

**MINUTES OF LAYTON CITY
COUNCIL MEETING**

DECEMBER 21, 2023; 7:15 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, CLINT DRAKE, CHAD
WILKINSON, AND KIM READ**

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

Mayor Petro opened the meeting and welcomed the public. Councilmember Bloxham led the Pledge of Allegiance and offered the invocation. Scouts and students were welcomed.

MINUTES:

There were no minutes for approval.

MUNICIPAL EVENT ANNOUNCEMENTS:

Councilmember Roberts announced the 'Lights Before Christmas' in Constitution Circle were still available from 5-11 PM nightly until December 31 and complimented the Parks and Recreation Staff for their efforts preparing the display. He also mentioned they were on in the morning. He added the Duncan Express Train was available nightly until Christmas Eve.

PRESENTATIONS:

There were no presentations.

CITIZEN COMMENTS:

There were no citizen comments.

CONSENT AGENDA:

MOTION: Councilmember Morris requested item C be removed from the Consent Agenda and consider that item separately. Councilmember Bloxham seconded the motion, which passed unanimously.

**AUTHORIZE THE ACCEPTANCE OF A LAND LEASE AGREEMENT BETWEEN LAYTON
CITY AND CELLCO PARTNERSHIP CBA VERIZON WIRELESS – RESOLUTION 23-55**

Clint Drake, City Attorney, informed the Council, a Verizon cell tower was located at the City's Public Works Shops, 1925 North Fort Lane, and had expressed interest to expand the tower. Cellco Partnership, dba Verizon Wireless (Verizon) desired to enter into a Land Lease Agreement with Layton City to lease certain real property for its telecommunications equipment. The term of the agreement would be five years with four potential extensions and explained the length of the lease agreement was based on industry standards. The amount of the lease was determined by a formula calculated by the City's Legal Department Staff.

ADOPT AND APPROVE A REAL ESTATE PURCHASE AGREEMENT BETWEEN WASATCH INTEGRATED WASTE MANAGEMENT DISTRICT AND LAYTON CITY FOR THE PURCHASE OF PROPERTY FOR A BUSINESS PARK – RESOLUTION 23-58

Mr. Drake explained Wasatch Integrated Waste Management District owned and operated a nonhazardous municipal solid waste landfill on certain tracts of land located within and near Layton City. The District owned approximately 25 acres of land to the west of the landfill located within the area designated for the development of a business park. Layton City and the District entered into an Option to Purchase Agreement for the property on October 6, 2016. The City desired to purchase and develop the property under the terms and conditions in the Real Estate Purchase Agreement for \$2.45 million. It was deemed to be in the best interest of the Citizens of Layton City to enter into the Real Estate Purchase Agreement with the District for the purchase of property for a business park.

Councilmember Morris inquired whether the property would be included with the East Gate Business Park and Mr. Drake responded in the affirmative.

Councilmember Bloxham clarified the purchase would be beneficial to the taxpayers and Mr. Drake explained the property would quickly be transferred to the Redevelopment Agency (RDA) to facilitate development in the area.

Alex Jensen, City Manager, announced the RDA would sell the property for development at current market value to a firm in the aerospace industry.

APPOINT A MEMBER TO THE NORTH DAVIS SEWER DISTRICT BOARD OF TRUSTEES – RESOLUTION 23-57

Mr. Drake announced it was proposed that Mayor Joy Petro be reappointed to the North Davis Sewer District Board of Trustees. This appointment shall commence on January 1, 2024 ending December 31, 2025.

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

APPOINT A MEMBER TO THE ADMINISTRATIVE CONTROL BOARD OF THE WASATCH INTEGRATED WASTE MANAGEMENT DISTRICT – RESOLUTION 23-56

Mr. Drake explained similar to the appointment to the North Davis Sewer District Board, this was for an appointment to the Wasatch Integrated Waste Management District (WIWMD) Board. He stated a discussion had taken place regarding this topic during the previously held work meeting regarding Mayor Joy Petro as the proposed appointee. This appointment would commence on January 1, 2024 ending December 31, 2025.

Councilmember Morris mentioned the robust discussion which took place during the work meeting regarding a previous action on behalf of the Board, and the allowance and direction of said Board. He believed the end of that discussion was rushed with regard to the consideration of the appointment of Mayor Petro to the Board, and inquired if there were additional instructions which should be directed to the appointee.

Councilmember Thomas inquired whether a temporary appointment could be made for less than the normal two years in order for the City's continued representation on the Board and Mr. Drake responded that would be allowed. Councilmember Thomas believed the issue was more with the situation as opposed to the individual proposed for appointment to the Board.

Councilmember Bloxham expressed his opinion an appointment to the Board wasn't needed before the first City Council Meeting on Thursday, January 4. He expressed his desire that in the future, better guidance would be provided to the City's appointee on the Board. He suggested specific language regarding the appointee's responsibility, previously discussed during the Work Meeting, be provided to the appointee to these Boards. He mentioned the City's ordinance, which identified requirements and responsibilities specific to appointments

to these Boards, hadn't been updated since 1997. He suggested the ordinance should be updated prior to making any appointment to the Board. He expressed his opinion the elected City Council should be involved in making decisions for residents of Layton City as opposed to WIWMD Board, including any generated funds, whether in the form of taxes or fees, should be determined by the elected body. He didn't believe action was needed on the proposed resolution since no Board Meeting was scheduled.

Councilmember Roberts requested Mr. Drake review the process associated with removing an appointee from the Board and Mr. Drake responded it required the advice and consent of the governing body; the Mayor and a majority of the Council. He expressed agreement with Councilmember Thomas' remarks the appointment wasn't about the person; rather the issue. He announced his position would be to move forward with the appointment at this time in order to allow the City representation to this special service district.

MOTION: Councilmember Roberts moved to adopt Resolution 23-56. The motion failed for lack of a second.

Councilmember Thomas indicated he would be willing to second the motion if amendments were made to the resolution previously adopted by WIWMD Board, in order to ensure the City's continued representation on the Board.

Councilmember Morris expressed concern regarding the legal ramifications of the previous action taken on behalf of WIWMD Board.

MOTION: Councilmember Roberts provided a substitute motion to appoint Mayor Petro to serve on the WIWMD Board until the January 4, 2024 City Council Meeting for further discussion regarding the two year appointment. The motion failed for lack of a second.

Councilmember Bloxham pointed out Mayor Petro's current appointment would be in effect until January 1, 2024. He requested clarification regarding the process to remove Mayor Petro and Mr. Drake provided clarification. Mr. Drake informed the Council, WIWMD would consider Mayor Petro as the City's representative on the Board until a new appointment was made.

Mayor Petro announced she would request a recall of the Resolution previously adopted by the WIWMD Board and propose a new Resolution. She stated if she wasn't successful in that endeavor the Council was welcome to remove her appointment from the Board and a discussion followed.

Councilmember Thomas suggested the Council not take any action at this time until further clarification regarding the appointment was provided.

MOTION: Councilmember Smith Edmondson moved to approve Resolution 23-56, with the expectation that Mayor Petro bring a Resolution back to the WIWMD Board, removing the previous decision by said Board. Councilmember Thomas seconded the motion. The motion passed with the following vote: **Voting AYE – Councilmembers Thomas, Smith Edmondson, Morris. Voting NO – Councilmember Bloxham. Voting AYE – Councilmember Roberts.**

Councilmember Morris clarified his vote for approving the resolution was based on the fact that a new ordinance would come before the Council in the near future defining parameters and powers to Council appointees on such boards.

Councilmember Bloxham further explained his vote and expressed agreement with Councilmember Morris that an updated ordinance was warranted; however, WIWMD didn't have the final say as to who the City's representative was on the Board. He also expressed his confidence with Mayor Petro to resolve the issue regarding the resolution adopted by said Board.

PUBLIC HEARINGS:

REZONE REQUEST – AMBER FIELDS 2023, LLC – A (AGRICULTURE) TO R-1-10 (SINGLE FAMILY RESIDENTIAL) – ORDINANCE 23-26 – APPROXIMATELY 250 NORTH 1550 WEST

Chad Wilkinson, Community and Economic Development Director, shared a visual illustration and identified the location of the parcel and surrounding uses. He explained the proposed rezone was for the purpose of developing a single-family subdivision consisting of two phases. The R-1-10 zone was consistent with the General Plan and constituted a low density residential development as defined in the General Plan. The first phase was the northern two-thirds of the 15.4 acres and the second phase would be the southern one-third of the same acreage. The first phase would connect to the stubbed streets from Pinehurst Place Subdivision at 250 North and 475 North. As part of the proposed development, a centrally located street would run north/south with single family homes on both sides. He reported the Planning Commission considered the request during its meeting on Tuesday, November 28, 2023 and unanimously recommended approval. Staff also recommended approval.

Councilmember Smith Edmondson expressed her pleasure at seeing this type of single family residential development proposed for the City.

Mayor Petro opened the public hearing at 7:58 p.m.

Mayor Petro called for public comment.

Jordan Harris, 304 N Blue Spruce Drive, stated he was supportive to the proposed change; however, he expressed concern about the potential increase in traffic on Blue Spruce and Cold Creek near the Charter School. He also pointed out the Pinehurst Subdivision was an HOA Subdivision which had an open space amenity and inquired whether the new subdivision would include an open space amenity of its own and believed that should be a matter of consideration.

Mr. Wilkinson responded the standard subdivision wasn't required to have an open space dedication. He pointed the proximity to a large regional park. With regard to traffic, he indicated the current roads had been designed to accommodate the capacity of traffic; however, at this stage the Council was only being asked to approve the rezone.

Councilmember Smith Edmondson suggested there would be other opportunities for the public to weigh in regarding Mr. Harris' concerns and encouraged his continued involvement.

MOTION: Councilmember Smith Edmondson moved to close the public hearing at 8:04 and approve the rezone request – Amber Fields 2023, LLC – Approximately 250 North 1550 West – A (Agriculture) to R-1-10 (Single Family Residential) as presented, Ordinance 23-26. Councilmember Morris seconded the motion. The motion passed with the following vote: **Voting AYE – Councilmembers Roberts, Bloxham, Morris, Smith Edmondson, and Thomas. Voting NO – None.**

UNFINISHED BUSINESS:

Councilmember Smith Edmondson asked Mr. Drake to provide a proposed updated ordinance specific to appointments to Boards for discussion by the Council. It was determined the issue would be discussed during the meeting on Thursday, January 18, 2024.

Councilmember Morris requested further clarification regarding the specific direction included in Councilmember Smith Edmondson's motion as it related to WIWMD. Mr. Drake requested the Council follow the normal procedure for placing an item on a future agenda and a discussion followed.

Councilmember Morris inquired about the City's signaled intersection at 2700 West and Gentile in conjunction with the planned opening of the West Davis Corridor in January. Alex Jensen, City Manager, responded the controlled intersection being constructed at 2700 West/Gentile would be fully functional to coincide with the opening of the West Davis Corridor. Councilmember Morris expressed appreciation to City Staff for ensuring the intersection's completion prior to the opening of the West Davis Corridor.

Councilmember Roberts and Mayor Petro expressed Merry Christmas and Happy New Year to everyone.

The meeting adjourned at 8:11 p.m.

Kimberly S Read, City Recorder