

**MINUTES OF LAYTON CITY
COUNCIL WORK MEETING**

JULY 20, 2023; 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, STEPHEN JACKSON, CHAD WILKINSON, ALLEN SWANSON, KARL KUEHN, 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:

COUNCILMEMBER REPORT

Councilmember Smith Edmondson informed the Council of the following:

- The CTC (Communities that Care) full-time position had been advertised and was accepting applications.
- Tessa Vaschel, Davis Arts Council's Executive Director, would be on Medical Leave until October and Teri Cowan, Director of Development, would be filling her role. She mentioned the fund-raising breakfast would be coming up and the Council would be receiving an invitation.
- Layton Youth Court Awards was scheduled for Wednesday, August 9, 2023, 5:30 PM in the Council Chambers.

Councilmember Morris commented on the removal of the trees in Constitution Circle to facilitate the parking lot expansion and construction of a pavilion in Constitution Circle.

DISCUSSION – UTAH LEAGUE OF CITIES AND TOWNS

Cameron Diehl, Utah League of Cities and Towns (ULCT) Executive Director, announced the purpose of his attendance at the meeting was to allow the Council an opportunity to express its concern regarding issues to Layton City. He reminded the Council of the past legislative session and suggested the Legislature needed to allow cities time to implement new legislation, and believed that had been acknowledged; however, there were still those in the Legislative Branch which wanted to be aggressive in legislating cities with the following: land use, housing, transportation, and water. He pointed out the League had representation at the table for every sub-group. He requested the Council identify its priorities regarding future legislation and the following was expressed and discussed by the Council:

- Building code
- Role of the City to legislate

Alex Jensen, City Manager, inquired if there was any interest to partner or solicit dialogue or cooperation from cities with the legislature as opposed to dictating what it believed was needed. Mr. Diehl believed the leadership of the last two years had resulted with more cooperation. He shared some examples of the state leadership removing governing authority at the local level and a discussion followed.

Gary Crane, City Attorney, expressed concern the Legislature was learning to 'legislate by committee' and referenced the landscaping ordinance as an example to illustrate his point.

Mr. Diehl informed the Council Mr. Crane was a valuable resource for all cities within the state during the legislative season and expressed appreciation for his service. He expressed agreement with his opinion regarding the trend of legislating by policy. Mr. Diehl announced the ULCT Board had created a Legal Director position to better represent participating cities. A discussion continued regarding the legislature's intent with the proliferation of assembled boards and commissions. Mr. Diehl shared some scenarios in which the board or task force had been beneficial and assured the Council his staff tracked and monitored each of them. He identified the internal work groups established by ULCT and welcomed participation from any of the elected body and mentioned those groups which League Staff was working with.

Mr. Diehl left the meeting at 6:03 p.m.

ENACTMENT – LAYTON MUNICIPAL CODE TITLE 13, SECTION 13.17, CHAPTER 13.17.010 DISCHARGE OF SURFACE WATER AND DOWN SPOUTS INTO LAND DRAIN OR ADJACENT PROPERTY PROHIBITED – ORDINANCE 23-17

Stephen Jackson, City Engineer, explained the City's Engineering Staff had been requested to review City ordinances as a result of the water issues experienced this past spring and informed the Council Staff had identified some deficiencies in the land drain ordinance to clarify what water should be directed to the respective land drain, storm drain, and sewer systems within the City. He announced proposed Ordinance 23-17 would address issues experienced specific to the land drain system and would identify prohibitions similar to the City's sanitary sewer system ordinance. He pointed out it specifically addressed down spouts, surface water sources, roofs, yard drain systems, French drains, swells, and other surface water. He also mentioned it prohibited residents from discharging any of those water sources down a hillside or into neighboring properties. He asked if there were any questions and a discussion followed. Mr. Jackson pointed out grading and drainage plans currently in place for developments within the City established proper drainage easements and channels where the water was supposed to be diverted to avoid flooding of neighboring residential properties.

Alex Jensen, City Manager, mentioned there were instances in which the current homeowner had no idea of some of these circumstances established or put in place. He believed the proposed ordinance would bring more attention to the issue and would give the City the ability to strongly encourage compliance with the current property owner in these instances.

Councilmember Morris expressed concern with unintended consequences associated with adoption of the proposed ordinance and Mr. Jackson suggested some residents might need to pay more attention to the draining of their property and Staff was prepared to work and educate residents toward compliance as opposed to heavy-handed enforcement. The discussion continued and Mr. Jensen shared an example to illustrate the importance of keeping ground water in the ground and surface water on the surface and continued to explain how each system was designed to accommodate the different water sources. A discussion followed regarding the use of a swell or berm to direct surface water.

Mr. Jackson emphasized the City, as well as North Davis Sewer District, already had an ordinance in place which addressed discharging water into the sanitary sewer system.

Councilmember Roberts requested clarification whether this ordinance or other City ordinance prohibited the diverting of water to a neighboring property via swell or berm. Mr. Jackson responded that was addressed in State Statute. He explained the language in the statute and how it was enforced by the City and the discussion continued.

ACCEPT A PROPOSAL FOR AN AGREEMENT BETWEEN LAYTON CITY AND GALLOWAY FOR ARCHITECTURE AND ENGINEERING SERVICES FOR A NEW 9-1-1 EMERGENCY COMMUNICATIONS CENTER, RECORDS FACILITY, AND EMERGENCY OPERATIONS CENTER – RESOLUTION 23-38 – 445 NORTH WASATCH DRIVE

Karl Kuehn, Dispatch Supervisor, reminded the Council of previous discussions for streamlining 9-1-1 services throughout the County. He indicated Layton City had been selected to provide these services for agencies located in the northern part of the County. He announced an RFP (Request for Proposal) process had taken place for Architecture and Engineering services and the only response was submitted by Galloway. The response was evaluated by a committee consisting of City Staff which followed a predetermined weighted criteria that concluded it an excellent proposal. He reminded the Council, the City had previous experience in working with Galloway and expressed his opinion it was the premier firm for this type of work and brought a high level of experience to the project. Staff recommended the Council accept the proposal authorizing the City Manager to conduct negotiations and execute an agreement with Galloway for the identified services.

Councilmember Morris inquired how the City would know whether the proposal was an efficient bid and Mr. Kuehn explained how past experience and previous discussions with other entities was used to identify and determine the credibility of the bid proposal. Mr. Jensen added Staff had engaged in conversations with other entities to determine the quality of work and reputation of those involved and a discussion followed. Mr. Kuehn also explained how the general contractor would be required to work with Galloway. He also identified where and how the RFP was advertised.

A discussion followed regarding the size of the project and the dollar amount proposed for the project and whether the new facility was adequate to serve the City in the future.

PROPOSED AMENDMENTS TO LAYTON CITY MUNICIPAL CODE, TITLE 19 ZONING, CHAPTER 19.01 GENERAL PROVISIONS; CHAPTER 19.02 DEFINITIONS; CHAPTER 19.13 DEVELOPMENT PLAN REQUIREMENTS FOR NEW CONSTRUCTION OF A SINGLE OR TWO-FAMILY DWELLING IN LAYTON CITY; CHAPTER 19.16 LANDSCAPING AND FENCING, FENCING AND CLEAR VIEW; TO INCORPORATE WATER-WISE STANDARDS FOR NEW DETACHED SINGLE-FAMILY DWELLINGS – ORDINANCE 23-10

Chad Wilkinson, Community and Economic Development Director, reminded the Council of the previous discussion specific to this ordinance on June 1, 2023 regarding the implementation of water-wise landscaping standards regarding rebates offered by the State and administered through Weber Basin Water Conservancy District (WBWCD). He reported discussions had taken place between Staff and WBWCD, at the direction of the Council, to identify possible options for making the funding available without having to change City Code. He expressed appreciation for WBWCD's willingness to meet with City Staff to discuss the proposed ordinance and reported it had been a positive discussion. WBWCD was unaware of those things the City had already implemented in an effort to encourage water conservation such as the commercial standard changes made in February 2023. He also presented the information and facts shared with the Council on June 1; the significant increase in the number of single family homes in PRUD (Planned Residential Unit Development) developments were already subject to a water-wise standard. WBWCD was appreciative of Staff's data and indicated its desire to share it with its legislative lobby. He emphasized the City's position had always been to implement code changes which would make a real difference with water conservation and shared examples to illustrate the benefits of what the City had already implemented. He announced the standards included in the proposed ordinance had been established by the Legislature and in order to participate with the rebate program the City would have to adopt the following changes:

- A limit of 35% turf for new single-family homes for the front and side yard
- Restricting turf in park strips

He clarified the ordinance adopted by the Council in 2021 removed any barriers for residents desiring to implement water-wise landscaping standards, but not to make it mandatory and pointed out the City's current code didn't restrict any single-family homeowner from implementing the proposed landscaping ordinance standards. He emphasized the developer was required to install the landscaping associated with PRUD's and multi-family and townhome developments, upfront. It was the opportunity for the single-family homeowner to design and install the landscaping appropriate for their lifestyle and explained the consequences associated with the proposed ordinance and summarized it eliminated flexibility on behalf of a new homeowner.

Mr. Wilkinson concluded if the Council supported the amendments from a policy perspective Staff recommended adoption. However, due to the potential impacts to future homeowners, Staff didn't recommend a change to the ordinance in order for a few residents to qualify for the current rebate program.

Councilmember Smith Edmondson requested clarification on the definition of 'new homeowner' in the proposed ordinance and Mr. Wilkinson responded it would be specific to new development.

Councilmember Thomas requested clarification about the 'grandfathering' of existing single-family homes and Mr. Wilkinson responded the new ordinance would only be applicable and enforceable to newly constructed single-family homes. He pointed out the City's current ordinance included these standards for PRUD developments and a discussion followed.

Councilmember Morris clarified the rebate was one time monies and suggested funds might not be available in future years and Mr. Wilkinson responded the rules associated with the rebate could be changed during future legislative sessions. He believed the City had been successful with encouraging water conservation with the current ordinance and a discussion followed.

Councilmember Smith Edmondson expressed her opinion the rebate program was a 'carrot' to entice residents at large on board with water conservation, which unfortunately didn't align with the City's philosophy in encouraging the conservation and suggested this was being implemented in bad form.

Mayor Petro inquired about WBWCD perspective of the proposed amendments/requirements and Mr. Wilkinson informed the Mayor it indicated this was an administrative rule which it was required to follow and unfortunately couldn't make modifications for the City and the discussion followed.

Mr. Wilkinson emphasized the following point in regard to water conservation; the landscaping amendment approved in February 2023 specific to commercial development landscaping had been more impactful, than what was now being proposed, with cooperation and very little opposition.

MAYOR'S REPORT

Mayor Petro announced the need to convene in a Closed Meeting to discuss the Purchase, Exchange, or Lease of Real Property Including Any Form of a Water Right or Water Shares following the regularly scheduled City Council Meeting.

The meeting adjourned at 6:58 p.m.

Kimberly S Read, City Recorder