE AT 2700 WEST – RESOLUTION 21-29 – LOCATED ALONG 2700 WEST FROM GENTILE STREET TO THE WEST DAVIS CORRIDOR**

Stephen Jackson, City Engineer, introduced the item which authorized an Interlocal Cooperation Agreement with Davis County for the sugar factory drain line located at approximately 2700 West, between Gentile Street and the future West Davis Corridor. He pointed out the county was currently responsible for the management of that open drainage ditch and reported this project had been master planned for storm drainage improvements for several years and indicated the City had worked closely with the county to plan for this project. He reported the project was funded by Storm Drain Impact Fees and the City would own the drain line; while Davis County would continue to maintain the open portion of the drain line, south of Layton Parkway to the West Davis Corridor, as well as the sediment basin until such time that the remaining portion of the drain line was piped and transferred to Layton City. Staff recommended approval of Resolution 21-29 authorizing the agreement and asked if there were any questions.

Councilmember Day requested clarification whether the estimated construction costs for this project had been included with the 2700 West construction costs and Mr. Jackson responded in the affirmative. Councilmember Day inquired if the design would allow water users access to the head gates and Mr. Jackson responded that would be accommodated within the project.

#### **ADOPT AND APPROVE AN AGREEMENT WITH DAVIS SCHOOL DISTRICT FOR JOINT USE OF FACILITIES BETWEEN DAVIS SCHOOL DISTRICT AND LAYTON CITY – RESOLUTION 21-31**

David Price, Parks and Recreation Director, introduced the agenda item and explained the resolution would authorize the execution of a Master Interlocal Agreement for Joint Use of Facilities between the school district and the City. He mentioned the original agreement with the school district expired in 2019. He stated this agreement would supersede and replace all prior agreements entered into by both parties, with the exception of the agreements for use of the Armory at Central Davis Junior High, the Central Davis Gym, and the Legacy Junior High Gym. He reported the agreement had become a master agreement used by other cities and explained it allowed City residents the opportunity to use school district facilities for recreation services. It also allowed school children to use City facilities without paying for that use. He believed the agreement benefitted both parties and reduced the burden to taxpayers. Staff recommended approval and Mr. Price asked if there were any questions.

Councilmember Fitzpatrick asked about the use of Shoreline Junior High gym. Mr. Price responded residents pay to use the Shoreline Junior High gym because no agreement had been entered into with the school district. He reported an agreement had been prepared and forwarded to the school district; however, nothing had yet been completed. He explained the \$1 fee specific to Shoreline Junior High gym use was associated with the City staffing that facility. He clarified the use of that facility wasn't for scheduled activities; rather, it was available for 'drop-in' use.

Councilmember Day expressed agreement with the benefit of the agreement but inquired about why the City was now executing an agreement two years after it expired. Mr. Price responded neither party recognized it had expired. Mayor Petro believed that in itself spoke well to the trust and relationship between the two entities.

Councilmember Thomas mentioned this was the only agreement like it within the State when it was originally implemented.

### **PRELIMINARY PLAN – THE ALICE TOWNHOMES – 571 SOUTH FORT LANE**

Chad Wilkinson, Community and Economic Development Director, introduced the agenda item pointing out the Council was required to approve preliminary plans. He explained the preliminary plan approval was specific to developing 1.45 acres of property zoned Condo-Townhouse (C-TH), located at 571 South Fort Lane, recently rezoned by the Council during its meeting on Thursday, February 18, 2021. The preliminary plan proposed 22 attached townhome units, designed with five units for two of the buildings and six units for the other two buildings and mentioned the property would be accessed from Fort Lane. Mr. Wilkinson shared a map providing an illustration of the parcel and also shared a conceptual illustration of the proposed development, as well as conceptual illustrations providing exterior products and other architectural features. He also shared a landscaping plan surrounding the proposed buildings. He reported the Planning Commission reviewed the proposed project during its meeting on Tuesday, May 25, 2021, and recommended approval.

Councilmember Fitzpatrick mentioned a landscape buffer was requested and granted and pointed out the City's new ordinance would no longer honor those requests. She requested Staff inform the developer of the new landscape ordinance since the illustration reflected a significant amount of grass and Mr. Wilkinson responded in the affirmative.

Councilmember Thomas expressed his opinion street fronting townhomes should have some type of fencing separating the property from the street to provide safety for any children living in the townhomes. Councilmember Morris inquired whether the townhomes would be leased or owner occupied and Mr. Wilkinson responded approval was for the preliminary plan and believed the townhome units would be sold.

**MOTION:** Councilmember Bloxham moved to approve the Consent Agenda as presented. Councilmember Morris seconded the motion, which passed unanimously.

### **PUBLIC HEARINGS:**

### **AMENDMENTS TO LAYTON CITY MUNICIPAL CODE – TITLE 19, ZONING; CHAPTER 19.17, ORDINANCE AND MAP AMENDMENTS; SECTION 19.17.040, PUBLIC HEARINGS/LAND USE AUTHORITY ACTION – ORDINANCE 21-15**

Mr. Wilkinson explained the proposed amendment would bring the City into compliance with recent legislation specific to noticing requirements. He informed the Council the newspaper requirement had been eliminated; however, the use of the Public Notice Website would continue as a requirement, as well as signage posting of the property. He reported the Planning Commission reviewed the Text Amendment during its meeting on Tuesday, June 8, 2021, and recommended approval.

Councilmember Fitzpatrick requested clarification whether the number of days for posting was 10 days or 10 business days and Gary Crane, City Attorney, clarified it was just 10 days.

**Mayor Petro opened the public hearing at 7:36 p.m.**

Mayor Petro called for public comment.

There were no public comments.

**MOTION:** Councilmember Day moved to close the public hearing at 7:37 and approve amendments to Layton City Municipal Code – Title 19, Zoning, Chapter 19.17, Ordinance and Map Amendments; Section 19.17.040, Public Hearings/Land Use Authority Action as presented, Ordinance 21-15. Councilmember Morris seconded the motion which passed with the following vote: **Voting AYE – Councilmembers Thomas, Morris, Fitzpatrick, Bloxham, Day, Voting NO – None.**

**AMENDMENTS TO LAYTON CITY MUNICIPAL CODE, TITLE 19, ZONING; CHAPTER 19.16, LANDSCAPING AND FENCING; AND CHAPTER 19.13, DESIGN AND DEVELOPMENT PLAN REVIEW FOR PERMITTED USES – ORDINANCE 21-07**

Tim Watkins, City Planner, announced water wise landscaping ordinance was specific to non-residential uses, as well as Master Planned communities and Planned Residential Unit Development (PRUD), Condo/Townhouse developments, multi-family developments, and would be recommended for single-family residential not included in the aforementioned categories. He continued to explain and identify specific plantings and irrigation practices associated with water wise landscaping and shared some images reflecting what the plants would resemble over time.

He referenced changes made to the text since the document had been submitted in the Agenda Packet: sprinkler head specifications, cross referencing between code references ensuring consistency, a requirement for single family residential that 50% of the front yard area consist of a combination of plant materials with a minimum of one tree. He informed the Council there was no longer a requirement for a minimum of turf/grass. He clarified the park strip wasn't required to comply with the Master Planned community requirements; however, no more than 50% of the park strip could consist of paving surfaces. He shared some illustrations to clarify the text of the ordinance. He stated Staff recommended adoption of the ordinance as recommended by the Planning Commission from its meeting on Tuesday, May 11, 2021.

Councilmember Fitzpatrick expressed appreciation to Staff and Weber Basin Water for its contribution with the proposed ordinance and explained her passion with adopting a new landscaping ordinance. She expressed her opinion two specific issues should have been included in the ordinance: the standards were only a recommendation for single family residential and she would like it to be a requirement in the future; and QWEL (Qualified Water Efficiency Landscape) certification for landscape companies. She continued to express her opinion the City was a leader in the water conservation effort.

Mayor Petro also expressed appreciation to the Planning Commission for its efforts and work on the ordinance.

**Mayor Petro opened the public hearing at 7:45 p.m.**

Mayor Petro called for public comment.

Ben Hart, 580 South 1500 West, stated he loved being a Layton City resident and expressed appreciation to the City Council for taking a thoughtful approach in being proactive with the water issue.

Rick Smith, Davis and Weber County Canal Company, applauded the City in being proactive in revising its landscaping ordinance to promote water conservation. He believed the key element with any landscaping was maintenance and upkeep. He shared his personal recommendation to the ordinance which included some

of the following: storm water runoff, plant materials, irrigation requirements, allowed watering times, and park strips. Mayor Petro requested Mr. Smith forward his list to Stephen Jackson, City Engineer. Mr. Smith continued to identify those items in the ordinance in which he supported.

Jon Parry, Weber Basin Water Conservancy District, expressed appreciation at the opportunity to work with the City in amending its landscaping ordinance and stated he looked forward to continued dialogue in working with the City and its residents.

Councilmember Fitzpatrick believed some of Mr. Smith's suggestions were valid and asked if approval of the ordinance should be postponed or if it could be approved and some changes implemented and a discussion followed.

Mr. Wilkinson indicated some of the suggestions identified by Mr. Smith were considered best practices, and if the Council determined future changes were needed, as study results were announced, those could quickly be adjusted. He pointed out Staff had to seek out ordinances outside of Utah to find language specific to water conservation ordinances. The discussion continued on whether to proceed with the adoption of the ordinance at this time.

**MOTION:** Councilmember Fitzpatrick moved to close the public hearing at 8:05 and approve amendments to Layton City Municipal Code Title 19, Zoning; Chapter 19.16, Landscaping and Fencing; and Chapter 19.13, Design and Development Plan Review for Permitted Uses – Ordinance 21-07, including the following modifications: the use of rock product was allowed in the park strip for single family residential, the term “drought” be included when ‘weather delay’ was referenced, and that the time of day when watering was allowed be adjusted to reflect ‘or best practices’. Councilmember Thomas seconded the motion.

Councilmember Bloxham requested the motion be repeated and Councilmember Fitzpatrick re-stated the motion.

Councilmember Bloxham suggested a substitute motion. He expressed concern with the inclusion of ‘best practices’ and believed the proposed ordinance currently reflected appropriate ‘best practices’ language. He believed a text amendment could be brought forth at a later date, following results of future studies, at the appropriate time.

**MOTION:** Councilmember Fitzpatrick amended her motion to not include the language ‘best practices’ as it would be applied to the time of day when watering was allowed; but keeping the other modifications in the original motion. Councilmember Thomas seconded the motion which passed with the following vote: **Voting AYE – Councilmembers Fitzpatrick, Morris, Thomas, Day, and Bloxham. Voting NO – None.**

Gary Crane, City Attorney, pointed out an Executive Order could always be implemented in the circumstance of a drought, and oftentimes an Executive Order would be implemented by the State of Utah, pre-empting action on behalf of the City.

Mayor Petro requested Stephen Jackson, City Engineer, briefly explain to the audience the Water Use Report available on the City's website for residential water users.

**DEVELOPMENT AGREEMENT AMENDMENT AND REZONE REQUESTS – 694 WEST ANTELOPE DRIVE REZONE AND 2098 NORTH 700 WEST REZONE – FROM B-RP (BUSINESS AND RESEARCH PARK) TO CP-1 (PLANNED NEIGHBORHOOD COMMERCIAL) ZONE DISTRICT AREAS – RESOLUTION 21-30, ORDINANCE 21-16, AND ORDINANCE 21-17 – APPROXIMATELY 694 WEST ANTELOPE DRIVE AND 2098 NORTH 700 WEST**

Mr. Watkins stated the agenda item consisted of two separate rezone requests for two separate properties totaling 1.89 acres from B-RP (Business and Research Park) to C-P1 (Planned Neighborhood Commercial). He identified the locations of the two parcels and mentioned the City's General Plan described the area as an “Urban District” which allowed for a number of services in a ‘walkable’ format when adjacent to single

family residential, with appropriate setbacks and buffering for the single family residential. He mentioned the focus of Staffs' analysis had been the consideration of the appropriate transition.

He shared a view of the proposed site and stated the two applications would be considered separately, yet combined. He explained the north parcel was proposed for a hotel and reviewed the buffer. He also explained two additional fast food restaurants were proposed with one including a drive-thru. He added the southern parcel was proposed to be redeveloped into a new drive-thru and sit down restaurant.

He informed the Council the development agreement limited the hotel use as a 'conditional use' in the B-RP Zone. He reported the applicant learned about some impacts and concerns expressed during the public hearing and had agreed to some limitations: no 'up lighting' on the east side of the hotel, no balconies or operable windows on the east side, all outdoor amenities would be limited to the west side of the hotel, and a maximum height of four stories. He shared an illustration which identified tall office buildings and also reflected building height setbacks and sightline from the adjacent single family residential development. He also shared the sight line in more detail and pointed out the current landscape buffer was appropriate.

He identified the building proposed to accommodate two commercial purposes with a single drive-thru. He also identified the proposed location for the trash receptacle and reported an additional masonry wall was being proposed in conjunction with an accessory storage structure to further provide a buffer to the adjacent single family development. He clarified a drive-thru restaurant was an allowed use in the Planned Neighborhood Commercial Zone and mentioned the development agreement only restricted a drive-thru in one particular building; therefore, the rezone request wasn't needed except for the hotel.

He reported the Planning Commission unanimously recommended approval with the recommendation the trash disposal area be relocated or further mitigated.

Councilmember Bloxham clarified a hotel was allowed under the current zoning and a hotel was specifically prohibited when the development agreement was originally enacted and Mr. Watkins responded in the affirmative. Councilmember Bloxham inquired whether the projects were reliant on one another or if they could be separated and approved individually. Mr. Watkins responded in the affirmative.

Councilmember Fitzpatrick requested clarification on a proposed motion.

Gary Crane, City Attorney, believed the hotel was prohibited at that particular location via the original development agreement due to the residents' concern regarding the height of a proposed hotel. He pointed out a taller wall than what was required had been installed, as well as landscaping, which was now mature.

### **Mayor Petro opened the public hearing at 8:28 p.m.**

Mayor Petro called for public comment.

Online comments were received from the following and were forwarded to the Mayor and Council:

Fred Downey, Justin Rindlisbacher, Catherin Kraning, Sherry English, Jen Byrnes, Kailey Marie Cornick, Machel Thornock, Lisa Mace, Heather Woodland, Kylee Chalk, Pedro V Uribe, Kay McNeil, Ms. Kumar, Jard Davis, Trudy M. Peterson, Lindsay Cantwell, Curtis Cooper, Amber K, Kent And Rebecca Seko, Gerald McFerson, Mindy Coston, Zack Gines, Jill Morales, Brian and Melinda Herschbach, Randhir Kumar, Kaili Gines, Tamara Kumar, Brendon Kirkwood.

Brandon Kirkwood, 2207 North 650 West, stated he was a spokesperson for the neighborhood. He shared his professional background with the Council and explained why he chose to live in Layton City. He expressed concern with the proposed hotel and suggested long stay/residential hotels were a haven for criminal activity and believed it would negatively impact the adjacent single family residential neighborhoods. He believed the answer to Councilmember Bloxham's question as to why the hotel was previously prohibited was that the area was residential. He expressed concern with the possible increase in traffic and its effect on the nearby elementary and junior high school. He shared his experience with prostitution and drug activity in hotels and

believed the criminal activity would surely spill over into the residential area. He believed there were better locations for the hotel and shared some suggestions. He pointed out the number of vacancies in the local hotels and expressed his opinion the hotel representatives would only be good neighbors as long as it was profitable.

Matt Allred, 779 West Midtown Lane, identified where his home was located in the area and explained the reasons why his family re-located to Layton City from California. He expressed disappointment at having to fight for his neighborhood which he believed was not an 'urban' area. He suggested the requests be denied and expressed concern a 'good' restaurant will have significant stacking of cars, similar to Chick-Fil-A. He pointed out the limited amount of parking for businesses in the area and the residents in the townhomes. He also expressed concern with the noise associated with delivery and garbage trucks. He believed the proposed developments would negatively affect property values and asked the Council how it would protect residents in the area regarding their respective investments. He suggested there were better locations for these types of businesses within the City and suggested the Council consider a negative vote.

Derek Lamb, 809 West 2175 North, provided a brief history of the property and the original development agreement which he believes has been broken.

Kirby Christensen, 2063 North 650 West, informed the Council the proposed hotel and landscaped buffer would be near his backyard. He suggested Raising Cane's chicken was better than Chick-fil-A and believed the traffic would negatively impact access to and from Antelope Drive. He reported he currently hears the garbage truck for The Base restaurant, 200 feet away from the wall. He also mentioned he was originally told the hotel would be 100 feet away from the wall and yet today it was stated it would be 90 feet away. He also mentioned how hard residents had previously fought to maintain the integrity of the single family residential neighborhood in the area.

Garrett Goff, Garn Development, announced he was representing the developer for the north parcel, proposed for development of two additional fast food restaurants and the hotel. He requested the Council proceed in amending the Development Agreement for the proposed drive-thru restaurant and tabling the discussion and subsequent vote for the hotel.

James Powell, Raising Cane's Restaurant, stated he was present to respond to any questions regarding the proposed restaurant.

Councilmember Morris inquired about the traffic and stacking of vehicles with the newly opened restaurant in South Jordan. Mr. Powell responded Raising Cane's Restaurant openings were a big deal and mentioned the South Jordan restaurant did break records during its initial opening. He pointed out the access to this proposed restaurant wasn't off of a major road. He explained many restaurants now had double and triple drive-thru lanes to accommodate for increases in vehicular traffic and other implemented processes which contributed to the efficiency in moving vehicles in the drive-thru lanes.

Councilmember Fitzpatrick inquired about the operating hours of the restaurant. Mr. Powell responded 9:30 AM to 2:30 AM, Sunday – Thursday; 9:30 AM to 3:30 AM, Friday and Saturday.

Councilmember Bloxham asked Mr. Powell if Raising Cane's Restaurants had recognized an increase in drive-thru restaurant service due to the COVID-19 pandemic. Mr. Powell believed that was the reason for the double and triple drive-thru lanes. He also mentioned the mobile ordering service also available to consumers.

Councilmember Bloxham inquired if this was a large enough space for this type of restaurant/development due to the stacking of vehicles. Mr. Powell responded in the affirmative and mentioned he would be willing to hire off-duty police officers to direct traffic.

Councilmember Bloxham also asked about the possibility of noise from the speaker used for ordering food and Mr. Powell explained the features associated with the speaker which he believed would mitigate noise.

Amy Jones, 2 East 2350 North, expressed her opinion the City had enough hotels and suggested the City needed restaurants with healthier options.

Don Smith, 650 West 2073 North, identified the location of his home in conjunction with the trash location for 'The Base' restaurant and pointed out he continually hears the beeping of the backing garbage truck, as well as other noises associated with the trash pickup. He understood the business of 'food and beverage' and 'hotels' and believed having a restaurant open until 2:30 or 3:30 AM would be a disturbance to the residents.

Mr. Powell indicated he would be willing to move the trash receptacle in order to better accommodate the residents. He also mentioned the operating hours he shared were the company's standard operating hours and indicated those could be modified or adjusted.

Chris Bick, 305 West Cassie Way, Saratoga Springs, Utah, expressed agreement Raising Cane's in South Jordan had been a great success; however, it was the first one in Utah. He stated he was impressed with the traffic management at the restaurant and explained how this facility would reduce vehicular stacking. He also suggested by the time this store opened three or four more restaurants would have also been opened and didn't believe it would have the same result during its grand opening. He spoke to options for the trash dumpster and results from a sound engineer pertaining to the decibel level for the ordering.

Councilmember Fitzpatrick asked how close the South Jordan location was to residential uses and Mr. Bick responded there was multi-family residential directly across the street. Councilmember Fitzpatrick asked if any other proposed Raising Cane's restaurants were adjacent to residential neighborhoods and Mr. Bick didn't believe there were any.

Gavin Young, 2118 North 725 West, reported on his experience of visiting the South Jordan restaurant and witnessed significant traffic for approximately three blocks. He pointed out the other chicken restaurants: Popeye's and Chick-fil-A nearby which also experienced traffic stacking on the street.

Dan VanZeben, architect, pointed out Harris Boulevard was on the property and it was not a public road and not part of the residential component to the north and emphasized there was an access agreement. Additionally, there was no parking agreement in existence and believed one should have been implemented. He announced he would like to formally withdraw the request for the hotel from this meeting for the purpose of obtaining more information from the residents. He clarified the request for the drive-thru.

Mr. Crane announced the applicant has a right to withdraw that portion of the contract and clarified the requestor was requesting removing approval of the hotel.

Mr. Watkins emphasized the Development Agreement only prohibited a drive-thru specific to the address.

Mr. Crane asked if the Council had any questions or needed clarification on what was being requested by the developer and a discussion took place. He pointed out if the Council denied the rezone, the applicant couldn't re-apply for a zone change for another year.

Mr. VanZeben clarified the property specific to Raising Cane's restaurant was a separate application than the request for the hotel; however, it was included in the Development Agreement.

Mr. Watkins clarified the Development Agreement was specific to the existing retail and precluded both the drive-thru and a sit down restaurant for the Rod Works parcel. He announced the applicant desired to amend the Development Agreement as it was currently drafted, to allow for a sit down restaurant.

Mr. Crane clarified that would require an additional implication to the Amended Development Agreement. He stated the hotel was currently off the table for consideration and Councilmember Day clarified the small parcel was also off the table.

Mayor Petro announced she would continue to accept public comments regarding anything other than the hotel.

Joe Morris, 1044 North 2075 West, informed the Council he was the acoustical engineer which completed the sound study on the existing Raising Cane's restaurant in South Jordan and the proposed location in Layton City and asked if there were any questions.

Councilmember Thomas asked how the noise associated with the garbage pickup could be mitigated. Mr. Morris responded his study wasn't specific to that. He stated distance, heavy barrier, and height all acted as barriers to noise. He explained the high frequencies were easily mitigated with distance.

Dion Kirkwood, 2207 North 650 West, asked if Raising Cane had considered locating somewhere else within the City not in a residential neighborhood and suggested the old Marie Callender's building.

Morris Pusey, 694 W Antelope Drive, owner of the The Base restaurant, explained the history associated with the previous restaurant, Boston's, and The Base restaurant. He reported numerous conversations between himself and the trash collector had taken place and informed the Council of his attempts to eliminate the issues with the early morning trash pickup. He also explained the challenges associated with being in the restaurant business and stated this was an opportunity to re-locate his restaurant to a location where it could be successful. He believed the property could accommodate the vehicles and also pointed out there had been activity at that location until the early morning hours for the past 13 years.

Teresa Rhoades, 2220 North 725 West, inquired how the vehicle traffic pattern would flow to the north and how it would impact the adjacent neighborhood as vehicles on Antelope Drive begin stacking and drivers cut through the neighborhood as a shortcut.

Mr. Kirkwood clarified the neighborhood's concern was with the hotel and not Raising Cane's or any other restaurant. He expressed concern completion of a community impact study specific to the proposed development hadn't been completed and questioned how the proposed development had advanced from the Planning Commission. He understood the property was zoned and allowed for a restaurant at that location.

Mr. Powell stated Raising Cane's representatives would be happy to have discussions with residents.

Nanette Smith, 650 West 2073 North, asked if the City could designate hours of operation and expressed concern with the hours of operation until 3:30 AM. She informed the Council Lincoln Elementary School was considered the neighborhood park on the opposite side of Antelope Drive.

Councilmember Fitzpatrick requested clarification regarding a possible motion and Mr. Crane responded the hotel language was all that would need to be removed during the motion because the restaurant could be located at the existing retail. He added it wouldn't be appropriate for the City Council to determine the development for the developer. Councilmember Fitzpatrick inquired if the City could impose operating hours for the restaurant and Mr. Crane responded in the affirmative.

Councilmember Day inquired as to why the drive-thru was being eliminated and Mr. Crane responded it was being eliminated due to the development agreement.

Heidi Geigle, 783 West Midtown Lane, requested no cars be allowed to park along Harris Blvd.

Mr. Watkins referred to the Development Agreement specific to the building which housed Rod Works. He clarified the CP-1 uses for a restaurant and fast food eating establishment was previously precluded and a discussion followed.

Alex Jensen, City Manager, requested clarification whether the Council was in agreement to accommodate the drive thru restaurant. The Council expressed its approval and Councilmember Fitzpatrick expressed her desire to specify operating hours. Mr. Jensen pointed out drive-thru restaurants would be the new reality,

even those considered ‘traditional’ restaurants.

Mr. Crane suggested the motion could remove the fast food exception, otherwise known as the drive-thru prohibition, and the restaurant prohibition. He clarified this would allow the restaurant and the drive-thru. He added the reference to the hotel, and all language referencing the hotel be eliminated from the development agreement.

**MOTION:** Councilmember Day moved. to approve Resolution 21-30, Amendments to the Development Agreement – prohibiting a hotel and eliminating any reference to a hotel, and allowing fast food establishments and restaurants in the CP-1 Zone and close the public hearing at 9:54 p.m.. Councilmember Bloxham seconded the motion. The motion passed with the following vote: **Voting AYE – Councilmembers Day Bloxham, Fitzpatrick, Morris, and Thomas. Voting NO – None.**

**MOTION:** Councilmember Day moved to approve Ordinance 21-16, the Rezone Request at 694 West Antelope Drive from B-RP (Business and Research Park) to CP-1 (Planned Neighborhood Commercial) Zone District and close the public hearing at 9:57 p.m. Councilmember Fitzpatrick seconded the motion. The motion passed with the following vote: **Voting AYE – Councilmembers Thomas, Morris, Fitzpatrick, Bloxham, and Day. Voting NO – None.**

No action was taken on behalf of the Council regarding Ordinance 21-17 as the applicant formally withdrew its request during the meeting. Mr. Crane clarified the zoning of the property remained B-RP (Business and Research Park).

#### **AMEND THE ADOPTED BUDGET FOR FISCAL YEAR 2020-2021 – ORDINANCE 21-18**

Tracy Probert, Finance Director, directed the Council to the budget amendments included in the packet and reviewed the following specific to the General Fund:

Expenditures:

- Cares Act allocations, carry-over Program Funding and enhancement of anti-virus software in the IT (Information Technology) Department

Revenues:

- Wildland Fire and Police Special Services. He explained Staff didn’t have the ability to provide a preliminary estimate at the beginning of the budget year.
- Grants – Police Department which also preliminary estimates weren’t available at the beginning of the budget year.

He asked if there were any questions and there were none.

Mr. Probert indicated there were two amendments not included on the list:

- Parks budget – water - \$150,000 from General Fund
- Fire Department reimbursement for wildland fire specific to the Capital Equipment Replacement Account in the CIP (Capital Improvement Projects) Fund.

He asked if there were any questions and there were none.

**Mayor Petro opened the public hearing at 10:04 p.m.**

Mayor Petro called for public comment.

There were no public comments.

**MOTION:** Councilmember Thomas moved to close the public hearing at 10:05 p.m. and approve amendments to the budget for Fiscal Year 2020-2021 – Ordinance 21-18 as presented. Councilmember

Bloxham seconded the motion which passed with the following vote: **Voting AYE – Councilmembers Bloxham, Thomas, Day, Morris, and Fitzpatrick. Voting NO – None.**

**ADOPT A TENTATIVE BUDGET, PROPOSED PROPERTY TAX RATE AND SCHEDULE OF COMPENSATION FOR ELECTIVE, STATUTORY, AND APPOINTED OFFICERS FOR FISCAL YEAR 2021-2022 – ORDINANCE 21-12**

Mr. Probert announced the agenda item and reminded the Council during the last public hearing he had mentioned a change related to the construction of the new fire station. He explained the 2022 Budget proposed an increase for additional funding to what had already been appropriated to fund the construction of the new fire station and identified the funding sources.

He mentioned the motion needed to set a public hearing for Thursday, August 5, 2021, to address the Truth In Taxation tax increase associated with the Paramedic Service Agreement. He reminded the Council this had been discussed several times during previous meetings and Staff was preparing a flyer to be sent with the next utility bill, as requested by the Council, to educate residents that Davis County was decreasing its rate, as it no longer would be providing paramedic services. Layton City would take over these services and its residents would recognize a net zero effect to its Property Taxes. He clarified the county rate would be eliminated and the City would assume that same rate.

**Mayor Petro opened the public hearing at 10:09 p.m.**

Mayor Petro called for public comment.

There were no public comments.

Councilmember Thomas inquired as to the City’s total budget and Mr. Probert responded it was just over \$109 million for all funds.

**MOTION:** Councilmember Fitzpatrick moved to close the public hearing at 10:10 p.m. and adopt a Tentative Budget, Proposed Property Tax Rate and Schedule of Compensation for Elective, Statutory, and Appointed Officers for Fiscal Year 2021-2022 – Ordinance 21-12 as presented, and set a public hearing for the proposed Property Tax Increase for Thursday, August 5, 2021, 7:00 p.m. Councilmember Morris seconded the motion which passed with the following vote: **Voting AYE – Councilmembers Day, Bloxham, Fitzpatrick, Morris, and Thomas. Voting NO – None.**

**UNFINISHED BUSINESS:**

Councilmember Fitzpatrick mentioned the parking along 2200 West near Ellison Park during a recent soccer tournament. She identified where vehicles were parked illegally and filled into the adjacent subdivisions to the west for three blocks. She believed the issue needed to be addressed and expressed her opinion the City shouldn’t allow illegal activity to take place. She suggested these larger events provide off-duty police officers specific for parking enforcement. She stated this was a significant negative impact to residents and suggested the tournament was too large for this facility.

Councilmember Thomas reported he drove that section of road four separate times on Saturday and witnessed the police presence and the towing of vehicles.

Mr. Jensen informed the Council the tournament was sponsored by Weber State and City Staff believed it had an understanding with Weber State regarding parking. He reported the numbers in the tournament far exceeded what was anticipated and reported on parking enforcement at the activity. He also reported on what the Parks and Recreation Director, David Price, had witnessed on Saturday afternoon with over 100 parking spaces not being utilized on the eastside of the park. He reported a discussion had taken place amongst Staff that these types of large special events could require a meeting identifying what would be needed and/or expected. A discussion followed and Mr. Jensen believed Staff could work with the organizers to work

through these challenges to continue hosting these tournaments in the future.

Councilmember Morris expressed concern with visitors or participants parking in front of the fire station and the discussion continued.

Councilmember Bloxham asked if the City needed to move to the next phase regarding water restrictions and Mr. Jensen stated Weber Basin had contacted the City requesting a notice be sent to residents announcing implemented water restrictions. He reported on internal discussions which had taken place with Staff earlier this week and reported a flyer was being included with the utility bill. He also mentioned the State's reporting of water abusers and indicated the City had received some of those. He also referenced other options being considered by Staff.

Mayor Petro requested the flyer be announced on social media platforms.

Councilmember Day also suggested an educational component regarding cross connection to the culinary system be included and the discussion continued.

Councilmember Day requested clarification about Animal Control no longer picking up trapped animals such as raccoons or skunks and asked about options to residents. Mr. Jensen responded there were private businesses and/or individuals which could be contacted for this purpose

**The meeting adjourned at 10:36 p.m.**

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Kimberly S Read, City Recorder