

**MINUTES OF LAYTON CITY
COUNCIL WORK MEETING**

JANUARY 6, 2022; 5:32 P.M.

**MAYOR AND COUNCILMEMBERS
PRESENT:**

**MAYOR JOY PETRO, ZACH BLOXHAM, CLINT
MORRIS, TYSON ROBERTS, BETTINA SMITH
EDMONDSON, AND DAVE THOMAS**

STAFF PRESENT:

**ALEX JENSEN, GARY CRANE, CHAD
WILKINSON, DAVID PRICE, 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 Roberts announced the City's Family Recreation was sponsoring Family Skate Night on Thursday, January 13, 2022, from 6-8:00 p.m. at the South Davis Family Recreation Center. Skating would be free with skate rental \$1. He also announced registration for gymnastic and pickleball was open until the end of January.

Councilmember Bloxham informed the Council that he and other elected officials had participated in Speaker Brad Wilson's Great Salt Lake Summit and reported a good scientific discussion had taken place specific to the shrinking lake. He reported lake experts were in attendance and explained issues of concern: air quality, dust in the air and on the snow, and diminished 'lake effect' storms. He mentioned the benefits to Wasatch Front communities due to its proximity to the lake which could experience significant economic loss and reviewed those. He expressed his opinion there was a lot of good discussion and suggestions communities should consider. Councilmember Roberts reported he also attended the Summit and shared the following take-aways:

- Water conservation
- An informed customer was a more responsible customer

Gary Crane, City Attorney, explained how water had traditionally drained into the Great Salt Lake and suggested recent regulations and/or requirements associated with development could hinder future drainage.

Councilmember Roberts reported Speaker Wilson had publicly complimented Layton City for its conservation plan implemented last year which promoted water conservation to residents.

COUNCILMEMBER TRAINING

Mr. Crane requested Councilmember Morris share the question he posed to him earlier. Councilmember Morris announced he had asked Mr. Crane when a public hearing was required prior to adoption of an ordinance.

Mr. Crane responded statutory provisions identified when an advertised public hearing was required and land use ordinances were an example of that requirement. Additionally, certain subdivision approvals and budgets/taxes required public hearings. He stated there were circumstances in which adoption of ordinances didn't require a public hearing, such as the ordinance being considered by the Council during

the regular meeting, following the work meeting. He stated this ordinance was specific to law enforcement provisions. He clarified the item could be removed from the Consent Agenda and considered separately and accept public comment; however, public input wasn't required.

Mr. Crane shared a video provided by ULCT (Utah League of Cities and Towns) specific to ethics and announced Conflict of Interest forms were available for members of the Council depending on circumstances in their private lives. He stated this should be filed with the City at the beginning of every year.

He pointed out members of the City Council should listen to the public and encouraged councilmembers to share those discussions with the collective body. He cautioned the Council to avoid ex parte communication.

APPOINT A MEMBER TO THE ADMINISTRATIVE CONTROL BOARD OF THE WASATCH INTEGRATED WASTE MANAGEMENT DISTRICT – RESOLUTION 22-04

APPOINT A MEMBER TO THE NORTH DAVIS SEWER DISTRICT BOARD OF TRUSTEES – RESOLUTION 22-03

Alex Jensen, City Manager, explained there were a variety of formal appointments to Boards/Commissions which required the advice and consent of the Council. He stated two of those were specific to the Control Board of Wasatch Integrated Waste Management District and the other was to the Board of Trustees for the North Davis Sewer District. He reported the Mayor had traditionally served in these capacities and the City was proposing Mayor Petro again be appointed to these positions.

Mayor Petro distributed a handout which identified her proposed assignments for members of the Council and reviewed them.

AMENDMENT NO. 7 TO INTERLOCAL COOPERATION AGREEMENT FOR ANIMAL SERVICES BETWEEN DAVIS COUNTY AND LAYTON CITY – RESOLUTION 22-02

Mr. Crane stated the City annually renewed its agreement with Davis County for animal control services and indicated this would be the last amendment to the agreement. He explained legislation was passed last year which gave counties the opportunity to assume responsibility for these services and implement taxing of residents to fund the services. Davis County would begin this process next year and identified the benefits to not only cities, but residents as well.

Mr. Jensen mentioned this had been in the works for the past two or three years and shared a brief history which explained how this solution came to be. He believed the change would be positive for the cities within the county and expressed confidence the county was in a good position to assume those responsibilities next year. He explained the formula used by the county to determine the allocation respective to each participating City, pointing out this year's significant increase was due to facility infrastructure costs. A discussion took place regarding nuisance or dead animals along City streets.

Councilmember Roberts also requested clarification regarding the certification of the animal control officer and Mr. Crane explained the officers would be certified as Special Function Officers and indicated they would be POST certified with limited powers. Mr. Jensen believed this would improve the appearance of service, raise the standard of efficiency, and promote professionalism.

ESTABLISHING VOTER PARTICIPATION AREAS – RESOLUTION 22-01

Mr. Crane briefly explained the history associated with recently approved legislation specific to initiative and referendum proposed by the ULCT (Utah League of Cities and Towns). This legislation required cities to be divided into equal voting districts, known as Voter Participation Areas, and shared an example of the benefits of the legislation. He stated Davis County had used the City's voting precincts to designate

the City's voter participation areas, based on registered voters, and indicated the City was required to adopt the participation areas following every municipal election. He emphasized the participation areas were specific to initiative and referendum and explained the difference between the two terms and a discussion followed.

ENACTING TITLE NINE, CHAPTER 44, SECTION 071 OF THE LAYTON MUNICIPAL CODE PERTAINING TO COMMERCIAL ACTIVITY IN CITY PARKS; MAKING TECHNICAL CHANGES; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE – ORDINANCE 22-02

David Price, Parks and Recreation Director, mentioned the proposed ordinance restricting commercial activity in the City's open space had been discussed during previous City Council Work Meetings. He reminded the Council residents near the Welker Trailhead had expressed concerns to the City regarding the overuse of the open space and significant amount of on street parking. He added the adjacent residents believed the overuse by photographers was damaging the natural vegetation, the on street parking created unsafe conditions, and the misuse of the area for commercial purposes. Mr. Price shared a visual illustration which substantiated what residents had reported to City Staff; illustrations also identified overuse of props for commercial photography. Mr. Price reported he had counted 15 different photographers at this location on one day.

He reviewed those things which the City had implemented in an attempt to gain better control of the Welker Trailhead. He also identified what the City had considered implementing, which legal Staff had identified was unlawful, and believed the proposed ordinance was appropriate for open spaces within the City.

He reviewed the proposed ordinance with the Council which defined the following: City Open Spaces (COS) and identified them, commercial activity, prohibited acts within the COS, and the City's permitting process. He clarified the permitting should not be confused as a reservation system and explained the implementation of the permit program.

A discussion took place with Mr. Price clarifying parameters associated with the \$35 permit fee and whether activities other than photography were considered commercial activity such as feature filming, food trucks, and organized races. He indicated efforts by Staff was needed to prepare the area for re-seeding to restore the damaged areas. A discussion took place regarding the permit and process used to obtain one.

Councilmember Morris inquired about signage and requested clarification regarding enforcement. Mr. Jensen suggested Staff in both divisions of the Parks and Recreation Department would need to be more vigilant in the future to identify any non-compliance and suggested Staff would need to educate the public very clearly about the expectation and then aggressively enforce violators. He indicated the implementation of special enforcement officers had also been considered and a discussion followed. The Council also discussed the penalty associated with enforcement of the Class B Misdemeanor and expressed concern the judicial process allowed the judge to impose a fine of insignificant value.

The Council continued to express concern with the commercial activity term and the number of people allowed for commercial photography purposes. Mr. Jensen suggested the impact to the environment should be considered rather than the allowed number of people. He expressed appreciation to the Council for the discussions as they provided needed direction for Staff in moving forward.

Mr. Jensen believed additional work from Staff was needed and recommended the Council remove the item from the Consent Agenda during the regular City Council Meeting. He pointed out Staff had the authority to immediately close the area for restoration purposes and the Council expressed agreement.

APPROVE THE LAND SALE AGREEMENT; MEMORANDUM OF PERMITTED USE AGREEMENT; AND DECLARATION OF GRANT OF CONSTRUCTION EASEMENT BETWEEN LAYTON CITY AND JF PARKWAY PARTNERS, LLC – RESOLUTION 22-06 – 50 WEST 400 SOUTH

This item wasn't addressed by the Council.

MAYOR'S REPORT

No Mayor's report was shared.

The meeting adjourned at 7:05 p.m.

Kimberly S Read, City Recorder