

**MINUTES OF LAYTON CITY
COUNCIL WORK MEETING**

SEPTEMBER 2, 2021; 5:35 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, BRANDON RYPIEN, TRACY
PROBERT, ED FRAZIER, 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 announced the Youth Council was currently recruiting participants from grades 9-12. She reported visits would be made to Jr. High and High school classes. She also informed the Council she had participated with the Davis Chamber of Commerce's Legislative meeting via Zoom, during which Senator Mitt Romney spoke regarding the Infrastructure Bill and how it would probably be funded via tax increases. She indicated a discussion specific to Capital improvements specifically Weber State University's Education Building and the DATC's (Davis Applied Technology Center's) Allied Health growing capacity. She shared the statistic that 90% of graduating students from these two entities remained in Utah. She reminded the Council of the Chamber's Business Award's Dinner on Friday, September 10, 2021. Mayor Petro requested the Councilmembers RSVP with Linda Lartigue, Administrative Assistant.

Mayor Petro also informed the Council she had become aware of grant funding available for lead pipe infrastructure specific to culinary water and encouraged the City to submit application if that type of pipe was still in use.

Councilmember Bloxham complimented the two highly competent individuals currently serving on the City's Audit Committee. He mentioned both individuals expressed their respective confidence with how well the City financially operated based on information provided with the City's financial statements.

Councilmember Day mentioned the Weber Basin Water Tour and expressed his opinion it provided great information regarding the drought. He explained the need for the water companies discontinuing secondary water service and believed residents had responded well in cooperation with water conservation and a discussion followed.

UTOPIA UPDATE

Roger Timmerman, UTOPIA Executive Director, informed the Council things were going well with UTOPIA and identified the founding member Cities and the recent partnerships with other entities. He stated the current available fiber infrastructure met the federal guidelines and didn't believe the new infrastructure bill would in itself result in new customers to the existing system. He explained how UTOPIA fiber was being provided to customers in Idaho Falls. He reviewed the 2020 statistics with the Council and shared a map reflecting the buildout in Layton City and pointed out UTOPIA was willing,

and available, to provide services to every address within the City. He also explained how the infrastructure was being installed as new housing developments were established and identified the challenges associated in completing that infrastructure and a discussion followed.

He shared a map which identified every customer within the network and also shared an illustration which identified other entities and the number of respective subscribers. He stated the City had more customers than any other and believed the City experienced approximately a 35% take rate and suggested it would soon reach 40%. He identified and reviewed issues with other internet providers which weren't generally experienced by UTOPIA customers and emphasized UTOPIA's philosophy in that it strived to benefit participating communities and pointed out the reasons UTOPIA had been successful in the competitive fiber market.

Mr. Timmerman shared survey results from UTOPIA subscribers with the Council and identified the numerous benefits of the private dedicated network which illustrated the satisfaction from subscribers. He also reported on those things UTOPIA would be doing to pursue ongoing growth. A discussion took place regarding the other existing internet providers within the City. He expressed appreciation to the UTOPIA Boardmembers for their service and guidance.

Alex Jensen, City Manager, stated Mr. Timmerman was very well respected in the field of fiber and broadband throughout the country and reported UTOPIA was on the map and indicated he was responsible for much of UTOPIA's success and shared an example. He also expressed confidence in the UTOPIA Staff and a discussion followed.

COUNCIL TRAINING

Gary Crane, City Attorney, provided a training to the Council specific to the term Ultra Vires Acts. He explained the definition and shared some examples to illustrate the point of the definition. He reviewed the following types of cases applicable to the definition:

- Challenge the validity of City's action
- Challenge the action of City employee or elected official
- Dispute between officials
- Contract cases

He reviewed the liability resulting from these types of acts and suggested the Council follow state law and local ordinances to prevent these issues.

FINANCIAL UPDATE

This agenda item wasn't addressed by the Council.

PROPOSED AMENDMENTS TO LAYTON CITY MUNICIPAL CODE – TITLE 19, RELATED TO ACCESSORY DWELLING UNITS

Chad Wilkinson, Community and Economic Development Director, shared the definition for Accessory Dwelling Unit (ADU) with the Council and explained new legislation required all cities to permit internal ADU's and indicated two other types of ADU's were already allowed in Layton City. He reviewed those things the City wasn't allowed to restrict:

- The size of the internal ADU in relation to the primary dwelling
- Total lot size
- Street frontage

He reviewed those things the City could implement to ensure the ADU was subordinate to the primary dwelling:

- Prohibit the installation of a separate utility meter
- Appearance of the primary dwelling needs to continue to appear as a single-family dwelling

- Include one additional on-site parking space for the ADU
- Require the replacement of any eliminated parking spaces, in the event a garage was used to create the ADU
- Prohibit the creation of an ADU within a mobile home
- Require a permit or license for the ADU
- Prohibit the creation of an ADU if the lot containing the ADU is 6,000 square feet or less in size
- Prohibit the use of the ADU for a short-term rental (less than 30 consecutive days)
- The owner of the primary residence must live in one of the dwelling units

He shared visual examples of rear yard (attached or detached) and above garage ADU's. He reviewed the current ordinance, which was very limited to where these could be located on the property. He clarified the new ordinance would more clearly identify where they would be allowed as well as bring the City into compliance with new State Code.

Brandon Rypien, Planner, reviewed the three different types of ADU's and explained the specifics associated with each one and shared some illustrations to provide visual clarification and spoke to the following:

- Height limits
- Setbacks
- Windows
- Outdoor living space

The Council discussed the specifics associated with the proposed ordinance. Mr. Rypien pointed out the ordinance wouldn't allow mobile homes, recreational vehicles, and shipping containers as an ADU and a discussion took place. He indicated the new state law required only internal ADU's and clarified the attached and detached ADU's were allowed via City ordinance. He emphasized the property owner would be required to either reside in the ADU or the primary dwelling at the primary residence. A discussion took place regarding the permit and subsequent enforcement.

Mr. Wilkinson informed the Council the proposed ordinance would come to the Council for approval at a future meeting and mentioned the Planning Commission had forwarded a recommendation of approval for the ordinance.

MAYOR'S REPORT

Mayor Petro distributed a list of identified projects for the 9-1-1 Day of Service planned for Saturday, September 11, 2021.

The meeting adjourned at 6:56 p.m.

Kimberly S Read, City Recorder