

**MINUTES OF LAYTON CITY
COUNCIL MEETING**

DECEMBER 3, 2020; 7:02 P.M.

**MAYOR AND COUNCILMEMBERS
PRESENT:**

**MAYOR JOY PETRO, ZACH BLOXHAM, TOM
DAY, DAWN FITZPATRICK, CLINT MORRIS,
AND DAVE THOMAS**

STAFF PRESENT:

**ALEX JENSEN, GARY CRANE, CHAD
WILKINSON, TERRY COBURN, DAVID PRICE,
MICHELLE HOWARD, AND KIM READ**

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

Mayor Petro opened the meeting. Councilmember Thomas led the Pledge of Allegiance. Tracy Chatwin, RAMP Chair, gave the invocation. The public was welcomed.

MINUTES:

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

**Layton City Council Work Meeting – September 3, 2020; and
Layton City Council Meeting – November 5, 2020.**

The vote was unanimous to approve the minutes as written.

MUNICIPAL EVENT ANNOUNCEMENTS:

Councilmember Thomas announced the Christmas Lights in Commons Park could be viewed every night until 11:00 p.m. Councilmember Day expressed appreciation to the Parks and Recreation Department. Mayor Petro expressed appreciation to Councilmember Thomas and Don Wilhelm for constructing and lighting the “100”, acknowledging the City’s Centennial.

PRESENTATIONS:

PROCLAMATION – 2020 LAYTON CITY PARKS AND RECREATION VOLUNTEER OF THE YEAR

Michelle Howard, Recreation Supervisor, reminded the Council the Parks and Recreation Department relied heavily upon a number of volunteers to ensure successful programs. She announced the Department would like to acknowledge Michael Trent as Volunteer of the Year. She shared a short background on his relationship with the City as the AYSO (American Youth Soccer Organization) regional commissioner within the community. She announced AYSO was the recognized provider for recreation soccer and explained the City’s Parks and Recreation didn’t provide recreation soccer because AYSO provided an excellent program; however, the City worked very closely with AYSO. She reported Mr. Trent had served as Regional Commissioner with AYSO since 2017 and briefly described his responsibilities which included organizing over 1,400 participants, and 200 volunteers. She added he was appointed as Area Commissioner in January 2020, coordinating Davis, Weber, and Box Elder counties, as well as portions of Wyoming. She pointed out he also worked a full time job, in addition to these added responsibilities.

She announced Mr. Trent was instrumental in coordinating AYSO recreation soccer play and field usage in Layton City, which ensured a high standard of league management. He also contributed to the advancement of the AYSO Extras Program; a stepping stone for players who want to explore a more competitive brand of soccer, without the full expense and commitment of a “Club” team.

Ms. Howard acknowledged Robin Trent, Mr. Trent's wife, in the audience and expressed appreciation to her for sharing him with the City. She expressed appreciation to Mr. Trent on her behalf, Parks and Recreation Department, and the number of children he had impacted over the past four years, for his service.

Mayor Petro read the Proclamation and presented it to Mr. Trent. Ms. Howard presented Mr. Trent with a plaque recognizing his service to the City.

Councilmember Thomas believed the amount of time Mr. Trent had volunteered was astronomical and acknowledged his efforts and the amount of coordination involved for that number of youth.

Councilmember Bloxham expressed his love of soccer and acknowledged Mr. Trent's volunteer efforts on behalf of the City.

Councilmember Fitzpatrick mentioned her granddaughter participated in the "Extra" program and believed it was a beneficial program providing a more competitive program without committing to the fees and rigorous schedule. She commended him and AYSO in the way in which it addressed the COVID Pandemic and was appreciative of those efforts.

CITIZEN COMMENTS:

There were no citizen comments.

CONSENT AGENDA:

AGREEMENT BETWEEN LAYTON CITY AND EVERGREEN HOLDING, LLC – CULINARY WATERLINE IMPROVEMENTS CASING FOR 8-INCH CULINARY WATER PAYBACK AGREEMENT – RESOLUTION 20-71 – MECHAM TOWNS SUBDIVISION

Terry Coburn, Public Works Director, introduced the agenda item to the Council and explained Evergreen Holdings had installed improvements including culinary water improvements which exceeded the typical residential utility requirements in conjunction with Mecham Towns Subdivision. He added the installation of these exceeded improvements would benefit other properties than those owned by the developer. He stated the improvements would be publicly owned and maintained by the City, once they had been granted final acceptance for the subdivision. The City desired to reimburse the Developer for the costs of the exceeded improvements not directly associated with its property, for a total reimbursement amount of \$33,583.09. Staff recommended adoption of Resolution 20-71.

Mayor Petro asked if there were any questions and there were none.

AMENDED PLAT – EAST GATE BUSINESS PARK SUBDIVISION – 1ST AMENDMENT – 3835 NORTH FAIRFIELD ROAD

Chad Wilkinson, Community and Economic Development Director, announced the agenda item and identified its location and an illustration of the entire property, as part of a visual presentation. The illustration identified Lot 102 and he explained its respective owner had requested amending the plat to facilitate expansion opportunities for the business known as Janicki Industries. He explained the new amended plat changed the lot numbers and increased the size of Lot 102 to 9.7 acres. He reported Staff had reviewed the subdivision amendment and recommended approval to the Council.

Mayor Petro asked if the Council had any questions and there were none.

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

PUBLIC HEARINGS:

AMEND LAYTON MUNICIPAL CODE – TITLE 19, ZONING; CHAPTER 19.02, DEFINITIONS; CHAPTER 19.06, LAND USE REGULATIONS; AND SECTION 19.06.030, HOME OCCUPATION – ORDINANCE 20-39

Mr. Wilkinson reminded the Council the Title amendment, specific to Home Occupation zoning standards, had been discussed during previously held work meetings. He stated the Code currently allowed for Home Occupations as an allowed use in residential/single family zones and indicated the proposed changes would provide additional flexibility for home occupations, while adding some standards to provide additional clarity as the standards were administered, while at the same time protecting the character of the residential neighborhood. He shared the highlights of the proposed ordinance:

- Added new processes related to Low Impact and High Impact Home Occupations and defined each of those.
- High Impact were those in which people came into the home such as barbers, consultants, counseling, or home instruction.
- A Layton City Business License would still need to be obtained and reviewed annually.
- Identified limitations, which had already been included, such as: noise, dust, odors, fumes, and other nuisances.
- Set operation hours.
- No structural alterations to change the appearance of the home ensuring it would continue to resemble a home in every way.
- No outdoor storage was allowed, based on the Planning Commission's comments, and any storage associated with the home occupation would need to take place in enclosed vehicles, trailers, or structures.
- A list of restricted businesses was included.

He mentioned an issue from both the Planning Commission and City Council was related to indoor storage and what that would look like. He explained garage storage had been prohibited and was not allowed to replace any required parking, such as in the case of a single family garage of two parking spaces. He shared an illustration to explain the point identifying what would be allowed for both a two car garage and a three car garage.

He mentioned there were some typographical errors identified in the ordinance specific to vehicle allowances and reviewed other use limitations specific to commercial vehicles being stored at a single family residence and indicated the maximum was two vehicles, less than 10,000 pounds, gross vehicle weight or one larger vehicle and mentioned there were some trailer allowances.

He emphasized the bottom line was that these businesses should be invisible to neighbors and have no more impact than what was expected with a single family home, with the exception of the High Impact businesses, in which there were processes to ensure Conditions of Approval were added to mitigate potential concerns of neighbors. He noted nothing hazardous to the public would be allowed, as well as an excessive demand for public utilities and/or services. He mentioned no neighborhood disruptions would be permitted.

He announced Staff recommended approval of Ordinance 20-39, including the typographical changes, and asked if there were any questions.

Councilmember Fitzpatrick suggested internet should be considered a utility with regard to the Use Limitations specific to excessive demand. Mr. Wilkinson believed that would need to be regulated by the internet service provider and didn't believe that needed to be specifically called out in the ordinance.

Councilmember Thomas requested clarification how a High Impact business would be defined. Mr. Wilkinson referred to the illustration and reviewed the definition. He responded Staff would review the application and as part of that process, mitigating conditions would be considered such as: limiting hours,

limiting the number of visitors, and parking. He suggested each individual property would be different and reminded the Council, neighbors would be asked to sign the application allowing the specific use. He indicated if neighbors expressed concern with the signature process, the application could then proceed through the Conditional Use granted by the Planning Commission. He shared some other examples which would be considered during the review process and believed the ordinance allowed discretion and flexibility when needed.

Councilmember Bloxham appreciated the discussions which had taken place and information provided by Staff. He acknowledged Councilmember Morris for being instrumental in amending the ordinance and believed the COVID Pandemic had significantly impacted the need for the City to address Home Occupation businesses and suggested this ordinance would facilitate that use.

Mayor Petro opened the public hearing at 7:34 p.m.

Mayor Petro called for public comment.

There were no public comments.

MOTION: Councilmember Morris moved to close the public hearing at 7:35 p.m. and adopt Ordinance 20-39 – amendments to Title 19, Zoning; Chapter 19.02, Definitions; Chapter 19.06, Land Use Regulations; and Section 19.06.030, Home Occupation, as presented. Councilmember Fitzpatrick seconded the motion, which passed with the following vote: **Voting AYE – Councilmembers Thomas, Morris, Fitzpatrick, Bloxham, and Day. Voting NO – None.**

UNFINISHED BUSINESS:

Councilmember Thomas reminded the Council it was Sub for Santa time of the year and encouraged participation.

Councilmember Day expressed concern regarding the one public microphone in the Council Chambers. Alex Jensen, City Manager, responded Staff had already been asked to look into the issue.

Councilmember Day expressed concern about the semi-truck parking associated with Smith's warehouse. He reported Mr. Randall had contacted him earlier today regarding recent activities which impeded its business and asked for the City's assistance. Mr. Jensen reported Staff had communicated with the business' representatives regarding that issue and stated he would again reach out to them. He inquired whether Mr. Randall had been notified by the Police Department regarding the most current issue and Councilmember Day wasn't aware if that had taken place. Councilmember Fitzpatrick mentioned she had even experienced parking issues in that area during the daytime hours.

Mayor Petro asked who would take the lead on this issue and who would be responsible for the follow through. Mr. Jensen responded he would follow through and suggested a strong police enforcement might be needed. He believed the issue was that the semi-trucks weren't operated by Smith's; rather they were independent contractors hired by Smith's. Councilmember Day expressed agreement with Mr. Jensen that enforcement was needed and thanked him for following through.

Councilmember Thomas pointed out he had even witnessed a semi-truck parking along Hill Field Road right next to the railroad tracks, which he believed could be a safety issue.

The meeting adjourned at 7:45 p.m.

Kimberly S Read, City Recorder