

**MINUTES OF LAYTON CITY
COUNCIL MEETING**

MAY 2, 2024; 7:05 P.M.

**MAYOR AND COUNCILMEMBERS
PRESENT:**

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

PARTICIPATING ELECTRONICALLY: ZACH BLOXHAM

STAFF PRESENT:

**ALEX JENSEN, CLINT DRAKE, CHAD
WILKINSON, TRACY PROBERT, STEPHEN
JACKSON, JADYN APPLONIE, MORGAN
CLOWARD, 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. She announced a full quorum was participating in the meeting; Councilmember Bloxham was participating electronically. Councilmember Thomas offered the invocation and led the Pledge of Allegiance.

MINUTES:

MOTION: Councilmember Roberts moved and Councilmember Morris seconded to approve the minutes of:

**Layton City Council Work Meeting – February 15, 2024;
Layton City Council Work Meeting – March 7, 2024; and
Layton City Council Meeting – March 21, 2024.**

The vote was unanimous to approve the minutes as written.

MUNICIPAL EVENT ANNOUNCEMENTS:

Councilmember Roberts announced the following:

- Parks and Recreation had begun planning Liberty Days and other summer activities. He directed the public to the Parks and Recreation page located on the City's website for more information and updates.
- Moms Swim Free at Surf'n Swim on Saturday, May 11, 2024, from 7:00 a.m. to 6:45 p.m.

Mayor Petro announced parade applications were available online for those interested in participating in the Liberty Days parade on the Fourth of July. She also mentioned the Sounds of Freedom Car Show was scheduled to take place the first weekend in June in Constitution Circle. She stated the proceeds would be designated for the Freedom Memorial Plaza near the Vietnam Veterans Memorial Wall replica.

PRESENTATIONS:

There were no presentations.

CITIZEN COMMENTS:

Kelly Craythorne, 1107 North 2125 East, expressed concern regarding the 2125 East/Gordon Avenue intersection. He reminded the Council the issue had been presented during a previous City Council Meeting last year by residents living in that general area. He informed the Council of the various accidents that had taken place at that intersection. He explained the topography of the general area and suggested a three-way stop, a roundabout, or other traffic devices which he believed could be installed to contribute to a safer intersection. He expressed his opinion it was a 'blind' intersection and compelled the Council to implement some type of change at 2125 East.

Mayor Petro requested Stephen Jackson, City Engineer, respond to Mr. Craythorne's comments. Mr. Jackson indicated the City was aware of the intersection and it would be included in the City's Master Transportation Plan.

Don Barfuss, 137 West 1900 North, regarding conditions along 150 West from Antelope South. He reported there were significant potholes and was a very rough road. He reported discussions had taken place with Staff from Public Works and Engineering Department and learned there was a need to replace infrastructure within the road. He requested the Council consider maintenance for this road and inquired about the timeline.

Jennifer Shepherd, 344 North Thurston Lane, mentioned she had emailed the Council regarding the need for a dog park to be located within the City. She indicated she had also emailed and received a response from JoEllen Grandy, Parks Planner, who had provided the history associated with a City dog park. She shared statistics regarding the increase in dog ownership and stated the nearest locations for dogs to play off-leash were in Clearfield, Roy, Bountiful, and South Weber, and reported officials from some of the neighboring cities would appreciate Layton City installing a dog park.

Chad Hogan, 1923 North 150 West, reported he had lived at this location for 20 years and expressed agreement with Mr. Barfuss' comments. He identified roads located in the general area which had received consistent, regular maintenance more often compared to 150 West. He explained the challenges associated with filling the potholes in the road and would like to see the Council prioritize this road. Mayor Petro requested Mr. Hogan leave his contact information with either the City Recorder or City Attorney and Staff would provide a copy of the Master Transportation Plan once completed.

Mike Kolendrianos, 2601 West Gentile, expressed appreciation to the Council for tabling approval of the payback agreement for improvements from the Council Meeting on Thursday, April 4, 2024, which had allowed him time to become better educated on the issue. He read from the City Code and expressed his opinion there were some inconsistencies specific to the right-of-way and the City's calculations identified for culinary and secondary water lines and for the sidewalk and trail system. He continued to read from the City Code which he believed identified the Council could grant an exemption for improvements which were imminent and certain through other methods. He believed the need to construct 2700 West met that criteria as a connection to the West Davis Corridor which benefitted the entire community as opposed to the surrounding properties.

CONSENT AGENDA:

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

Clint Drake, City Attorney, addressed concerns expressed by Mr. Kolendrianos:

- Payback agreements were standard throughout the State and developers expect and often appreciated them because much of the public improvements were installed at a lower cost and property was ready to develop.
- Payback agreements were addressed in Title 12 of the City Code, Streets and Sidewalks. He clarified

the entire payback structure was included within this code section. He read from definitions which referenced project improvements which identified specific improvements to be included in the payback agreements.

- The ‘half’ fee he referenced were those charges which were half of an original cost. He also clarified design costs hadn’t been included in the payback agreement costs, which were strictly City expenses. Sub-grade was also not included within the payback agreement.
- The trail referenced was actually a 10-foot wide sidewalk which abutted the right of way and clarified the assessment was only for five feet of sidewalk. The City was responsible for the upsizing of the sidewalk.
- The ‘exemption’ referenced would only be applicable to a special service district.

Stephen Jackson, City Engineer, shared an illustration which reflected Municipal Code of the recoupment of costs by the City for improvements. He reported two projects were constructed and completed as one project due to their proximity to one another and identified the location of the projects. He reviewed the list of project improvements, and clarified the premise associated with the ‘half’ calculation in order to be equitable to the property owners adjacent to the roadway. He also reviewed the project improvement costs and mentioned grant funding received from Davis COG (Council of Government) had been calculated as a credit for all improvements, which also benefitted the property owners. He emphasized the improvements were expected by developers and noted this was not considered a lien, a bill, or an exaction; the funds would only be required to be paid when development occurred.

Mr. Jackson explained the payback agreements hadn’t been assessed specific to only street frontage acreage, but to additional properties outside of the roadways which could potentially benefit from the improvements by development.

Councilmember Smith Edmondson expressed appreciation to Staff for providing the Council with the information requested from the April 4, 2024 City Council Meeting.

Mr. Jackson announced Staff recommended approval of the Resolution 24-14.

Councilmember Roberts inquired whether the property owners were aware of the payback agreement during negotiations or inclusion in the purchase contract when the property was acquired. Mr. Drake responded specific language addressing the payback agreements weren’t included in the contracts and mentioned the two City Attorney’s which worked on the property acquisition have both retired and access to their respective emails wasn’t available; however, he consulted with the previous City Attorney, Gary Crane, who assured him the property owners were made aware of the payback agreement during discussions. He also mentioned the City Code was accessible online.

Councilmember Roberts expressed concern regarding the list of payback agreements which could be equal to what the property owner had received for their respective property. He also pointed out the existing subdivisions in the area which benefitted from the improvements and wasn’t exactly sure whether the payback agreements were equitable.

ADOPTION OF THE 2023 LAYTON CITY – MUNICIPAL WASTEWATER PLANNING PROGRAM ANNUAL REPORT – RESOLUTION 24-18

Mr. Jackson stated the State of Utah, Department of Environmental Quality, required the City to complete an annual report regarding its wastewater system which needed to be adopted by resolution. He briefly reviewed those items addressed in the annual report and mentioned it had been provided to the Council. He asked if there were any questions and there were none.

Staff recommended approval.

PROPOSAL BID AWARD – TRANSPORTATION MASTER PLAN UPDATE – WALL CONSULTANT GROUP – RESOLUTION 24-19

Mr. Jackson informed the Council Staff had solicited proposals regarding an update to the City's Transportation Master Plan. He mentioned the previous plan was completed in 2017. The updated Transportation Master Plan would include an updated Capital Facilities Plan, Impact Fee Facility Plan, and Impact Fee Analysis.

He reported two proposals were received with Wall Consultant Group submitting the lowest responsive, responsible bid in the amount of \$140,103. The engineer's estimate was \$150,000 and Staff recommended approval of Resolution 24-19 awarding the contract to Wall Consultant Group. He asked if there were any questions.

Councilmember Morris inquired about the timeline associated with the update and Mr. Jackson responded approximately eight months.

AMEND TITLE 9, CHAPTER 60, SECTION 020, DISCHARGING FIREARMS – ORDINANCE 24-11

Jadyn Applonie, Deputy City Attorney, introduced the agenda item and explained the new ordinance would remove written permission being granted by the City's Police Chief. She explained the purpose for the update and Staff recommended approval.

Councilmember Smith Edmondson suggested modifying language to reflect 'lawful activity' to line 3 of the ordinance and Ms. Applonie responded that would be an appropriate clarification.

Mayor Petro requested Ms. Applonie address trapping of a nuisance animal such as a raccoon. Ms. Applonie indicated the ordinance addressed that circumstance and shared an illustration of the ordinance reflecting that language.

Councilmember Morris inquired about what would be considered a 'lawful hunt' within City limits. Mr. Drake responded it would be applicable to deer or geese on a golf course; however, this would also require DWR (Division of Wildlife Resources) approval/permission.

Councilmember Roberts inquired whether lawful discharges were identified in the ordinance and Ms. Applonie directed the Council to A, B, C, D, and E identified what those lawful discharges were. She also mentioned these remained the same from the City's previous ordinance.

Councilmember Roberts asked about the definition of a firearm and Ms. Applonie responded it wasn't defined in this ordinance; however, no changes were proposed to the current definition. Councilmember Roberts specifically inquired whether a high-powered air rifle would be considered a firearm. He mentioned these were often used by individuals trapping nuisance animals. Ms. Applonie indicated she would research and report back to him. A discussion took place regarding what would be considered a firearm and Mr. Drake explained where that was addressed in City Code and shared some examples.

The discussion continued regarding the use of a firearm on a caged (nuisance) animal. Mayor Petro clarified the intent of this ordinance was to eliminate permission being required on behalf of the City's Police Chief.

Mr. Drake clarified language had been included to address lawful gun range activity within the City.

Councilmember Roberts requested the Council conduct a separate vote for Item A of the Consent Agenda.

MOTION: Councilmember Smith Edmondson moved to approve Items B, Resolution 24-18, and C, Resolution 24-19, as presented; and Item D, Ordinance 24-11, including additional language, of the Consent Agenda. Councilmember Roberts seconded the motion, which passed unanimously.

MOTION: Councilmember Thomas moved to approve Item A of the Consent Agenda, Resolution 24-14, as presented. Councilmember Morris seconded the motion. The motion passed with the following vote: **Voting AYE – Councilmembers Thomas, Smith Edmondson, Morris, and Bloxham. Voting NO – Councilmember Roberts.**

PUBLIC HEARINGS:

PUBLIC HEARING AND ADOPTION OF THE TENTATIVE BUDGET FOR FISCAL YEAR 2024-2025 – RESOLUTION 24-17

Tracy Probert, Finance Director, announced the City was required to adopt a tentative budget on or before the first regularly scheduled meeting in May. He mentioned the Council needed to set a public hearing for the FY 2025 Proposed Budget, which would begin July 1, 2024. He reviewed the following highlights associated with the Tentative Budget:

- General Fund Budget was just over \$46,539,000
- Total City-wide budget was just over \$138,306,000
- Included market and cost of living adjustment for officers and employees
- Included merit adjustments for employees
- \$2,439,000 in capital equipment
- \$13,860,000 in capital projects (Utilities, Streets, Parks, Dispatch, etc.)
- Sales Tax revenue was anticipated to be slightly lower than previous years

Major projects included:

- Emergency Communications Dispatch Center – Intergovernmental funding
- West Hill Field Road: 2700 West to 3200 West
- Public Works Shop Expansion – land purchase
- Sugar Street Realignment – land purchase
- Utility Projects

He announced the Tentative Budget could be accessed by contacting the City Recorder or Finance Director.

He reviewed sources for City Revenue and Expenditures associated with the Proposed Budget.

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

Mr. Probert recommended the Council open the public hearing and accept comment, approve of the Tentative Budget, and set a public hearing for Thursday, June 6, 2024 to adopt the final budget.

Mayor Petro opened the public hearing at 8:07 p.m.

Mayor Petro called for public comment.

Nancy George, 1452 North Fort Lane, Vice-Chair Davis Arts Council (DAC) Board of Trustees, expressed appreciation to Layton City for partnering with DAC and also RAMP funding which benefitted residents by providing financial assistance for providing programs to the community. She briefly mentioned the various programming offered by the DAC.

MOTION: Councilmember Roberts moved to close the public hearing at 8:10 p.m., adopt the Tentative Budget for Fiscal Year 2024-2025, and set a public hearing for June 6, 2024, as presented, Resolution 24-17. Councilmember Thomas seconded the motion. The motion passed with the following vote: **Voting AYE – Councilmembers Thomas, Smith Edmondson, Morris, Bloxham, and Roberts.**

PUBLIC HEARING AND ADOPTION OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL ACTION PLAN FOR 2024-2025 – RESOLUTION 24-16

Morgan Cloward, CDBG (Community Development Block Grant) Coordinator, reminded the Council a public hearing had taken place on Thursday, February 1, 2024, to receive public comment regarding the Annual Action Plan. He shared an illustration which identified the 2024-25 CDBG Activities and Funding and briefly reviewed the proposed activities. He pointed out Staff recommended funding activities with the same public service partners from previous years. He mentioned those activities had proven to be successful ventures. Staff recommended approval of Resolution 24-16.

Councilmember Smith Edmondson reviewed the amount funded for each activity and expressed appreciation to Mr. Cloward for providing services. She mentioned there were designated funding caps dictated to the City.

Mayor Petro opened the public hearing at 8:15 p.m.

Mayor Petro called for public comment.

Karlene Kidman, Youth Court Advisor, expressed appreciation to the Council for its support of Youth Court and indicated the 27th training class had just began. She announced 19 new youth were being trained, in addition to the returning 12 members. She reported 64 cases were heard last year and the court had already heard over 90 cases as of Wednesday, May 1, 2024, with 30% of those for possession of marijuana, followed by retail theft at 20%. She mentioned the majority of marijuana offenders had indicated they were depressed and were self-medicating and informed the Council she had reached out to Davis Behavioral Health to partner with that agency requiring offenders to participate in the Learning to Breathe six-week program. She reported 37 offenders had completed the Program and was witnessing success. Ms. Kidman also reported on a new program Prime for Life 420 associated with Washington State which educated the youth on the evils of marijuana use at a young age. She indicated the program was recently approved for use by Davis Behavioral Health and Davis School District.

She also mentioned due to the retirement of Steve Garside, Assistant City Manager and State Chair of the Utah Youth Court Advisory Board, he nominated her to serve in this capacity. She reported she also served as President of the Utah Youth Court Association. She again thanked the City Council for its support of the youth within the community.

Mayor Petro expressed appreciation to Ms. Kidman's service to the City.

Councilmember Thomas shared an encounter he experienced with a constituent regarding the CDBG funding program which justified the critical need for these programs.

Todd Hixon, Safe Harbor Crisis Center, introduced himself as the new Executive Director. He informed the Council the agency was the first and only domestic violence sexual assault provider in Davis County. He reported Safe Harbor served 606 residents of Layton City in 2023 resulting in 8,543 supporting services and reviewed them. He explained how the continued CDBG funding was proposed to be used during this next year. He expressed appreciation to the City for being a good partner with Safe Harbor identified how critical it was to receive support and funding.

Jamie McKinney, Community Action Coordinator with Open Doors, expressed appreciation for the City's support in providing food, hotel vouchers, and nursery services. She reported the agency had recognized a 68% increase with participants utilizing the food pantry this past year. She expressed her opinion that figure would be exceeded this year. She reported the majority of CDBG funding directly benefitted the food pantry. She announced the food pantry hours and explained how the center provided food to the public.

Councilmember Roberts, announced Danene Adams, Open Doors, couldn't attend tonight's meeting; however, she expressed appreciation to the City and Mr. Cloward for its continued support.

MOTION: Councilmember Roberts moved to approve the Community Development Block Grant (CDBG) Annual Action Plan, for 2024-2025 – Resolution 24-16. Councilmember Smith Edmondson seconded the motion. The motion passed with the following vote: **Voting AYE – Councilmembers Roberts, Bloxham, Morris, Smith Edmondson, and Thomas. Voting NO – None.**

PROPOSED AMENDMENTS TO LAYTON CITY MUNICIPAL CODE, TITLE 19 ZONING, CHAPTER 19.02 DEFINITIONS, CHAPTER 19.06 LAND USE REGULATIONS, AND CHAPTER 19.26 MIXED-USE/TRANSIT ORIENTED DEVELOPMENT (MU-TOD) ZONING DISTRICT TO ADD INPATIENT MEDICAL FACILITY AS A DEFINITION AND LAND USE – ORDINANCE 24-10

Chad Wilkinson, Community and Economic Development Department, shared a visual illustration and explained the request was for a new use category known as Inpatient Medical Facility and shared a definition. He stated the ordinance addressed two separate issues: one was a clarification and the other was a request. He explained the City received requests for inpatient medical facilities uses such as a sleep study center, surgery center, or medical detox facility. He reported the current code only allowed overnight medical stays in hospitals. He pointed out State Code allowed a one-night stay for surgical centers and reviewed those circumstances. As Staff was reviewing a recent request, it was determined a seven- night stay would be needed. He pointed out an important distinction to remember was that these facilities were licensed differently than a hospital and would be required to be located within a commercial zone. The Planning Commission expressed concern about these potentially being located within a Mixed-Use Zone and reported the Mixed-Use TOD Zone would be allowed as long as a residential use wasn't included within the same building. Subject to that change, the Planning Commission recommended a positive recommendation of approval and Staff supported that recommendation.

Councilmember Smith Edmondson inquired whether a facility providing Botox or similar services would be included with this ordinance. Mr. Wilkinson responded medical clinics were already allowed to provide outpatient services and clarified the current zone allowed up to a 24-hour stay. This proposal was for anything beyond that. She disclosed she was employed with a medical facility.

Mayor Petro called for public comment.

There were no public comments.

MOTION: Councilmember Thomas moved to close the public hearings at 8:36 p.m. and approve amendments to Layton City Municipal Code, Title 19 Zoning, Chapter 19.02 Definitions, Chapter 19.06 Land Use Regulations, and Chapter 19.26 Mixed-Use/Transit Oriented Development (MU-TOD) Zoning District to add Inpatient Medical Facility as a Definition and Land Use as presented, Ordinance 24-10. Councilmember Roberts 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:

There was no unfinished business.

CLOSED MEETING:

MOTION: Councilmember Roberts moved to adjourn the meeting and convene in a closed meeting at 8:37 p.m. to discuss the Pending or Reasonably Imminent Litigation. Councilmember Thomas seconded the motion, which passed unanimously.

MOTION: Councilmember Smith Edmondson moved to open the meeting at 10:35 p.m. Councilmember Roberts seconded the motion, which passed unanimously.

The meeting adjourned at 10:35 p.m.

Kimberly S Read, City Recorder

SWORN STATEMENT

The undersigned hereby swears and affirms, pursuant to Section 52-4-205(1) of the Utah Code Annotated, that the sole purpose for the closed meeting of the Layton City Council on the **2nd day of May, 2024**, was to discuss pending or reasonably imminent litigation.

Dated this 20th day of June, 2024.

ATTEST:

JOY PETRO, Mayor

KIMBERLY S READ, City Recorder