

**MINUTES OF LAYTON CITY  
COUNCIL MEETING**

**APRIL 18, 2013; 7:02 P.M.**

**MAYOR AND COUNCILMEMBERS  
PRESENT:**

**MAYOR J. STEPHEN CURTIS, MICHAEL  
BOUWHUIS, JOYCE BROWN, BARRY FLITTON  
AND JORY FRANCIS**

**ABSENT:**

**SCOTT FREITAG**

**STAFF PRESENT:**

**ALEX JENSEN, GARY CRANE, TERRY KEEFE,  
KEVIN WARD, JIM MASON, TERRY COBURN,  
BILL WRIGHT, PETER MATSON AND THIEDA  
WELLMAN**

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

Mayor Curtis opened the meeting and excused Councilmember Freitag. Boy Scout Tegan Robinson with Troop 419 led the Pledge of Allegiance. Scott Quinney gave the invocation. Scouts from Troops 419, 35, 741 and 480 were welcomed.

**MINUTES:**

**MOTION:** Councilmember Bouwhuis moved and Councilmember Brown seconded to approve the minutes of:

**Layton City Council Work Meeting – March 7, 2013; and  
Layton City Council Meeting – March 7, 2013.**

The vote was unanimous to approve the minutes as written.

**MUNICIPAL EVENT ANNOUNCEMENTS:**

Councilmember Brown said tomorrow night the Family Recreation Program activity, Flap Jack Friday and Bingo Night, would be held at the Central Davis Jr. High gymnasium from 6:00 p.m. to 8:00 p.m. She said the May activity would be held on May 20th, and would include miniature golf and regular golf at Swan Lakes Golf Course from 4:00 p.m. to 8:00 p.m. The June activity would be held on June 8th and would be a free fishing day at Andy Adams pond.

Councilmember Brown indicated that registration for many recreation classes and the fun run at the Liberty Days celebration would begin on May 1st.

**PRESENTATIONS:**

**TERRY KEEFE – POLICE CHIEF OF THE YEAR**

Mayor Curtis said tonight the City had the opportunity to honor Chief Terry Keefe for being the Police Chief of the Year for Utah.

Alex Jensen, City Manager, said the City would like to give recognition to Chief Keefe for being recognized by the Utah Chiefs of Police as the Police Chief of the Year. He indicated that Chief Keefe had served for the last 6 years as President of that organization. Alex said Chief Keefe was known as the voice of law enforcement for the State of Utah, and was extremely well respected.

Alex said Chief Keefe had been in law enforcement for 39 years and had been the Chief in Layton for the last

14 years. Alex said one of the very best decisions he had made as the City Manager was to hire Terry Keefe. He said Terry was extremely professional. Alex also recognized Chief Keefe's wife, Jan, for her support of Terry over the years. Terry and Jan came forward to shake hands with the Mayor and Council.

Mayor Curtis said it was a privilege to know Chief Keefe; he did an excellent job for the City.

Councilmember Bouwhuis said in the last two years, there had been some pretty horrendous crimes in Layton involving children. He said Chief Keefe helped his people deal with those situations; Chief Keefe was a great leader.

Councilmember Flitton said the indication of a good leader was the result of the people he led. He said one of Chief Keefe's officers was now the Chief of Police in one of the neighboring communities. Councilmember Flitton said you couldn't get a better compliment than that.

Councilmember Brown said Chief Keefe implemented a yearly recognition luncheon for his officers. She said Chief Keefe was always good at giving the officers credit for the work they did; she appreciated being able to recognize Chief Keefe this evening for the work he did, because he was not one that took recognition, he gave recognition.

Councilmember Francis said it took a great leader like Chief Keefe to do the things he did with such a large land mass like Layton. He said being new to the Council, Chief Keefe had taught him how it really worked; it was incredible the things Chief Keefe did. Councilmember Francis said he had the opportunity to ride along with some of the officers and they spoke very well of Chief Keefe.

#### **RECOGNITION OF COMMUNITY EMERGENCY RESPONSE TEAM (CERT) GRADUATES**

Kevin Ward, Fire Chief, said there were 75 CERT graduates from the most recent training class. He said with recent events in the nation, trained citizens stepped in and helped. Kevin explained the CERT program. He indicated that Layton had over 2,000 people trained in the CERT program, which was one of the highest in the State. Kevin read the names of the graduates, who came forward to shake hands with the Mayor and Council.

#### **CONSENT AGENDA:**

#### **APPOINTMENT OF MAYOR PRO TEM**

Gary Crane, City Attorney, said he wanted to explain, for the benefit of the public, the agenda process. He said prior to this meeting there was a work meeting; many of the items on the regular agenda were discussed in a work meeting. Gary said also in the work meeting, the Council took care of other business; this evening the last part of the work meeting was dedicated to a personnel evaluation. He said that was one of very few reasons that the Council could close a meeting; in order to discuss the character, professional competence or physical or mental health of an individual.

Gary said this first agenda item was a matter of business that was handled on a regular basis. He said the Mayor Pro Tem stood in place of the Mayor in case the Mayor ever became incapacitated or unable to perform his duties, or if he was just absent from a meeting. Gary said traditionally in Layton, the Mayor made a recommendation to the Council, and the Council elected that person by supporting the Mayor's appointment. He said this evening Mayor Curtis recommended that Jory Francis be appointed to the position of Mayor Pro Tem. Gary said it would be the Council's opportunity to vote in favor of that recommendation, or express any concerns against that recommendation. He said it was an election process.

Mayor Curtis asked the Council to vote on sustaining Councilmember Francis in the capacity of Mayor Pro Tem, and thank the outgoing Mayor Pro Tem, Councilmember Flitton. The vote was unanimous in support of Councilmember Francis being appointed as Mayor Pro Tem.

Councilmember Brown said for clarification, this was just for if the Mayor was absent, or became unable to serve. She said if the Mayor was unable to serve for an extended period of time, or resigned, this would not be a permanent appointment for Councilmember Francis. Councilmember Brown said at that point, the City would be required to take applications and appoint someone to replace the Mayor.

Gary said that was correct. There was a separate process for permanent vacancies in the Council or Mayor's seat.

Mayor Curtis said it was customary to rotate the Mayor Pro Tem position on an annual basis, even before his time. He said Councilmember Francis had yet to serve in this capacity.

**BID AWARD – WASATCH WEST CONTRACTING LLC – SPLASH PAD AT ELLISON PARK – 650 NORTH 2200 WEST – RESOLUTION 13-17**

Dave Price, Parks and Recreation Director, said Resolution 13-17 authorized the execution of an agreement with Wasatch West Contracting for the construction of a splash pad at Ellison Park. He said the project included the installation of all plumbing, electrical, water recirculation system, concrete pad, water sprays and play equipment. Dave said four bids were received with Wasatch West Contracting submitting the lowest responsive, responsible bid of \$217,600; the City's estimate was \$200,000. He said Staff recommended approval.

Councilmember Brown asked Dave to explain the location of the splash pad and when it would be opening.

Dave said the splash pad would be located at Ellison Park on the west side of the City. He identified the specific location on a map. Dave said construction would begin right away with a grand opening planned for the weekend before July 4th.

**BID AWARD – MORGAN PAVEMENT MAINTENANCE – 2013 SLURRY SEAL – RESOLUTION 13-18**

Terry Coburn, Public Works Director, said Resolution 13-18 authorized the execution of an agreement with Morgan Pavement Maintenance for the 2013 slurry seal project. Terry said the project included the placement of 53,300 square yards of Type II slurry seal material, 18,700 square yards of Type III slurry seal material and associated work items. He said the project would help extend the life of recently constructed and re-constructed roads. Terry said three bids were received, with Morgan Pavement submitting the lowest responsive, responsible bid of \$66,429.89; the engineer's estimate was \$100,000. He said Staff recommended approval.

Councilmember Flitton asked what the difference was between Type II and Type III slurry seal.

Terry said it was the thickness of the product.

**BID AWARD – GRANITE CONSTRUCTION COMPANY – 2013-2014 STREET MAINTENANCE – RESOLUTION 13-19**

Terry Coburn said Resolution 13-19 authorized the execution of an agreement with Granite Construction Company for the 2013-2014 street maintenance project. Terry said this project included the installation of 10,400 tons of asphalt overlay material, 30,000 square yards of roto-milling, 20,000 square yards of underlayment fabric, adjustment of manhole box and valve covers, raising to grade existing covers that were covered with asphalt, and all other associated work items. He said the project would improve the condition, safety and life of various roads throughout the City. Terry said six bids were received with Granite Construction submitting the lowest responsive, responsible bid of \$723,280; the engineer's estimate was \$800,000. He said Staff recommended approval.

**MOTION:** Councilmember Flitton moved to approve the Consent Agenda as presented. Councilmember

Bouwhuis seconded the motion, which passed unanimously.

**PUBLIC HEARINGS:**

**AMEND TITLE 19, SECTION 19.06.010 (TABLE 6-2) AND 19.14.100 – ADDING ANIMAL CLINIC OR PET HOSPITAL AS A CONDITIONAL USE IN THE CP-1 ZONE – ORDINANCE 13-08**

Bill Wright, Community and Economic Development Director, said Ordinance 13-08 was a proposed text amendment to the zoning ordinance to allow an animal clinic or pet hospital as a conditional use in the CP-1 zone. He said the applicant was a property owner, Shawn Hackett, who owned property at 1014 West Gentile Street. Bill said Mr. Hackett was approached by Dr. Cody Ferber, a veterinarian, inquiring about the opportunity to locate a pet clinic at that location. He said the property was in a CP-1 zone, which currently did not allow for that type of use.

Bill said the application was analyzed, not only for the location on Gentile Street, but also for other CP-1 zones located in the City. He identified the CP-1 zones on a map. Bill said generally, CP-1 zones abutted single family and other residential uses and therefore it was important that this type of use be a conditional use to allow for further review by the Planning Commission on specific site issues.

Bill said Staff felt that there was a rational basis for considering this change to the Code, but felt that it was important to have some specific conditions on the use. He said those conditions specifically addressed that there would be no outdoor boarding in a kennel environment; no overnight kennel operations, overnight stays would be for treatment only; animals would need to be on a leash for exercise and relief; there were provisions for noise attenuation in the structure; animal product or refuse would be required to be double bagged to deal with odor issues; and deceased animals would be required to be stored in freezers until they could be removed from the site.

Bill said the Planning Commission recommended approval and Staff supported that recommendation.

Councilmember Brown asked if the use would need to be fenced.

Bill said typically in the CP-1 zone there were buffering and fencing requirements between the use and residential areas. He said as animals were not allowed outside without being on a leash, Staff would not recommend a separate fenced area. Bill said if there was a situation where there wasn't a fence separating the commercial use from a residential use the Planning Commission could require that as part of the conditional approval process.

**Mayor Curtis opened the meeting for public input.** None was given.

**MOTION:** Councilmember Bouwhuis moved to close the public hearing and approve the amendments to Title 19, Ordinance 13-08, adding animal clinic and pet hospital as a conditional use in the CP-1 zone. Councilmember Brown seconded the motion, which passed unanimously.

**GENERAL PLAN AMENDMENT AND REZONE REQUEST – VILLAS ON MAIN – C-H TO R-M2 PRUD – APPROXIMATELY 1425 N. MAIN STREET – ORDINANCE 13-14 AND 13-09**

Bill Wright said Ordinances 13-14 and 13-09 involved a General Plan amendment and rezone request for property located at approximately 1425 North Main Street. Bill said this was in association with the Villas on Main, which was an apartment community under construction. He said the request was for a General Plan amendment from commercial to high density residential, and a rezone request from C-H to R-M2 PRUD, which was a zone consistent with the surrounding area.

Bill said the request was to add the rear portion of a property that was adjacent and to the south of the Villas on Main to that project. He said the frontage portion of the property would remain commercial; the rear portion of the property, which contains just under 1 acre, would be added to the Villas on Main to allow for

construction of an additional 24 units; 12 one bedroom and 12 two bedroom units. Bill said the depth of the commercial lot was difficult to market for a commercial user and the likelihood was that a commercial use would occupy the front portion of the property and the rear portion would be used for outdoor storage, or not much of a use. He said Staff felt that there was logic and good purpose for adding the rear portion of the property to the Villas on Main.

Bill said the Villas on Main, this property, and the commercial portion of the property all used a joint driveway access onto Main Street. He said the Planning Commission recommended approval and Staff supported that recommendation.

Councilmember Flitton asked if the proposed rezoned property was 500 feet deep.

Bill said no; the entire piece was 500 feet, but the rezoned portion was 300 feet. He said the remaining commercial area would be 200 feet deep.

Councilmember Brown said it was brought up in the Planning Commission meeting that someone had asked what would keep the Villas on Main from expanding into the property to the south. She asked Bill to address that.

Bill said once the additional building was constructed, it would be very difficult to expand to the property to the south. He said the VFW, to the south, was not interested in selling their property.

**Mayor Curtis opened the meeting for public input.** None was given.

**MOTION:** Councilmember Francis moved to close the public hearing and approve the General Plan Amendment and rezone request, Ordinances 13-14 and 13-09. Councilmember Flitton seconded the motion, which passed unanimously.

**CITIZEN COMMENTS:**

Glen Leonard, 672 Leonard Lane, Farmington, Utah, said he had written a history of Davis County, but was here this evening representing the Mormon History Association. He said in June more that 700 people would be visiting the Davis Conference Center to attend their 48th annual meeting. Mr. Leonard explained some of the planned activities. He invited everyone to attend.

**MOTION:** Councilmember Francis moved to close the regular meeting and reconvene the closed door meeting at 7:56 p.m. Councilmember Bouwhuis seconded the motion, which passed unanimously.

**The meeting adjourned at 7:56 p.m.**

---

Thieda Wellman, City Recorder