

**MINUTES OF LAYTON CITY
COUNCIL WORK MEETING**

JULY 6, 2023; 5:35 P.M.

**MAYOR AND COUNCILMEMBERS
PRESENT:**

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

EXCUSED:

BETTINA SMITH EDMONDSON

STAFF PRESENT:

**ALEX JENSEN, DARREN CURTIS, CURTIS
POOLE, DAVID PRICE, JOELLEN GRANDY,
VICKI WETZEL, ED FRAZIER, AND TORI
CAMPBELL**

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

Mayor Petro opened the meeting.

AGENDA:

COUNCILMEMBER REPORT

Councilmember Bloxham mentioned that he and Councilmember Smith Edmondson spoke with someone affiliated with Davis School District regarding the pool during which he emphasized collaboration would be needed, that the City wouldn't do this alone and shared his opinion regarding the discussion.

**ACCEPT BID AWARD – MERRILL SHERIFF CONSTRUCTION INC. FOR WELKER
TRAILHEAD IMPROVEMENTS, PARKS PROJECT 22-02 – RESOLUTION 23-34 – 2700
NORTH 2125 EAST**

David Price, Parks and Recreation Director, informed the Council the next three agenda items were bid awards previously reviewed by the Council: Welker Trailhead Improvements – bid amount of \$369,546.50; Adams Park Improvements – bid amount of \$303,737.10; and Commons Park Improvements - \$1,196,866.94.

He shared an illustration which reflected the parking lot expansion, water fountain, and restrooms. He pointed out the proposed restrooms would have the new security system and reviewed those features. He indicated they were similar to those in Commons Park and mentioned they were very durable. He explained how the difference between the bid amount and appropriated funding would be recognized using surplus funds from previous completed projects.

Mayor Petro requested clarification about the identified access on the south side of the trail and Mr. Price explained it would be accessible through a locked gate for emergency vehicles only.

Councilmember Morris inquired how the City's photography policy for this area had been received by the public. Mr. Price mentioned the wet spring had significantly benefitted the meadow and indicated it was developing much better and was healthier. He informed the Council the majority had complied with the signage; however, a few photographers ventured into the meadow. Councilmember Morris asked if the City was still receiving parking complaints and Mr. Price responded parking continued to be a problem in the morning and evening hours associated with normal use of the trail system and believed the parking lot expansion would mitigate future on street parking in the area. A discussion followed about lighting and security at the trailhead.

Councilmember Roberts informed the Council a resident had attended a Parks and Recreation Commission Meeting and read a letter expressing its opposing opinion with the restrictions and reported Mr. Price had respectfully justified the City's position with prohibiting access. Councilmember Roberts expressed his opinion the City's plan was working well for promoting new vegetation and growth with the native landscape. Mr. Price reported the resident had reached out to Staff following the meeting and expressed she was grateful for the opportunity to be heard and to learn why the rules were instituted to begin with.

Councilmember Bloxham requested Mr. Price speak to concerns expressed by the neighboring residents regarding the proposed restrooms and Mr. Price responded discussions had taken place with residents and all but one were satisfied with the City's efforts.

ACCEPT BID AWARD – MERRILL SHERIFF CONSTRUCTION INC. FOR ANDY ADAMS PARK IMPROVEMENTS, PARKS PROJECT 22-04 – RESOLUTION 23-35 – 1713 EAST 1000 NORTH

Mr. Price announced the project included the installation of a new pavilion, LED light fixtures at the tennis and pickleball courts, and shared an illustration of the proposed pavilion. He pointed out the bid came in over budget and referenced the illustration which identified the proposed funding sources, which suggested the re-appropriation of funds from the 2023/2024 Commons Park Pedestrian Lighting Project (postponing the project), and the surplus funding from the Chapel Park Improvement Project. He reported the idea had been presented to the RAMP Commission and it had expressed support. He emphasized the Commons Park Pedestrian Lighting Project wouldn't be abandoned altogether; rather, new RAMP grant funding would need to be requested in the future. He pointed out this would allow the City to move forward in completing this project, and also the Commons Park Improvement Project, without a new request of funding from the General Fund and a discussion followed regarding the Chapel Park project.

ACCEPT BID AWARD – MERRILL SHERIFF CONSTRUCTION INC. FOR COMMONS PARK IMPROVEMENTS, PARKS PROJECT 22-05 – RESOLUTION 23-36 – 437 NORTH WASATCH DRIVE

Mr. Price explained the Commons Park Improvement Project and shared an illustration which identified the location of the proposed parking lot across Constitution Circle from the seminary building, adding a heated restroom to accommodate winter events, and a heated pavilion. Mr. Price directed the Council to the illustration identifying the funding source which reflected the proposal of the re-appropriation of 2023/2024 RAMP grant funding from the Commons Park Pedestrian Lighting Project to this project.

Councilmember Morris inquired about the RAMP funding and JoEllen Grandy clarified the Commons Park Pedestrian Lighting Project grant was a one year appropriation and the re-appropriation would delay that project for one year and reviewed the scope of that project. She also explained specifics for the proposed pavilion.

Ms. Grandy continued to explain this project would impact seven large elm and maple trees which would need to be removed to complete the project. She stated the City would be planting twice the amount of removed trees. Mr. Price added the location of the pavilion had been determined in order to save as many trees as possible.

TEMPORARY CONSTRUCTION EASEMENT AGREEMENT BETWEEN LAYTON CITY AND WINKEL ROCK, LLC – RESOLUTION 23-37

Mr. Price explained the resolution allowed for a temporary construction easement agreement to protect the City's ability to complete construction of a future trail connection. He informed the Council Staff had worked with UDOT (Utah Department of Transportation) and Winkel Rock Development with designating the easement; however, the Easement Agreement would be with Winkel Rock, LLC. The future section of the Kays Creek trail would proceed from Gentile Street to the Layton Station Apartments

and onto Main Street and mentioned the road crossings would be at controlled intersections and displayed illustrations to the Council. He identified the interior trail amenity for residents of the proposed apartment complex and pointed out UDOT had expressed its willingness to accommodate the City's request for the ADA (American with Disability Act) accessible trail and a discussion followed regarding the location of the trail within the development.

COLLECTION OF DELINQUENT WATER FEES – ORDINANCE 23-16

Darren Curtis, Assistant City Attorney, reminded the Council this topic was discussed during a previous work meeting and stated the proposed ordinance would change the Municipal Code specific to utility accounts of single family rental units. He explained the proposed ordinance would require utility bills to be sent to the property owner/landlord as opposed to the tenant of a single family rental home. He reminded the Council of issues experienced by the City with the current practice and a discussion followed. Mr. Curtis emphasized the landlord would be responsible for the City's utility bill, just like any other property owner; payment arrangements for the bill would be between the landlord and tenant and the discussion continued.

Councilmember Bloxham inquired whether there had been instances in which the tenant had experienced inconvenience or harm when a landlord hadn't paid the bill timely and water service was disconnected.

Mr. Curtis explained that circumstance would be considered an 'eviction' and indicated there were laws in place to protect the tenant.

Mr. Jensen asked Vicki Wetzel, City Treasurer, whether the City had discontinued service due to non-payment on behalf of the landlord. Ms. Wetzel shared some scenarios and examples regarding utility accounts and services between tenants and landlords which resulted in extra work for Utility Staff. She briefly reviewed the current process followed by Staff.

Mr. Bloxham expressed agreement the City shouldn't be involved in trying to collect utility money from renters/tenants. He explained his intent was to identify how often a landlord failed to pay and service was disrupted for the tenant. A discussion followed about disconnection of service and Mr. Jensen clarified that once the account was established in the landlord's name service wouldn't be disconnected except in the instance for non-payment and not in between tenants. The discussion continued.

Councilmember Morris asked if the City knew how other utility companies addressed utility accounts for single family rentals. He presented a scenario and inquired how the City would address the utility account/service disconnection for a single mother with three children and the landlord didn't pay the account. Mr. Jensen believed Rocky Mountain Power allowed accounts in the tenant's name. Mr. Curtis emphasized this would be considered a form of eviction and Mr. Jensen suggested the City would work with the tenant but clarified the contractual relationship was ultimately between the tenant and the landlord.

Ms. Wetzel informed the Council of some tenant/landlord situations Staff was aware of and explained the City's process in working with past due account holders and indicated approximately over 1,000 residents would pay late, roughly 150 would have service disconnected.

The Council concluded the proposed ordinance was needed in order for the City to relieve itself of managing these accounts for landlords.

Mr. Roberts requested clarification whether the proposed ordinance could be addressed during the Consent Agenda or required a Public Hearing and a discussion followed. Mr. Jensen pointed out although the ordinance proposed a change in code didn't necessarily require a public hearing.

The Council expressed appreciation to Ms. Wetzel and the Utility Staff for the work in managing these accounts.

MAYOR'S REPORT

Mayor Petro requested input from the Council regarding the Fourth of July celebration/activities and a discussion took place regarding the following:

- The Hometown Hero Concert and the performances of Disney songs as opposed to patriotic songs.
- Fireworks and music.
- Possible movie in the park depending on the day of the week the 4th falls on.
- Distribution of popsicles.
- Compliance with parade participants and spectators following the new rules and the Police Department for enforcing them ensuring safety.
- Parade entries.

The Council concluded the City's Liberty Days Celebration was a successful event.

Mr. Curtis clarified that a public hearing was not needed for the proposed ordinance regarding utility billing.

Councilmember Thomas inquired about testing associated with the flooding experienced in the Swift Creek and Cold Creek areas of the City. Mr. Jensen reported the affected homes were a result of down spout connections from roof drains and indicated the City would be adopting an ordinance or engineering standards prohibiting this practice. He also indicated ground water had been directed into the land drain system. He pointed out the significant snow during the winter months combined with the wet spring had created a perfect storm of events and emphasized there was no failure within the City's system. He explained the efforts taken on behalf of the City to mitigate the flooding.

The meeting adjourned at 6:46 p.m.

Tori Campbell, Deputy City Recorder