

**MINUTES OF LAYTON CITY
COUNCIL MEETING**

APRIL 4, 2024; 7:03 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, DARREN CURTIS, WESTON
APPLONIE, LON CROWELL, STEPHEN JACKSON,
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 Thomas offered the invocation and led the Pledge of Allegiance.

MINUTES:

Councilmember Smith Edmondson requested a correction to the minutes from the February 1, 2024 Work Meeting. She directed the Council to the last paragraph of page 2, specific to her 'Councilmember Report' regarding Communities That Care. The minutes reflected the City's Parks and Recreation Department 'presentation' and requested that word be replaced with 'participation'.

MOTION: Councilmember Smith Edmondson moved to approve the following minutes as written:

**Layton City Council Work Meeting – January 18, 2024; and
Layton City Council Meeting – March 7, 2024.**

And to approve the amended minutes of:

Layton City Council Work Meeting – February 1, 2024.

Councilmember Morris seconded the motion. The vote was unanimous to approve the minutes as written and amended.

Mayor Petro recognized Lyra Gutierrez, Youth Council, and requested she sit on the dais with the Council. Mayor Petro requested Ms. Gutierrez introduce herself. Ms. Gutierrez expressed appreciation to the Council for allowing her the opportunity to participate in the City Council Meeting and for allowing her to recently attend a Youth Council training. She added the Youth Council volunteered and served the City in a variety of ways.

Councilmember Thomas announced he was the Council Liaison to the Youth Council and complimented the participating youth.

MUNICIPAL EVENT ANNOUNCEMENTS

Councilmember Roberts announced the skate park and park's rest rooms were opened. He mentioned a new pavilion would soon be completed.

Mayor Petro announced the following:

- The Davis Arts Council had shared its Summer Nights with the Stars concert performances earlier in the Work Meeting. She also mentioned the secondary water system would begin being filled on

Monday, April 15, 2024. She announced the meeting scheduled for Thursday, April 18, 2024, would be cancelled to allow the Council to attend the Utah League of Cities and Towns Conference that week.

PRESENTATIONS:

PRESENTATION – YEARS OF SERVICE AWARD

Alex Jensen, City Manager, announced Shawn Horton had asked to be excused from the City Council Meeting due to a family emergency. The recognition for his years of service would take place during a future meeting.

CITIZEN COMMENTS:

Mike Kolendrianos, 2601 West Gentile, congratulated Councilmembers Bloxham, Morris, and Thomas for their successful re-election. He announced his comments were related to Item B on the Consent Agenda, 2700 West/Layton Parkway and stated he was representing himself, his sister, and his uncle. He reported his family had received a letter regarding City Code 12.24.060 specific to recoupment of costs for City improvements and distributed a handout to each councilmember. He expressed appreciation to Stephen Jackson, City Engineer, for quickly responding to his questions. He requested the Council table this item for a minimum of 90 days in order for all involved parties to gather additional information. He suggested, as a matter of transparency, this City Code, or other relevant codes which would be applicable, be provided during the negotiation process, to any future property owners. He referenced the breakdown of costs provided by Mr. Jackson and believed the City had received significant grant funding which covered most, if not all, construction costs associated with the road. He indicated he would be willing to respond to any questions or further discuss his concerns.

CONSENT AGENDA:

MOTION: Councilmember Roberts moved to remove Item B from the Consent Agenda and address it separately. Councilmember Smith Edmondson seconded the motion, which passed unanimously.

APPOINTING MEMBERS TO THE LAYTON CITY'S RECORD APPEALS BOARD PURSUANT TO SECTION 4.01.403 OF THE LAYTON MUNICIPAL CODE – RESOLUTION 24-12

Darren Curtis, Assistant City Attorney, introduced the agenda item and explained State Code allowed the City to create a Record Appeals Board to hear any appeals specific to records requests. He briefly reviewed the City's appeal process and mentioned the Board was rarely used. This appointment needs to be a resident of the City which had professional experience in managing or requesting records. Approval of the resolution would appoint Gary R. Crane to the Layton City Record Appeals Board.

Councilmember Bloxham asked Mr. Curtis whether he believed the City would see an increase in records requests with the implementation of body worn police cameras. Mr. Curtis didn't believe an increase would be recognized and clarified the Board would only be used in the event of an appeal. He also indicated there were certain records which need to be denied for a variety of reasons identified in the GRAMA law.

BID AWARD – ORMOND CONSTRUCTION, INC. – HILLSBORO DRIVE WATER LINE IMPROVEMENTS, PROJECT 23-03 – RESOLUTION 24-15 – ALONG HILLSBORO DRIVE BETWEEN APPROXIMATELY EMERALD DRIVE AND CHERRY LANE

Stephen Jackson, City Engineer, shared a visual illustration which identified the location of the proposed water line along Hillsboro Drive. He explained the scope of the project which included the installation of an eight inch water line between approximately Emerald Drive and Cherry Lane and consisting of the installation of 1,280 linear feet of culinary water line. He reported the City proceeded through a bid process in which four bids were received with Ormond Construction, Inc. submitting the lowest responsive, responsible bid in the amount of \$348,868.39. The engineer's estimate was \$330,000.00 and Staff recommended approval.

He asked if there were any questions and there were none.

He added the completion of this project was in anticipation of re-surfacing Hillsboro Drive.

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

NEW DEVELOPMENT REQUIRED TO PAY FOR PROJECT IMPROVEMENTS INSTALLED BY THE CITY – LAYTON PARKWAY/2700 WEST CONSTRUCTION, PROJECT 20-59 – RESOLUTION 24-14

Mr. Jackson introduced the agenda item and shared a visual illustration which identified Layton Parkway and 2700 West, and the respective property owners of adjacent properties. He explained the City had constructed Layton Parkway from 2200 West to 2700 West and in conjunction with that project had purchased 84 feet of right-of-way and constructed a half-width roadway and utilities associated with the project. Additionally, the City had purchased the full 105 feet of right-of-way and constructed the full width of improvements along 2700 West. He reported the City had received \$6 million in grant funding from COG (Council of Government) for the entire section of 2700 West, including the connection to Hill Field Road, which was currently under construction. He cited City Code and referenced Section 12.24.060 which stated new development should pay its proportional share of the costs of infrastructure and improvements which specifically benefit development activity. He reviewed the project improvements identified in the payback agreement and explained how the reimbursement costs had been calculated. He clarified the COG grant funding was considered a credit toward the expenses, which had also been proportionately applied to property owners for the 2700 West improvements. He also clarified this particular project was not one of the projects which required a payback agreement with Davis County COG and emphasized Staff believed it was judicious in calculating costs to ensure they were proportionally allocated. He emphasized if the property was never developed and connected to the improvements, no payback of the fees would be applicable.

He asked if there were any questions.

Councilmember Bloxham inquired whether the determined dollar amount would remain the same regardless of when development occurred and Mr. Jackson responded the reimbursement was based on actual costs of the improvements and would never escalate.

Mayor Petro inquired whether the sidewalk would be installed on both sides of the roadway and Mr. Jackson responded there was a 10 foot sidewalk on one side and a five foot sidewalk on the other. He indicated the City was only collecting for the five foot sidewalk.

Councilmember Smith Edmondson requested clarification about the timeline when the reimbursement would be required should development occur. Mr. Jackson responded the reimbursement would be required prior to the issuance of building permits and a discussion followed. Councilmember Smith Edmondson inquired whether this was explained to the property owners during negotiations for acquiring the property. Mr. Jackson couldn't personally speak to that since he wasn't involved in those conversations; however, he believed that would have been discussed since the improvements benefitted future development and a discussion followed.

Alex Jensen, City Manager, explained this ordinance and practice had been in place for the past 25 years and indicated the City was consistent with this action. He recalled previous discussions regarding the payback agreements associated with acquisition of property for the project. He explained the reason for the practice was to create equity and fairness respective of the property owners and assured the Council each property owner was treated the same way.

Councilmember Morris stated he didn't disagree with the ordinance but inquired whether there was a period of time for the property owner to contest the dollar amount. Mr. Jackson responded there was language in the letter which provided contact information of City Staff for the property owner/recipient to request further

information or clarification; however, there was no avenue to appeal the identified dollar figure of the required payback. He reported Mr. Kolendrianos and another property owner had contacted City Staff upon receipt of the letter to receive clarification.

Councilmember Morris asked what was important about the resolution being approved today. Mr. Jackson responded the project had been completed for a few months and explained the importance of having the payback agreement recorded against the property to ensure the City recouped its costs, in the event a developer was interested in purchasing the property.

Mayor Petro inquired whether an estimate of these reimbursements costs had been provided to the respective property owners and Mr. Jackson responded that wasn't standard practice. He further explained the challenges associated with providing an estimated cost based on an estimated bid figure.

Councilmember Roberts stated he also didn't disagree with the payback agreement. He inquired if it would be detrimental to discuss the issue during a future work meeting with a comparison specific to the east side of Layton Parkway and other payback agreements associated with previous development. Mr. Jackson pointed out the possibility of a property owner entering into a development contract prior to approval of the payback agreement. He also pointed out an instance in which developers had paid for the majority of the improvements along Layton Parkway and the City reimbursed a portion of those costs.

Mr. Jensen suggested this item be discussed during the next meeting on Thursday, May 2, 2024.

Councilmember Smith Edmondson expressed support for future discussion on the item and also requested the legal department provide information from previous discussions and/or negotiations with the respective property owners specific to a payback agreement.

MOTION: Councilmember Roberts moved to table the item to a date certain of May 2, 2024. Councilmember Smith Edmondson seconded the motion, which passed unanimously.

PUBLIC HEARINGS:

REZONE REQUEST – SMITH'S FOOD AND DRUG – A (AGRICULTURE) TO M-2 (HEAVY MANUFACTURING/INDUSTRIAL) – ORDINANCE 24-07 – 282 WEST HILL FIELD ROAD

Weston Applonie, City Planner, shared a visual illustration which identified the location of the parcel proposed to be rezoned and oriented the Council. He explained the rezone request of 26.41 acres of vacant property, north of the current Smith's Food and Drug operations facility, would accommodate an expansion. He reported the parcel was currently zoned Agriculture and the request would be to rezone to M-2 (Heavy Manufacturing/Industrial). The expansion would include a large warehouse building for storage of perishable grocery items. The expansion would also provide additional parking and provide better movement of the semi-trucks through both the existing site, as well as the expansion site and identified the ingress and egress illustrating the proposed traffic circulation.

He reported the Planning Commission considered the rezone during its meeting on Tuesday, March 12, 2024, and forwarded a positive recommendation to the Council. Staff supported the recommendation.

Councilmember Morris inquired whether the expansion would contribute to additional traffic on Sugar Street and Mr. Applonie responded that would be up to the applicant. He expressed his desire the expansion would mitigate the semi-truck parking issue.

Councilmember Roberts disclosed he was employed by Smith's, as was reflected on his Conflict of Interest Statement, and since he wouldn't directly benefit from the Council's decision, didn't feel he needed to recuse himself from the discussion or action. He pointed out the proposal would contribute to regular vehicular and pedestrian safety for employees with the proposed design. He believed this would benefit the area, as well as the City.

Mayor Petro expressed appreciation to Smith's Food King for listening to City Staff's concerns regarding the semi-truck traffic over the years.

Councilmember Bloxham inquired about a possible timeline for the project and expressed concern whether this could negatively affect the extension of Angel Street in this area. Mr. Applonie couldn't speak to that and suggested the representative of Smith's might possibly have that information.

Mayor Petro opened the public hearing at 7:54 p.m.

Mayor Petro called for public comment.

Brent Bateman, Smith's Food and Drug representative, expressed appreciation to the Council for considering the rezone. Additionally, he expressed the commitment of Smith's to Layton City and believed the improvements would contribute to the success of the current facility. He announced Brian Handy, Kroger Company representative, and Josh Caldwell, Kroger Design Team, were in attendance to respond to any questions.

Mr. Handy, Construction and Development with Kroger, announced this began as a safety project for the facility and concluded the primary goal for the expansion was based on safety.

Councilmember Smith Edmondson inquired if the expansion would result in additional employment opportunities and Mr. Handy believed that was a possibility but couldn't provide an answer at this time.

Mike Kolendrianos, 2601 West Gentile, inquired about the small parcel owned by the railroad. Mr. Handy responded they were currently in negotiations with that owner.

Mayor Petro expressed appreciation to Smith's for being a great employer within the City. She also announced it had been a very good partner with the City by supplying the popsicles distributed during the City's Fourth of July parade. She reported this had been a huge hit with the public and thanked them again for the contribution.

MOTION: Councilmember Smith Edmondson moved to approve the Rezone Request – Smith's Food and Drug – A (Agriculture) to M-2 (Heavy Manufacturing/Industrial) – 282 West Hill Field Road as presented, Ordinance 24-07. Councilmember Morris seconded the motion. The motion passed with the following vote: **Voting AYE – Councilmembers Thomas, Smith Edmondson, Morris, Bloxham, and Roberts. Voting NO – None.**

GENERAL PLAN MAP AMENDMENT, REZONE REQUEST, AND DEVELOPMENT AGREEMENT – DOUBLE J INVESTMENTS, LTD – GENERAL PLAN MAP AMENDMENT FROM (AGRICULTURE) TO (LIGHT MANUFACTURING/INDUSTRIAL), REZONE REQUEST FROM A (AGRICULTURE) TO M-1 (LIGHT MANUFACTURING/INDUSTRIAL) – ORDINANCE 24-09, ORDINANCE 24-08, AND RESOLUTION 24-13 – 445 EAST ANTELOPE DRIVE

Mr. Applonie introduced the agenda item and shared a visual illustration identifying the location of the parcel. He explained the applicant, Robert Love, was requesting a General Plan Amendment of approximately 5.2 acres and a rezone of approximately 3 acres from Agriculture to M-1 (Light Manufacturing/Industrial). He identified the parcel outlined in red and explained the current General Plan Map only reflected the developed parcels as Industrial. He clarified the request would be to align the General Plan Text to the General Plan Map, reflecting the Industrial designation. Additionally, the parcels proposed for rezone would also be included within the amendment to the General Plan Map. He read from the General Plan. He specifically called out items identified within the Development Agreement which included easements and future land uses.

The Planning Commission reviewed the request during its meeting on Tuesday, March 12, 2024, and unanimously forwarded a positive recommendation for the requests to the City Council and Staff supported

this recommendation.

Councilmember Bloxham inquired why the General Plan Map and Text originally didn't align. Mr. Applonie believed the entire piece of property was erroneously overlooked during the update of the General Plan.

Mayor Petro called for public comment.

Emily Love Jaspersen, 93 East 1720 North, Heber City, informed the Council Double J Investments was the name of the Family Organization which owned 90 acres of property in the area of Antelope Drive/Fort Lane. She pointed out the rezone request would be for only three acres. She expressed appreciation to the City Council and Staff for assisting the family in determining how the property could be developed and used in the future. She pointed out the federal easements allowed for Industrial uses for the parcels. She also stated she was pleased to see Lyra Gutierrez, Youth Council, in attendance and recalled her personal involvement with the Youth Council as a youth. She expressed her opinion this opportunity provided a pathway to understand how an individual could affect government.

Abe Carlsrue, 144 East Antelope Drive, inquired if the General Plan Map was voted on by the City Council and Mayor Petro responded in the affirmative. He announced he was in favor for the rezone of the property. He expressed his opinion there were inconsistencies with the planning and development for this particular parcel. He believed the text of the General Plan was vague regarding the 'use' and 'zoning' of the parcel near Antelope and Fort Lane; and suggested that due to the vagueness of the language, reference would be made to the General Plan Map. He clarified the rezone wasn't for property located at the corner and pointed out using the term "near" didn't provide correct information to the public. He continued to read from the Staff Report which identified properties to the north, east, and south were in the A zone, and properties to the west were in the M-1 zone and described how he believed this was inaccurate and shared an example. He expressed concern with how the City determined its General Plan and why the property on the corner had incorrectly been identified on the General Plan Map.

MOTION: Councilmember Roberts moved to close the public hearing at 8:12 p.m. and approve the General Plan Map Amendment, Rezone Request, and Development Agreement – Double J Investments, LTD – General Plan Map Amendment from (Agriculture) to (Light Manufacturing/Industrial), Rezone Request from A (Agriculture) to M-1 (Light Manufacturing/Industrial) – 445 East Antelope Drive as presented, Ordinance 24-09, Ordinance 24-08, and Resolution 24-13. Councilmember Morris seconded the motion. The motion passed with the following vote: **Voting AYE – Councilmembers Morris, Bloxham, Smith Edmondson, Thomas, and Roberts. Voting NO – None.**

UNFINISHED BUSINESS:

There was no unfinished business.

The meeting adjourned at 8:13 p.m.

Kimberly S Read, City Recorder