

**MINUTES OF LAYTON CITY
COUNCIL MEETING**

NOVEMBER 1, 2018; 7:03 P.M.

**MAYOR AND COUNCILMEMBERS
PRESENT:**

**MAYOR BOB STEVENSON, JOYCE BROWN,
BRUCE DAVIS, TOM DAY, SCOTT FREITAG
AND JOY PETRO**

STAFF PRESENT:

**ALEX JENSEN, GARY CRANE, BILL WRIGHT,
TIM WATKINS, LON CROWELL, TERRY
COBURN, DAVID PRICE AND KIM READ**

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

Mayor Stevenson opened the meeting and led the Pledge of Allegiance. Councilmember Day gave the invocation. Scouts and students were welcomed.

MINUTES:

Kim Read, City Recorder, directed the Council to the minutes from the October 4, 2018 City Council Meeting and informed the Council they reflected Bill Wright in attendance at that meeting. He did not attend that meeting and Ms. Read indicated she had made that correction.

MOTION: Councilmember Davis moved and Councilmember Day seconded to approve the minutes of:

**Layton City Council Work Meeting – August 16, 2018;
Layton City Council Work Meeting – September 6, 2018;
Layton City Council Meeting – September 20, 2018; and
Layton City Council Meeting – October 4, 2018.**

The vote was unanimous to approve the minutes as written.

MUNICIPAL EVENT ANNOUNCEMENTS:

Councilmember Petro acknowledged the Davis Arts Council's Legend of Sleepy Hollow event and stated it had been well received and was successful. She mentioned it had been funded with RAMP funds. She announced the City would be recognizing Veterans Day on Saturday, November 10, 2018 with a parade beginning at 11:11 a.m. and reviewed the parade route. She stated a ceremony would take place near the Vietnam Wall.

Mayor Stevenson announced the Interfaith Concert was scheduled to take place on Sunday, November 18, 2018 at Layton High School. He mentioned this was an excellent performance. He indicated the following night, Monday, November 19, 2018, the Christmas Lighting ceremony was scheduled to begin at 6:00 p.m. at Layton High. He stated musical numbers would be provided by elementary schools after which participants would walk to Constitution Circle for the lights to be turned on. He indicated cookies would be available in the museum and the Rotary Club would be selling hot chocolate in the park. He mentioned new lighting attractions had also been added. He mentioned the large bowery located at the top of Constitution Circle would soon be demolished allowing better visibility for the Vietnam Wall.

Councilmember Petro announced the following events:

- Parks and Recreation would be holding the annual Turkey Bowl on Saturday, November 17, 2018.
- Free Hayrides in the Park sponsored by Parks and Recreation was scheduled for Wednesday, December 5, 2018.
- Davis Arts Council Christmas Concert with Nathan Pacheco was almost sold out.

Councilmember Brown announced the new Layton City app was available for your phone and briefly reviewed how it could be used.

PRESENTATIONS:

PROCLAMATION – MODERATE INCOME HOUSING

Mayor Stevenson read the Moderate Income Housing proclamation and stated the City was in support of the proclamation. Following the reading of the Proclamation he asked if there were any questions of the Council and there were none.

CITIZEN COMMENTS:

Darren Janes, 1001 East 1500 North, expressed concern regarding the Versa Dog Training land-use adjacent to his property. He informed the Council what he had been told when he completed due diligence prior to purchasing his home, and subsequent information obtained through reviewing minutes, GRAMA requests and questioning key Staff. He expressed concern the land use had been granted by the City and pointed out issues which he believed were the negative impacts; a 20,000 square foot building, an unlimited number of dogs, to the adjacent residential development.

Mayor Stevenson stated he didn't respond to the original email because he believed Mr. Janes would be attending a City Council meeting in September to address the Council during the citizen comment portion at that time. He requested Mr. Crane respond to Mr. Janes' comments.

Gary Crane, City Attorney, responded he had sent a letter to Mr. Janes explaining the process used by the City and pointed out Mr. Janes had expressed disagreement with that explanation; he believed the Conditional Use process under the ordinance adopted by the City Council in May. He further explained the use was a "permitted use" under the previous zoning ordinance.

Mr. Janes reported he had begun working with the State's Property Rights Ombudsman. He inquired when the City would require a comprehensive review of the land use in moving forward. He believed this allowed an unlimited number of dogs and indefinite amount of traffic.

Mr. Crane responded the use was limited due to acreage by ordinance and explained the formula; based on six acres of property, used to determine the allowed number. He pointed out the conditional use would allow a larger number of dogs if the City used the most current ordinance to regulate the land use and reiterated the previous ordinance had been used when the land use was requested by the applicant which designated a specific number of animals per acre. He stated this was the ordinance the City was using specific to enforcement.

Bill Wright, Community and Economic Development Director, explained the owner of the business first inquired about the property in 2016 and the interpretation made at that time; the keeping of dogs for training purposes was similar to allowing sheep or goats as a standard to the agriculture property. The property was purchased and the business began operating in a tent until a building, allowed in the agriculture zone, could be constructed. He emphasized all of this was done prior to the pet services zoning designation. He explained the new code was specific criteria for the allowed number of dogs; one dog per every 300 square feet. He emphasized the interpretation that was made in 2016 for the land use vested that particular use. He continued to explain the owner proceeded through the site plan approval process in order to construct the building and

reviewed those requirements which had been met. He pointed out during the business licensing process the number of dogs had been restricted similar to the number of the sheep allowed per acre, which was significantly lower than what would be allowed under the pet services ordinances. He estimated the restriction would allow no more than 27 dogs at the facility. He stated if the new standard was applied the owner would be restricted of approximately 55 or 56 on the outside portion of the property. He expressed his opinion Mr. Janes disagreed with the 2016 interpretation of the use and stated it was the most restrictive use of the property.

Mr. Wright reported the City had requested some changes specific to signage and identifying the address of the property, and the address be reflected on the mailbox, which the business/property owner had complied. Mr. Crane also identified other aspects associated with the business which were addressed during the business licensing process such as hours of operation, maximum number of 27 animals, specifics associated with the building, special events, signage, the use of banners.

Mr. Janes requested the City follow and enforce its ordinance for a second time.

Mayor Stevenson asked Mr. Janes if he believed there were more than 27 dogs at the property. Mr. Janes responded the property had dramatically changed since he moved into his home and spoke to some of the changes. He believed the current property owner was building and planning for the future and disagreed the more restrictive ordinance had been applied to the land use of the property. Mayor Stevenson responded Code Enforcement would enforce there were no more than 27 dogs at the property. He invited Mr. Janes to meet with himself and Staff to discuss his concerns. He stated the City couldn't interfere with what was allowed under the land use ordinance.

Mr. Janes read the City's Mission Statement.

Edwin Stafford, 2955 Hill Field Road, expressed his opinion Utah didn't provide services for disabled individuals. He spoke to issues he experienced regarding public transportation and the food bank/pantry and shared his personal experience with the Council. Mayor Stevenson clarified Mr. Stafford's purpose in addressing the Council was for assistance with bus routes and the food pantry. Mr. Stafford responded his frustration had to do with everything. Mayor Stevenson stated these issues would best be addressed by other agencies not directly related to City services and invited Mr. Stafford to make an appointment with him to provide appropriate contacts to address his concerns.

CONSENT AGENDA:

ENTERING INTO AN INTERLOCAL AGREEMENT BETWEEN LAYTON CITY AND DAVIS COUNTY FOR THE ADAMS CANYON/BONNEVILLE SHORELINE TRAILHEAD IMPROVEMENTS TRANSPORTATION PROJECT – ACCEPTING THE DAVIS COUNTY PROP ONE 2017 FUNDED GRANT AWARD – RESOLUTION 18-71 – LOCATED ON EASTSIDE DRIVE, EAST OF THE US-89/OAK HILLS DRIVE INTERSECTION

Dave Price, Parks and Recreation Director, explained the City had applied for the use of Prop One funds from Davis County for the purpose of constructing the Adams Canyon/Bonneville Shoreline Trailhead improvements. He indicated the City was notified it would be awarded \$385,677 grant funds and stated the resolution would authorize an interlocal agreement with Davis County to formalize the use of Prop One Grant Funds. He indicated the City would be coordinating with UDOT as it completed the Highway 89 Improvement Project.

BID AWARD – JORDAN VALLEY CONSTRUCTION, INC. – FORT LANE SIDEWALK IMPROVEMENTS, PROJECT 18-70 – RESOLUTION 18-72 – VARIOUS LOCATIONS ALONG FORT LANE

Terry Coburn, Public Works Director, introduced the resolution and the bid award to Jordan Valley Construction for sidewalk improvements to the Council. He stated the majority of the project was for the

installation of sidewalk and curb and gutter at the Rainbow/Fort Lane intersection. He stated the Rainbow diagonal would then have curb and gutter on the east side of Fort Lane toward the power substation. He explained how that would be accomplished due to the hillside next to the road. He also reviewed the other various locations where the sidewalk improvements would be completed which would provide sidewalk along Fort Lane from Antelope Drive to Main Street. He stated approval of Resolution 18-72 authorizes the execution of the agreement between the City and Jordan Valley Construction for the project. He reviewed the scope of the project and reported five bids were received with the lowest responsible bid of \$299,679 submitted by Jordan Valley and recommended approval.

The Mayor asked for questions from the Council and there were none; however, Councilmember Freitag requested Mr. Coburn pass on his appreciation to the Public Works Staff for their efforts to complete the pot hole repairs along 2200 West below Antelope Drive. Mayor Stevenson mentioned he had received positive feedback from a resident regarding Public Work improvements in the Summerhaze area.

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

PUBLIC HEARINGS:

REZONE REQUEST – EGGETT REZONE – R-1-8 (SINGLE FAMILY RESIDENTIAL) TO R-2 (SINGLE AND TWO FAMILY RESIDENTIAL) – ORDINANCE 18-36 – 1392 EAST GORDON AVENUE

Tim Watkins, City Planner, shared a visual illustration of the parcel. He pointed out long range planning had identified Gordon Avenue as an arterial street once connected to Highway 89 and suggested traffic would increase along that road. He stated the Layton Forward future land use map and General Plan reflected an R-2 zone was appropriate to arterial streets acting as transitions or buffers from busy streets to interior subdivision streets. He explained the proposed rezone and stated the parcel could support a twin home. He reported the Planning Commission reviewed the request and recommended approval at its meeting on Tuesday, October 9, 2018 and Staff supported the recommendation.

Mayor Stevenson opened the public hearing at 7:52 p.m.

There were no public comments.

MOTION: Councilmember Davis moved to close the public hearing at 7:53 p.m. and approve the Rezone Request – Eggett Rezone – R-1-8 (Single Family Residential) to R-2 (Single and Two Family Residential) – Ordinance 18-36 – 1392 East Gordon Avenue. Councilmember Freitag seconded the motion, which passed unanimously.

REZONE REQUEST – WEAVER REZONE – A (AGRICULTURE) TO R-1-8 (SINGLE FAMILY RESIDENTIAL) – ORDINANCE 18-37 – 523 WEST WEAVER LANE

Mr. Watkins oriented the Council to the location of the property and shared a visual illustration. He stated the rezone request was consistent to the General Plan and was also consistent with the surrounding zoning and development of single family residential. He reported the Planning Commission voted unanimously to recommend approval during its meeting of Tuesday, October 9, 2018 and Staff supported the recommendation.

Mayor Stevenson opened the public hearing at 7:55 p.m.

There were no public comments.

Councilmember Freitag requested clarification regarding 650 South and Councilmember Petro indicated it would become a cul-de-sac.

Councilmember Petro asked if there any restrictions or easements associated with Kays Creek adjacent to the parcel and Mr. Watkins responded there was a maintenance access and flood plain easement which would be addressed with the setback associated with construction. He also mentioned there was an existing trail on the east side of Kays Creek.

MOTION: Councilmember Freitag moved to close the public hearing at 7:56 p.m. and approve the Rezone Request – Weaver Rezone – A (Agriculture) to R-1-8 (Single Family Residential) – Ordinance 18-37 - 523 West Weaver Lane. Councilmember Brown seconded the motion, which passed unanimously.

The meeting adjourned at 7:58 p.m.

Kimberly S Read, City Recorder