

**MINUTES OF LAYTON CITY
COUNCIL MEETING**

DECEMBER 2, 2021; 7:05 P.M.

**MAYOR AND COUNCILMEMBERS
PRESENT:**

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

EXCUSED:

COUNCILMEMBER TOM DAY

STAFF PRESENT:

ALEX JENSEN, GARY CRANE, 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 Councilmember Day was excused from the meeting and indicated the possibility of him participating electronically. She led the Pledge of Allegiance. Resident Debbie Barlow offered the invocation.

MINUTES:

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

**Layton City Council Meeting – September 2, 2021;
Layton City Council Work Meeting – November 4, 2021;
Layton City Council Meeting – November 4, 2021; and
Layton City Council Special Work Meeting – November 16, 2021.**

The vote was unanimous to approve the minutes as written. **Councilmember Day was not present for the vote.**

MUNICIPAL EVENT ANNOUNCEMENTS:

Councilmember Thomas announced Layton City Family Recreation would be hosting family hay rides beginning at the little league ball diamonds through the ‘Lights Before Christmas’ at Commons Park on Tuesday, December 7, 2021 from 6-8 p.m.. He mentioned the lighting display this year was fabulous and encouraged visits throughout the holiday season.

Mayor Petro announced the (Davis Arts Council) DAC the Halls Christmas program was scheduled for Saturday, December 11, 2021, 7:00 PM, in the Layton High School Auditorium. She mentioned tickets were still available.

She announced the Council would continue selecting the 12 Lights of Christmas again this year which would take place later in the month of December.

PRESENTATIONS:

There were no presentations.

CITIZEN COMMENTS:

Amy Motta, 1174 Milton Avenue, SLC, a volunteer with the Humane Society, requested the Council

consider adopting a Humane Pet Store ordinance. She emphasized the ordinance wouldn't negatively affect local breeders and mentioned although Layton City didn't currently have any pet stores which sold puppies from puppy mills, it still needed to have an ordinance in place to prevent this from happening in the future. She reported on the situation taking place in St. George, Utah, in which it was receiving numerous complaints and issues associated with puppy mill dogs being sold at local pet stores. She stated she had a sample ordinance for the Council and indicated she would be happy to meet and discuss the issue further, if so desired.

Mayor Petro requested Ms. Motta provide the sample ordinance to Mr. Crane.

Brad Richins, 1902 East 2125 North, complimented the City for its Christmas light display. He expressed appreciation to Mayor Petro for visiting the mobile home park residents with representatives from Open Doors. He indicated 8 of the 14 home owners facing relocation within the next 89 days were in the audience. He provided a brief update regarding what had taken place with some of the mobile homes and informed the Council none of the residents wanted subsidized housing, known as Section 8 vouchers. He emphasized the residents weren't fighting the redevelopment of the property; rather, they were looking for housing options they could afford. He referenced SB115 legislation adopted in 2009 which allowed municipalities to assist with relocation expenses for residents in mobile home parks. He stated the residents were requesting the City's assistance in identifying the taxable value of those homes and receiving that revenue which could be used for current housing options. He believed the City had some responsibility with the issue and suggested tax increment funding could be used for this purpose as identified in the legislation. He requested clarification with how the residents would go about requesting the tax increment funds.

Gary Crane, City Attorney, explained how the tax increment was calculated and recognized by the RDA and explained how it could be used. He clarified if any of the increment was designated to be used for relocation, an agreement was needed between the City and the property owner stating it would reimburse the RDA over a period of time. The discussion continued with Mr. Richins requesting clarification regarding the use of tax increment through the RDA and Mr. Crane explaining the criteria required for its distribution. Mr. Richins concluded any relocation assistance from the tax increment would be at Mr. Winkel's discretion and Mr. Crane responded in the affirmative.

Lauri Motta Eccleston, 1426 East 525 North, Layton, believed the City wouldn't want puppy mill pups sold in Layton City. She shared information regarding the care and living conditions of these animals and informed the Council the legislature had already banned the caging of egg-laying chickens beginning January 2025. She suggested this action was the beginning of encouraging humane treatment of animals and indicated adoption of the proposed ordinance would be a step in keeping with that philosophy.

CONSENT AGENDA:

MOTION: Councilmember Fitzpatrick moved to remove item C from the consent agenda, seconded by Councilmember Morris which passed unanimously. **Councilmember Day was not present for the vote.**

RAILROAD SAFETY GRANT AGREEMENT WITH UTAH DEPARTMENT OF TRANSPORTATION FOR IMPROVEMENTS TO THE RAILROAD CROSSING LOCATED AT 2200 WEST – RESOLUTION 21-53

Stephen Jackson, City Engineer, introduced the agenda item and shared a visual illustration identifying the location of the railroad crossing. He explained the resolution would authorize an agreement with UDOT for improvements to the railroad crossing located at 2200 West. He explained these improvements were necessary for pedestrian safety at the crossing and mentioned the project had been delayed due to extensive costs and reported Staff had vigorously sought out possible funding sources. He informed the Council UDOT had agreed to contribute \$250,000 toward the project and Staff recommended adoption of the agreement.

Mayor Petro expressed appreciation for Staffs' efforts in identifying funding to complete the project.

Councilmember Fitzpatrick inquired about the improvements at the railroad tracks and Mr. Jackson explained how the proposed crossing improvements would be completed contributing to the safety of the crossing and indicated it would be similar to what was in place at other crossings.

ACCEPT THE MATERIAL TERMS OF THE NATIONAL OPIOID SETTLEMENT AGREEMENTS AND TO AUTHORIZE THE CITY MANAGER TO EXECUTE THE RELATED DOCUMENTS – RESOLUTION 21-54

Mr. Crane explained the ordinance would authorize the City Manager to execute the agreement, as designated by the federal government. He pointed out this was a class action settlement agreement in which a majority mass of cities would need to agree to in order for the full agreement to come to fruition; thus entitling the state to receive a portion of compensation funds for wrongs by two separate drug companies involved with the opioid crisis. He mentioned those funds would be used in assisting treatment, counseling, and other aspects associated with the opioid crisis. He reported Staff believed the agreement was a fair settlement; however, nothing could possibly compensate for everything which had occurred as a result of these drugs being easily available and suggested it would go a long way in providing some assistance to victims.

Councilmember Bloxham clarified whether political subdivisions could take on this litigation alone and Mr. Crane responded in the affirmative; however, that would require a significant amount of money and time. He stated 44 states would need to join together in order for this to move forward.

ANNEXATION REQUEST – ROBINSON ANNEXATION – RESOLUTION OF INTENT TO ANNEX PROPERTY – RESOLUTION 21-52 – APPROXIMATELY 3654 WEST 100 SOUTH

Chad Wilkinson, Community and Economic Development Director, explained the resolution stated the City's intent to annex property and shared a visual presentation. He stated the annexation process would be different than what the Council was familiar with in the past. He identified the location of the parcel on an illustration and explained state code allowed the City to consider annexation of a peninsula, and reviewed the definition of a peninsula. He concluded the parcel was compliant with the definition and allowed the City to consider the annexation on an expedited process and clarified public notice was still required. He stated the Council was required to adopt a resolution of intent to annex. He reported the property owner intended to complete improvements which would straddle the current City boundary; therefore, the annexation would bring the peninsula property within Layton City boundaries. He announced Staff recommended approval and asked if there were any questions.

Councilmember Bloxham clarified the improvements would be finished upon completion of the annexation process. Mr. Wilkinson responded some of the improvements had already been initiated due to a lack of information provided with a previous annexation application reflecting the location of a boundary. He clarified work on the improvements could continue during the annexation process; however, the improvements shouldn't be completed until the annexation was finalized.

Councilmember Fitzpatrick requested clarification regarding adjacent boundaries and Mr. Wilkinson responded the boundary in question was within the Davis County boundary and pointed out the parcel was included in the City's Annexation Plan. He indicated an agreement specific to this annexation would come forth at a later date.

MOTION: Councilmember Bloxham moved to approve the Consent Agenda: Resolution 21-53, Resolution 21-54, and Resolution 21-52, as presented: Councilmember Fitzpatrick seconded the motion, which passed unanimously. **Councilmember Day was not present for the vote.**

AUTHORIZING THE ACQUISITION OF INTERESTS IN REAL PROPERTY FOR THE CONSTRUCTION OF A TRAFFIC TURN LANE LOCATED ON THE SOUTHWEST CORNER OF FLINT STREET AND GENTILE STREET BY NEGOTIATIONS OR BY EMINENT DOMAIN – RESOLUTION 21-34

Mr. Crane reminded the Council it had tabled this item from its meeting on Thursday, November 18, 2021. He reviewed the agenda item with the Council pointing out it had appropriated funds in the budget for the proposed turn lane road project on Gentile Street. He indicated the resolution allowed Staff to continue moving forward in obtaining the property. He emphasized approval from the Council was required in order for Staff to proceed in obtaining an appraisal, determining the value of the property, and for Staff to continue negotiating with the property owner. He concluded if a settlement agreement cannot be reached with the property owner, the use of eminent domain would be used to acquire the property for this particular use.

Councilmember Fitzpatrick inquired whether the Council could approve the resolution eliminating the term ‘eminent domain’ only authorizing ‘negotiation’ and Mr. Crane responded in the affirmative. He reminded the Council, the attorney for the property owner, Robert Mansfield, had indicated if eminent domain was eliminated there was no need for additional negotiation. He assured the Council, Staff would do everything possible to acquire the property through negotiation. He also pointed out the City had the authority of eminent domain when property was needed for a public purpose, such as a road.

Mayor Petro allowed the property owner to speak.

Robert Mansfield, Attorney, informed the Council he, on behalf of his client, Debbie Barlow, had engaged a licensed engineer, Jason Tuttle, to perform a traffic study, which identified the current intersection performed satisfactorily, which suggested the proposed right turn lane was not needed at this time. He requested the turn lane project be postponed until completion of the West Davis Corridor. He mentioned he had recently learned of the proposal for a lighted intersection at Gentile and King Street to extend to Layton Parkway, which he believed would also impact the need for this improvement. He pointed out Ms. Barlow wasn’t in support of the project and explained how it would negatively impact her which he believed far outweighed any benefits to the public.

Jason Tuttle, Engineer, stated he had been asked by Ms. Barlow to complete a traffic study for 13 hours every day, taken place over a 4-day period; 2 weekdays and 2 days of a weekend. He reported his findings had determined the right hand turn lane wasn’t necessary at this time and suggested the City take a wait and see approach once the West Davis Corridor was completed. He also pointed out he had also just learned of the proposed planned signal intersection at King Street/Gentile Location. He asked if there were any questions and there were none.

Mayor Petro inquired whether the traffic study completed by Mr. Tuttle had included the need for additional traffic and Mr. Tuttle responded there would be an added improvement for those turning ‘right’ at the intersection. He clarified he did not project any traffic needs for the future and concluded there were too many unknowns associated with doing that.

Debbie Barlow, 529 West Gentile Street, informed the Council the property had always been owned by someone in the Barlow Family and considered herself a ‘caretaker’ or ‘protector’ of the property. She believed, due to its historic significance, Gentile Street should remain a community road. She continued to express her opinion there wasn’t a need for the proposed road improvement at this time.

Mayor Petro requested Stephen Jackson, City Engineer, address the proposed King Street and Gentile Street intersection light proposed within the next few years. Mr. Jackson responded the City’s Transportation Master Plan had identified that signaled intersection as a ‘need’ in approximately 2026 due to the amount of traffic on both King and Gentile Streets. He stated one of the challenges in this particular area was the proximity of both the King and Flint Streets intersections on Gentile and explained in order for the signaled intersection to be effective at King Street, the signal at Flint Street would need to be coordinated and timed

correctly for optimum results. He pointed out a combination of both the King Street signal and the proposed right turn lane would not allow one to overpower the other which would have a negative effect for the flow of traffic. A discussion followed regarding the possible traffic flow and modeling to ensure the signal timing for both intersections was appropriately coordinated and pointed out the issue of whether to stop the westbound traffic at Flint Street was heavily studied in 2010. Mr. Jackson concluded considering both projects would ensure a cohesive upgrade to this area of the corridor.

Councilmember Bloxham clarified the City's traffic models had considered projected future traffic and Mr. Jackson responded the City's traffic study completed in conjunction with the Layton Parkway North subdivision had projected traffic into 2024 and also in 2040. He added the City's Master Transportation Plan had considered future traffic into 2040, as well as the Wasatch Front Regional Council's plan projected traffic demand out to the year 2050. He clarified completion of the West Davis Corridor wasn't a deciding factor whether the right turn lane at Flint Street was needed, or not needed; rather, growth was taking place throughout the entire City and County and reminded the Council this improvement had been considered for approximately 15 years, or more. He also reviewed the conditions and standards considered by the City in completing transportation plans and concluded a holistic approach to the transportation network was a determining factor as opposed to one specific intersection.

Mr. Tuttle explained the factors he considered during the analyzation of the intersection and pointed out he wasn't aware of the King Street road extension/intersection at the time he completed his study. He referenced the suggested queuing length for a stop light was far less than 700 feet and disagreed there would be conflict with the two lights on Gentile Street. He inquired if the City's study had considered delay and que length at the intersection at Flint and Gentile Streets and Mr. Jackson responded in the affirmative and it had reflected a que length of 400 feet on both streets, and one study observed queuing of 2,500 down Flint Street. He explained the recommendation was to optimize Flint Street for traffic turning left and in order for that to happen traffic would need to be stopped on Gentile for a longer period of time. Mr. Tuttle indicated he would like to see a copy of the City's study and Mr. Jackson indicated the study was a public record and could be requested.

Mr. Crane pointed out even if Mr. Tuttle's study's results were correct in determining the right turn lane at Gentile and Flint Streets wasn't needed at this time, the City had the right to acquire property in anticipation of future impacts and shared similar examples. He concluded the City had demonstrated its need to acquire the property.

Councilmember Thomas expressed his opinion the negotiation process would be the best way to proceed and expressed confidence with Staff.

MOTION: Councilmember Thomas moved to approve Resolution 21-34 as presented. Councilmember Bloxham seconded the motion. The motion passed with the following vote: **Voting AYE – Councilmembers Thomas, Bloxham, and Morris. Voting NO – Councilmember Fitzpatrick. Councilmember Day was not present for the vote.**

Prior to each councilmember expressing their respective vote, the following comments were revealed: Councilmember Fitzpatrick stated she wasn't aware that funds had been appropriated in the budget for this purpose. She indicated she would be comfortable with negotiations taking place; however, she didn't believe the road improvements were needed at this time.

Councilmember Bloxham clarified his vote was to continue negotiations for the needed property and expressed hope that eminent domain could be avoided. He believed Staff had sufficiently identified reasons for acquiring the property.

Councilmember Morris stated he expressed agreement with Councilmembers Thomas and Bloxham that continued negotiations should take place. He suggested this was one of the tough decisions City Councils have to make and believed the improvements would benefit the City as a whole.

Mayor Petro stated she had been asked to convey Councilmember Day's comments that he didn't believe any road improvements at this location were needed at this time.

PUBLIC HEARINGS:

REZONE REQUEST – 142 SOUTH 2200 WEST REZONE – FROM A (AGRICULTURE) TO R-1-10 (SINGLE-FAMILY RESIDENTIAL) – ORDINANCE 21-28

Mr. Wilkinson identified the parcel on a visual illustration and announced the agenda item. He pointed out the adjacent parcels and their respective uses and explained the proposed rezone was compatible with the existing uses in the vicinity and consistent with the General Plan. He explained that significance. He reported the Planning Commission had considered the rezone during its meeting on Tuesday, November 9, 2021, and recommended approval of the rezone based on consistency with the General Plan and stated Staff also recommended approval.

Mayor Petro asked if there were any questions.

Councilmember Fitzpatrick inquired about the small triangular remnant parcel to the south of the property and Mr. Wilkinson clarified that parcel was also owned by Rocky Mountain Power in conjunction with the power corridor property.

Councilmember Morris believed as the property in the general area developed, the General Plan also provided direction specific to density and Mr. Wilkinson responded in the affirmative. He clarified the density specific to this rezone was considered a low density zone/use.

Councilmember Thomas inquired whether the Council would eventually see the plat for the property as development was proposed and Mr. Wilkinson responded a subdivision plan would eventually be submitted which had a separate review process by the Planning Commission, the designated land use authority. He mentioned some very conceptual plans had been submitted which included the existing home with the parcel split into three additional lots for a total of four homes being configured on the property. He mentioned the possibility of additional lots, for a total of six lots, on the property; however, because of the configuration, shape, and size there really wasn't the potential for a large number of lots.

Mayor Petro opened the public hearing at 8:22 p.m.

Mayor Petro called for public comment.

Robin Waters, 98 South 2200 West, stated she was the adjacent property owner to the north and provided an update on what had taken place during the Planning Commission meeting and informed the Council of the circumstances associated with each commissioner's vote. She pointed out the acting Chair was required to break the tie and justified the AYE vote was for the purpose of allowing further discussion, and either approval or denial, by the City Council. She continued to review the adjacent parcels and respective uses in the area and expressed her desire for the property to remain zoned Agriculture. She believed the City needed to curb residential development and requested the Council deny the rezone.

Tyson Waters, 98 South 2200 West, also spoke against the rezone and expressed concern the proposed zoning could potentially allow too much housing density in the rural West Layton area.

Tom Tudor, 1757 Gregory Drive, stated there was significant traffic on both 2200 West and Gentile Street.

Councilmember Morris requested clarification whether the Planning Commission was the designated land use authority. Mr. Wilkinson responded in the affirmative for the subdivision approval and clarified the City Council was responsible for the rezone. Mr. Wilkinson also clarified the minimum lot size respective to the rezone would be 10,000 square foot.

Councilmember Bloxham clarified the decision specific to the subdivision was ‘administrative’ on behalf of the Planning Commission. He expressed concern with the size and configuration of the parcel and requested Mr. Wilkinson clarify how this could potentially negatively impact the property owner to the north. Mr. Wilkinson referred to the illustration and emphasized the area was carefully considered during the General Plan update process. He believed the proposed rezone was appropriate because it allowed flexibility to the odd-shaped parcel and was still a low density zone and pointed out the zoning was compatible to other uses in the general area. He pointed out the lot sizes would be approximately ¼ acre in size.

Councilmember Bloxham inquired about possible road engineering and access to the proposed homes and Mr. Wilkinson indicated private access ways for flag lots and the existing home would be served by its current driveway.

Councilmember Morris inquired about a structure currently located on the parcel and Mr. Wilkinson believed that would probably be demolished in order to accommodate the additional homes.

Councilmember Fitzpatrick stated she was involved with the General Plan update for approximately five years. She expressed agreement that agriculture land was valuable to Layton City and believed residential development and adjacent agriculture uses could cohabitate together and didn’t believe there would be a detriment in approving this rezone. She expressed agreement the parcel was an odd size; however, that would limit the number of homes allowed in conjunction with the subdivision.

MOTION: Councilmember Morris moved to close the public hearing at 8:43 p.m. and approve the Rezone Request – 142 South 2200 West Rezone – from A (Agriculture) to R-1-10 (Single-Family Residential) – as presented, Ordinance 21-28. Councilmember Fitzpatrick seconded the motion. The motion passed with the following vote: **Voting AYE – Councilmembers Thomas, Morris, Fitzpatrick, and Bloxham. Voting NO – None. Councilmember Day was not present for the vote.**

UNFINISHED BUSINESS:

Councilmember Fitzpatrick inquired if any additional information would be presented regarding the crosswalk on Wasatch Drive and Hawthorne Drive and asked if the investigation regarding the pedestrian accident was completed.

Stephen Jackson, City Engineer, stated Staff had planned to install a street light at the corner of Hawthorne and Wasatch Drive as part of this year’s residential street light installation projects. He explained it would be located closer to Wasatch in order to better illuminate a larger area. He also indicated the flashing lights on the crosswalk signage would also be modified with rapid flashers to better alert motorists. He mentioned the crosswalk at Lindsey and Fort Lane would also be relocated with the rapid flasher signage to bring more attention to motorists.

Mayor Petro asked about speed limit signage along Fort Lane. Mr. Jackson responded new signage had been installed on Antelope Drive and the City would be monitoring its data.

The meeting adjourned at 8:50 p.m.

Kimberly S Read, City Recorder