



All agenda items
in this packet are
preliminary, until
approved by the
Layton City
Council.

**REGULAR MEETING AGENDA OF THE
CITY COUNCIL OF LAYTON, UTAH**

PUBLIC NOTICE is hereby given that the City Council of Layton, Utah, will hold a public meeting in the Council Chambers of the City Center Building, 437 North Wasatch Drive, Layton, Utah, commencing at **7:00 PM on December 15, 2022.**

AGENDA ITEMS:

1. CALL TO ORDER, PLEDGE, OPENING CEREMONY, RECOGNITION, APPROVAL OF MINUTES:

- A. Minutes of Layton City Council Meeting - September 1, 2022
- B. Minutes of Layton City Council Meeting - September 15, 2022
- C. Minutes of Layton City Council Work Meeting - November 3, 2022
- D. Minutes of Layton City Council Meeting - November 3, 2022
- E. Minutes of Layton City Council Work Meeting - November 17, 2022
- F. Minutes of Layton City Council Special Meeting - November 17, 2022
- G. Minutes of Layton City Council Meeting - November 17, 2022

2. MUNICIPAL EVENT ANNOUNCEMENTS:

3. VERBAL PETITIONS AND PRESENTATIONS:

4. CITIZEN COMMENTS:

5. CONSENT ITEMS: (These items are considered by the City Council to be routine and will be enacted by a single motion. If discussion is desired on any particular consent item, that item may be removed from the consent agenda and considered separately.)

- A. Annual Comprehensive Financial Report for the Fiscal Year Ended June 30, 2022

6. PUBLIC HEARINGS:

7. UNFINISHED BUSINESS:

ADJOURN:

Notice is hereby given that:

- A Work Meeting will be held at 6:30 PM to discuss miscellaneous matters.
- This meeting will also be live streamed via laytoncitylive.com and [facebook.com/Laytoncity](https://www.facebook.com/Laytoncity)
- In the event of an absence of a full quorum, agenda items will be continued to the next regularly scheduled meeting.
- This meeting may involve the use of electronic communications for some of the members of this public body. The anchor location for the meeting shall be the Layton City Council Chambers, 437 North Wasatch Drive, Layton City. Elected Officials at remote locations may be connected to the meeting electronically.
- By motion of the Layton City Council, pursuant to Title 52, Chapter 4 of the Utah Code, the City Council may vote to hold a closed meeting for any of the purposes identified in that chapter.

Date: _____

By: _____
Kimberly S Read, City Recorder

Citizen Comment Guidelines

For the benefit of all who participate in a PUBLIC HEARING or in giving PUBLIC COMMENT during a City Council meeting, we respectfully request that the following procedures be observed so that all concerned individuals may have an opportunity to speak.

Electronic Information: An electronic or hard copy of any electronic information presented to the City Council must be submitted to the City Recorder by the end of the meeting.

Time: If you are giving public input on any item on the agenda, please limit comments to three (3) minutes. If greater time is necessary to discuss the item, the matter may, upon request, be placed on a future City Council agenda for further discussion.

New Information: Please limit comments to new information only to avoid repeating the same information multiple times.

Spokesperson: Please, if you are part of a large group, select a spokesperson for the group.

Courtesy: Please be courteous to those making comments by avoiding applauding or verbal outbursts either in favor of or against what is being said.

Comments: Your comments are important. To give order to the meeting, please direct comments to and through the person conducting the meeting.

Thank you.

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MINUTES OF LAYTON CITY COUNCIL MEETING

SEPTEMBER 1, 2022; 7:00 P.M.

MAYOR AND COUNCILMEMBERS PRESENT:

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

STAFF PRESENT:

STEVE GARSIDE, GARY CRANE, CHAD WILKINSON, BRANDON RYPIEN, DAVID PRICE, AND KIM READ

EXCUSED:

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

Mayor Petro opened the meeting and welcomed the public. Councilmember Roberts led the Pledge of Allegiance. Nevinnah Roberts, resident, offered the invocation.

MINUTES:

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

Layton City Council Work Meeting – August 18, 2022.

The vote was unanimous to approve the minutes as written.

MUNICIPAL EVENT ANNOUNCEMENTS:

Councilmember Roberts announced the Parks and Recreation Family Activity, Park After Dark, was scheduled for Friday, September 16, 2022 from 7:30-9:30 p.m. and reviewed some of the planned activities.

Councilmember Smith Edmondson announced the Layton Communities that Care program Strengthening Families, promoting healthy families and communications between parents and children, was scheduled for Monday evenings beginning October 3, 2022 through November 21, 2022 from 6:00 – 8:30 p.m. at Layton

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Elementary. She mentioned free dinner and childcare would be offered and directed interested individuals to visit Davis Behavioral Health website for free registration.

Mayor Petro announced Davis 9/11 Remembers, an educational event remembering the events of September 11, 2001 would be displayed at the Davis County Legacy Events Center in Farmington. She mentioned it would begin the Wednesday following Labor Day, September 7, 2022 through Saturday, September 10, 2022 from 9:00 a.m. to 9:00 p.m. She indicated many of the schools would be attending. She also mentioned in conjunction with the 9/11 Day of Service, there were service opportunities available to be completed on Saturday, September 10, 2022, and encouraged residents to visit the Just Serve website: www.justserve.org to identify the many available service projects.

PRESENTATIONS:

YOUTH COURT GRADUATION AND SWEARING IN

Karlene Kidman, Youth Court Advisor, informed the Council, the City's Youth Court had been in place for 25 years and explained it was a diversion program for juveniles arrested for minor offenses. She mentioned they have the opportunity to admit to their offenses and if the offenders completed the program, the offense was dismissed.

She presented certificates and the Council recognized the Youth Court graduates.

Kimberly Read, City Recorder, administered the Oath of Office to the Layton Youth Court participants for the upcoming 2022-2023 year.

Councilmember Smith Edmondson expressed appreciation for the volunteer efforts of Ms. Kidman and congratulated the participants. She also expressed appreciation to each participant for their contribution to the community.

CITIZEN COMMENTS:

There were no citizen comments.

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CONSENT AGENDA:

ACCEPT A PROPOSAL FOR AN AGREEMENT BETWEEN LAYTON CITY AND EPG DESIGN FOR PROFESSIONAL ENGINEERING AND LANDSCAPE ARCHITECTURAL SERVICES FOR THE COMMONS PARK KAY'S CREEK TRAIL AND STREAM BANK IMPROVEMENTS PROJECT – RESOLUTION 22-53 – 437 NORTH WASATCH DRIVE

David Price, Parks and Recreation Director, announced the agenda item and explained the City desired to complete improvements to the Commons Park Kay's Creek Trail and stream bank. The improvements were needed to help mitigate the effects of the trail's interface with the stream bank vegetation along the corridor and shared a visual illustration reflecting the compromised stream bank. He added the proposed trail improvements included pedestrian walkway lighting along the corridor similar to the existing lighting within Commons Park. He reported an RFP (Request for Proposal) process took place and eight professional engineering and landscape architectural firms responded and were asked to submit a proposal and sealed fee. All firms had the opportunity to be interviewed and present their respective proposals. He indicated the proposals and interviews were evaluated by a committee of five individuals and reviewed the evaluation process which concluded with EPG Design receiving the highest overall score. He added the project received additional funding in the 2022/2023 fiscal year and the three top scoring firms were asked to revisit their fee proposals and indicated each submission was again given a numeric score based on their relative placement within the range of fees provided by each firm with EPG Design again receiving the highest overall score. Staff recommended approval of the resolution accepting its proposal.

Councilmember Bloxham requested clarification regarding the scoring of the proposal and Mr. Price responded by identifying those individuals who were on the review and selection panel. He added each evaluator had the opportunity to independently score each proposal anonymously; therefore, he couldn't speak to the disparity in the scores. Councilmember Smith Edmondson inquired whether Councilmember Bloxham desired additional information regarding the scoring system. Councilmember Bloxham didn't believe that was necessary; rather it just an interesting dynamic that one evaluator's score was the differentiator and a discussion followed.

Mayor Petro suggested the Council support the Department Director's position in recommending the firm and didn't believe a positive recommendation would be presented if he wasn't comfortable with the selection.

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AMENDED SUBDIVISION PLAT – EAST GATE BUSINESS PARK SUBDIVISION – 2ND AMENDMENT – 3675 NORTH FAIRFIELD ROAD

Chad Wilkinson, Community and Economic Development Director, stated Hunter Blake, representing JL Properties, was requesting a second amendment to the East Gate Business Park Subdivision. He shared a visual illustration identifying the location of the parcel. He reminded the Council of the first amendment to the subdivision which added additional square footage to the existing Janicki facility. He explained this amendment involved creating Lot 106 from Lot 103 for a new office warehouse building, currently under construction.

Additionally, he reminded the Council it previously deemed two parcels as insignificant parcels during its meeting on Thursday, August 4, 2022 and indicated those two parcels were now included in this plat and would be reflected as one large parcel going forward.

Staff recommended approval of the subdivision amendment.

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

PUBLIC HEARINGS:

ANNEXATION AGREEMENT, ANNEXATION, AND REZONE REQUEST – JENKINS – A (AGRICULTURE) TO R-1-10 PRUD (SINGLE FAMILY RESIDENTIAL, PLANNED RESIDENTIAL UNIT DEVELOPMENT) – RESOLUTION 22-45, ORDINANCE 22-16, AND ORDINANCE 22-17 – 3071 WEST GENTILE STREET

Mr. Wilkinson clarified the Council was being requested to approve three separate items. He shared a visual illustration and identified the location of the parcel proposed for annexation and rezone from Agriculture to Residential PRUD. He explained the development would consist of 18.68 total acres, 15.39 acres were currently located outside the City boundaries, proposed for annexation. He pointed out the annexation was needed for the development to occur. He reviewed the surrounding uses and explained the location of the proposed development's entrance would be near the future road alignment of 2700 West and would connect onto Layton Parkway and the West Davis Corridor. He shared an illustration of the proposed development consisting of 91 total units with 67 single family homes and 24 townhome units. He pointed out the designated open space and reminded the Council of the PRUD Ordinance which called for meaningful open space to the

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residents of the development and indicated Planning Staff had worked with the developer to ensure compliance. He shared an illustration of proposed amenities for the designated open space and reviewed those. He also shared elevation example for the different proposed housing units.

The subject property was identified in the General Plan as Neighborhood Ag Heritage, which allowed for the R-1-10 PRUD zone. The Planning Commission reviewed the proposed rezone during its meeting on Tuesday, July 12, 2022, during which concern had been expressed during the public hearing regarding the proximity of the current adjacent agricultural operation and potential impacts to that property and/or operations. He identified the requirements specified in current City Code intended to provide an appropriate buffer between the uses. He also reported the adjacent property owner proposed an additional fencing and a trail to mitigate impact and the Planning Commission took that under advisement and subsequently tabled the agenda item to a later date. He reported Staff carefully considered the revised plans and had concerns specific to the proposed trail and fencing in that this open space wouldn't be an amenity and would create no interaction or intention as open space; rather, the possibility of subsequent negative activity. He indicated Staff had identified concerns after reviewing proposed alternatives and recommended an increase in the depths of the lots adjacent to the agricultural use as an added mitigation in addition to the standards required in the Code. These proposed mitigation efforts outlined in the Staff report were intended to provide a balance between the existing agricultural operations and the proposed development.

He also referenced a provision in City Code which addressed development of a new subdivision adjacent to an agriculture operation which required notice on the subdivision plat and shared it with the Council. He clarified it spoke to the fact that residents in the subdivision would be moving next to an existing agriculture use and certain activities of that use could potentially create noise or annoyances to the neighboring development and that those agriculture uses were allowed to continue to exist and were given highest priority use status. He also reported the Planning Commission requested language be included on each property deed, to be recorded specific to each lot, intended to bring notice to each property owner. The Planning Commission also requested additional language be included with the City's standard language to address issues specific to lighting, noise, hours of operation, dust, and other possible impacts based on the adjacent use to mitigate any complaints.

He stated Staff supported the Planning Commission's recommendation to approve the rezone with the requirement that the deed restriction/declaration proposed for mitigation describe agricultural hours of operation and the existence of lighting, noise, and dust produced by the adjacent agricultural operations. He added the recommendation was based on consistency with the current General Plan's land use designation for the property. Staff also supported the Planning Commission's recommendation for the annexation request and annexation agreement.

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Mayor Petro called for any questions and there were none.

Mayor Petro opened the public hearing at 7:48 p.m.

Mayor Petro called for public comment.

CITIZEN COMMENTS:

Tom Tudor, 1757 Gregory Drive, mentioned the Oak Ridge Boys Concert was fantastic.

PUBLIC HEARING COMMENTS:

Sara Frame, 199 South 3200 West, identified the location of her home and stated she was opposed to the proposed development. She mentioned she had spoken to neighbors who were also disappointed that development was proposed for the property. She continued to express concern with the amount of development on West Gentile and construction traffic associated with the West Davis Corridor. She was disappointed to witness disappearing farmland.

Preston Cox, 257 South 3200 West, Perennial Favorites, clarified he had never stated he was against the development; rather, his concern was with the possible impact to adjacent property owners. He stated his business had been in operation for 30 years, a 10 acre wholesale nursery and regional grower providing plants to several states. He expressed concern the noise impact of the greenhouse operation would negatively impact any adjacent homeowners, even with the 30 foot buffer. He also identified the proximity of the development to the travel lane for large trucks accessing the greenhouse. He mentioned he wasn't a traditional agriculture business and expressed his desire the City would consider the negative impacts to existing property owners prior to approving rezone and development.

Mayor Petro pointed out the developer had the opportunity to develop the vacant property and believed future residents would be aware of the adjacent nursery business due to the language being placed on the property deeds within the development.

Courtney Cox, 243 South 3200 West, identified the location of his home and expressed concern with potential

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noise associated with the proposed dog park amenity. He concurred with what had been expressed by Preston Cox regarding the proposed development.

Mike Stevenson, 321 South 3200 West, also expressed concern with the designated location for the dog park and believed it should be more centrally located within the development. He also expressed concern with the number of large trucks using 3200 West and suggested opening the new road, 2700 West, to vehicular traffic. He also pointed out the need for an overpass at the railroad tracks on Gentile.

Councilmember Smith Edmondson requested the developer address the increase in the number of units from 50 or 60 units to 91 and asked if any consideration had been given that the location for the proposed 11 adjacent homes, nearest the greenhouse operation be designated as open space for the dog park.

Councilmember Morris requested clarification specific to potential future complaints from residents regarding the adjacent agriculture use of the greenhouse operations. Gary Crane, City Attorney, reported there was state statute which addressed complaints associated with agriculture uses which indicated there was presumption in their favor and were exempt from any type of accusations specific to uses and shared an example. He believed notification on the deeds, the plat, and it being visible would all be mitigating factors in taking any type of action against the owner of the agricultural use.

Bryan Bayles, representing Nilson Homes, reminded the Council of the process, time, and energy the Layton Forward General Plan had taken prior to its adoption and complimented the City for its efforts. He believed this general area would not look like this in 10 years and believed he and Nilson Homes had tried to mitigate concerns with current residents in the area. He understood Mr. Cox's perspective and concerns regarding development in the area; however, he believed the development was responsive to the vision identified in the General Plan.

Mr. Bayles stated the proposed development had always been similar to what was being proposed with the 90 units and wasn't sure where the number of 50-60 units originated. He believed this development came as close to the City's General Plan as it could and suggested the townhome development would be an appropriate buffer for any commercial development near 2700 West. He spoke to the concern of the 11 lots nearest the greenhouse operation and also explained the City had required the roadway access be on 3200 West. He also spoke to why a proposed trail at the rear of those 11 lots had been eliminated and the decision to extend the rear yards and creating the solid fence. He also spoke to the impact of roads, lights, dusts and smell mitigation with the deed restrictions. He suggested long and linear dog parks allowed ample area for dogs to run and fetch a ball were more beneficial to smaller open space areas.

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Mayor Petro asked if a portion of the dog park would be fenced off for smaller dogs.

Jake Jones, Nilson Homes, indicated the residents/HOA (Homeowner's Association) would be responsible for what that would look like.

Councilmember Bloxham requested Mr. Crane speak to the major investment, on behalf of the developer, based on an Annexation Agreement which hadn't yet been adopted by the Council and any potential legal risk to the City by the Council's decision. Mr. Crane responded no obligation would be imposed on the Council because of something the developer had already done for the annexation and rezone. He emphasized development was always at the developer's risk. He cautioned the Council the decision should be rational based and consistent with the General Plan. He added any imposition would be upon approval of the Development or Annexation Agreement.

The Council had no more questions for Mr. Jones.

Mr. Cox indicated previous statements were made by both Mr. Jones and Jerry Jenkins, property owner, which indicated a number of 45-60 proposed units in the development. Additionally, he expressed concern the dog park would negatively impact the residents living adjacent to the parcel designated for that use and suggested it should be located in the middle of the development of which it was supposed to benefit.

Councilmember Thomas expressed concern the location of the dog park would become a regional amenity and posed the question where parking would be available for visitors to the dog park and potential enforcement issues on behalf of the HOA.

Councilmember Roberts mentioned his involvement with protecting farmers when and if they no longer desired to continue farming. He expressed his opinion greenhouses were not the same as a hay or corn field and pointed out the negative impacts of greenhouses compared to these regular agriculture operations and indicated he wouldn't be in favor of the agenda item.

Councilmember Bloxham inquired if the developer received a density bonus associated with the dog park and Mr. Wilkinson responded the developer did receive a density bonus; however, it was not specific to the dog park amenity, but rather other factors and amenities associated with the development. Councilmember Bloxham stated although the proposed development plan was satisfactory, he expressed concern with the proposed mitigation efforts for the adjacent agriculture use, as well as the location of the dog park.

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Mr. Bales expressed concern with opposing votes from members of the Council and indicated the developer would be supportive with the motion and subsequent approval excluding the dog park. He also identified where on street parking could accommodate outside visitors to the dog park. He also suggested a key fob could be provided for access to the dog park by the residents making it an exclusive amenity to the development.

Councilmember Morris requested Mr. Wilkinson address the development without the amenity of the dog park. Mr. Wilkinson responded the dog park was included as part of a larger amenity package to the development; however, the Council could propose another option for the parcel.

MOTION: Councilmember Bloxham moved to approve the Annexation Agreement, Resolution 22-45, with the condition the dog park be eliminated from the Agreement, the Annexation, Ordinance 22-16, and the Rezone Request, Ordinance 22-17 – Jenkins – A (Agriculture) to R-1-10 PRUD (Single Family Residential, Planned Residential Unit Development) — 3071 West Gentile Street. Councilmember Morris seconded the motion. The motion passed with the following vote: **Voting AYE – Councilmembers Thomas, Bloxham, and Morris. Voting NO – Councilmembers Roberts and Smith Edmondson.**

Mr. Crane clarified the Council approved the Resolution and both Ordinances.

(This public hearing was closed at a later point in the meeting).

GENERAL PLAN AMENDMENT – MODERATE-INCOME HOUSING PLAN ELEMENT ADDENDUM – ORDINANCE 22-22

Mr. Wilkinson introduced Brandon Rypien, Planner, and announced he would be introducing the agenda item. Mr. Rypien reminded the Council the legislature passed House Bill 462 during the 2022 general session. He explained action amended Senate Bill 34, which required cities to provide moderate-income housing. He explained the City's General Plan Amendment had identified strategies associated with moderate income housing and this amendment would be included as an addendum to the adopted Moderate-Income Housing Plan Element of the General Plan and reviewed the amendments required by HB 462.

He reviewed the requirements for Layton City, due to the UTA FrontRunner Station, and explained what was required in order to meet compliance. He indicated the City was required to select four strategies and explained cities which selected and implemented six or more strategies would be given prioritization for eligibility to apply for funding through the Transportation Investment Fund (TIF) and Transit Transportation Investment

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Fund (TTIF) for transportation projects. He stated the City would need to submit its Amendment and Implementation Plan with the Annual Report by October 1, 2022. He also mentioned funding was available for cities to hire technical assistance through a grant program. He reported the Planning Commission recommended approval during its meeting on Tuesday, August 9, 2022, and Staff supported the recommendation.

The Council expressed appreciation to Mr. Rypien's efforts with this Plan as well as his efforts with the General Plan.

Mayor Petro called for public comment.

Mr. Tudor mentioned his past service to the City for animal control services specific to dog complaints.

MOTION: Councilmember Thomas moved to approve the General Plan Amendment – Moderate-Income Housing Plan Element Addendum – Ordinance 22-22. Councilmember Bloxham seconded the motion. The motion passed with the following vote: **Voting AYE – Councilmembers Thomas, Smith Edmondson, Morris, Bloxham, and Roberts. Voting NO – None.**

(This public hearing was closed at a later point in the meeting).

AMENDMENTS TO LAYTON CITY MUNICIPAL CODE, TITLE 18 LAND USE DEVELOPMENT, CHAPTER 18.24 STREETS, SECTION 010 ARRANGEMENT, SECTION 020 WIDTHS, SECTION 040 CUL-DE-SACS, SECTION 050 EASEMENTS; TITLE 19 ZONING, CHAPTER 24 CONDOMINIUM/TOWNHOUSE (C-TH) ZONING DISTRICT, SECTION 080 CONDOMINIUM/TOWNHOUSE DESIGN STANDARDS; REPEAL TITLE 18 LAND USE DEVELOPMENT, CHAPTER 18.24 STREETS SECTION 030 ALLEYS, AND TITLE 18 LAND USE DEVELOPMENT, CHAPTER 18.50 PRIVATE RESIDENTIAL SUBDIVISIONS AND DEVELOPMENTS, SECTION 060 STREET AND DRIVEWAY IMPROVEMENTS TO ESTABLISH PUBLIC AND PRIVATE STREET STANDARDS IN LAYTON CITY – ORDINANCE 22-21

Mr. Wilkinson requested the Council open the public hearing, accept any public comments, and continue the public hearing until its next City Council Meeting scheduled for Thursday, September 15, 2022. He explained this would allow some of the proposed amendments to be included with Engineering and Design Standards, proposed for adoption at the next meeting.

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He stated the amendments related to private streets were currently allowed by Layton City Code as a way to provide for flexibility within developments and efficient use of land. He also pointed out connections from private streets to public streets had created some problems, as well as gating of private street communities. He reviewed the proposed changes which would be clarified in a table format as opposed to text and reviewed the following:

- Gates and when they would be allowed
- Criteria for private minor streets
- Utilities in roadways
- Setback regulations

Mayor Petro called for public comment.

There were no public comments.

MOTION: Councilmember Smith Edmondson moved to close the public hearings, with the exception of Item C until the City Council Meeting on Thursday, September 15, 2022, and table consideration of amendments to Layton City Municipal Code, Title 18, Land Use Development, Chapter 18.24 Streets and Title 19, Zoning, Chapter 24 Condominium/Townhouse (C-TH) Zoning District, as presented, Ordinance 22-21. Councilmember Roberts seconded the motion which passed unanimously.

UNFINISHED BUSINESS:

Mayor Petro requested clarification regarding the newly constructed road, 2700 West, and why it had not yet been open to vehicular traffic. She recalled previous information in that the City didn't want heavy truck traffic using the new road; however, she expressed concern with the school children within the area. She pointed out it should have been constructed to the City's standards which should accommodate truck traffic and asked why it still remained closed. Mr. Crane responded the use was only a benefit of it being closed; however, that wasn't the reason it was closed, rather, there were still land transfers and land swaps which needed to be completed and until those transactions were closed, the City couldn't open the road.

Councilmember Bloxham inquired about a wrong way driver on Layton Parkway due to poor visibility of painted arrows on the pavement and requested those be re-painted at the interchange. Steve Garside, Assistant City Manager, requested clarification of the location and Councilmember Bloxham provided the location. Mayor Petro also believed street painting should be completed on a more regular basis and Mr. Garside indicated the issue would be referred to UDOT (Utah Department of Transportation).

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The meeting adjourned at 9:01 p.m.

Kimberly S Read, City Recorder

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MINUTES OF LAYTON CITY COUNCIL MEETING

SEPTEMBER 15, 2022; 7:02 P.M.

MAYOR AND COUNCILMEMBERS PRESENT:

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

STAFF PRESENT:

ALEX JENSEN, GARY CRANE, CHAD WILKINSON, STEPHEN JACKSON, 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. Councilmember Roberts offered the invocation and led the Pledge of Allegiance.

MINUTES:

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

**Layton City Council Work Meeting – May 5, 2022;
Layton City Council Meeting – July 21, 2022; and
Layton City Council Meeting – August 18, 2022.**

The vote was unanimous to approve the minutes as written.

MUNICIPAL EVENT ANNOUNCEMENTS:

Mayor Petro expressed appreciation to City residents for their volunteer efforts on Saturday, September 10, 2022, for the 9/11 Day of Service in remembrance of the 9/11 event.

Councilmember Smith Edmondson announced the following:

- Davis Arts Council would be sponsoring a free ballet performance by Ballet West this evening beginning at 8:00 p.m. in the Layton High School Auditorium.
- September had been designated as Suicide Prevention Month and the Layton Communities that Care

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would be providing programming and information to help prevent suicide among the youth of the community and reminded the public of the Suicide Hotline 9-8-8.

- Strengthening Families Workshop, also sponsored by Communities that Care, would begin the six-week program on Monday, October 3, 2022, for all families with children between the ages of 10-14. Classes would be free and would include dinner and childcare; however, registration was required and she directed the public to the Davis Behavioral Health website.

Councilmember Roberts stated the Free Family Recreation activity sponsored by the Parks and Recreation Department would be Friday, September 16, 2022, 7:30-9:30 p.m. Park After Dark. He indicated various games and activities would be available, as well as S'mores.

Mayor Petro mentioned Davis Arts Council's Active Pages, The Legend of Sleepy Hollow, would take place on Saturday, October 8, 2022. She mentioned this was also a free event; however, a ticket and registration was required. She mentioned the Layton Rotary Club would be selling hot chocolate or root beer.

Councilmember Bloxham announced the Kendall O'Bryant Open House was planned for Wednesday, September 28, 2022, at the fire station on 2200 West Hill Field Road. He mentioned this was always a great family activity providing fire prevention education.

PRESENTATIONS:

PRESENTATION – POLICE AND FIRE AWARDS

Allen Swanson, Police Chief, Mark Chatlin, Assistant Chief of Police, and Kevin Ward, Fire Chief, were present to recognize the actions of four community members during a drowning incident of Riley McCoy earlier this year. Chief Chatlin requested the following individuals come forward: Ryan Hicks, Harrison Jackson, William Giles, and David Felt and he read a statement describing the circumstances of the event. He announced the four individuals were the first ever recipients of a combined Layton Police and Layton Fire Citizen Life Saving Award.

Mayor Petro complimented the four young men for their courage and example in saving the life of a peer. She expressed appreciation to them on behalf of the City Council. She also expressed appreciation to the City's first responders for their quick actions.

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YOUTH COUNCIL SWEARING IN

Karen Smith, Youth Council Advisor, also complimented the four young men and stated it was an honor to associate with the great youth of Layton City. She mentioned she was impressed by the young men and the lasting impact their actions would have to Mr. McCoy and those in attendance at this meeting.

She expressed appreciation to the Council for its support of the Layton City Youth Council and acknowledged Lindsey Ingebretsen, Co-Advisor, and Dave Thomas, City Council Liaison, and was grateful for their support. She stated the Youth Council consisted of 18 individuals representing Layton, Davis, Northridge, and NUAMES High Schools and Fairfield and Central Junior High Schools. She explained how the Youth Council functioned and briefly reviewed some of its activities. She introduced each participant as they came to the front of the dais.

Kimberly Read, City Recorder, administered the Oath of Office to the participants.

The Elected Officials congratulated each of the Youth Council participants and excused them from the remainder of the meeting.

Councilmember Thomas shared some of his experiences in working with the Youth Council and applauded the participants for their efforts and participation.

CITIZEN COMMENTS:

Daniella Harding, 1506 East 2050 North, stated she was representing citizens of Hidden Hollow regarding responsible development within their neighborhood. She identified the agenda item amending the plat for the Shepherd's Ridge and mentioned the residents had been involved regarding issues with this development for approximately five years. She requested the agenda item be removed from the Consent Agenda in order to allow further discussion. She shared a brief history from her experience as a member of the Planning Commission and believed a third party review was needed for the accessory dwelling since the proposed development amendment was located in a designated sensitive lands area. She informed the Council of building violations issued to the property owner on behalf of the City associated with his property. She explained the property owner had placed a shipping container on the property which was visible to the residents of the Hidden Hollow subdivision and described its aesthetics. She informed the Council the proposal was to modify the setback; therefore, allowing the property owner to be in compliance. She pointed out the previous issues experienced by development on sensitive lands and concluded that although the Shepherd's Ridge

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subdivision was a beautiful asset to the City, the rear of the property needed to remain untouched. She recommended the item be tabled or require the property owner to remove the shipping container and construct an accessory structure compliant with City standards. She informed the Council that although she had previously requested updates regarding the property, she hadn't been informed of this agenda item.

Donna Chipman, 1548 East 2050 North, informed the Council her previous home located on Sunset Drive was lost due to a landslide because of a neighbor's broken sprinkler line. She emphasized she had completed due diligence required by the City, including following directions identified in a geotechnical report. She shared her personal experience associated with the loss of her home and expressed her opinion the property owner lacked respect for the City's ordinances on more than one occasion.

Ed Gertge, 2222 Church Street, informed the Council of what he had been required to do in order to mitigate any erosion concerns or water issues. He also reported several geotechnical reports had been completed in order to determine what would be needed to mitigate slipping, eliminating pressure along the hillside. He believed he had worked with City Staff in order to meet compliance. He explained his perspective in that he believed he could construct any accessory structure on his property as long as it wasn't inhabitable, which resulted with the initial non-compliance. He pointed out the zoning of his property allowed for accessory structures and expressed appreciation to City Staff for getting to this point.

CONSENT AGENDA:

MOTION: Councilmember Morris moved to remove item B from the Consent Agenda for the purpose of considering it separately. Councilmember Smith Edmondson seconded the motion, which passed unanimously.

AMEND PLAT – NALDER HEIGHTS SUBDIVISION – 1ST AMENDMENT – 1311 EAST SUNDANCE CIRCLE.

Chad Wilkinson, Community and Economic Development Director, shared a visual illustration identifying the location of the property, surrounding properties and uses. He explained a building permit application was made for an accessory structure to the primary property at 1311 East Sundance, and at that time it was discovered an unauthorized lot had been created, and recorded at Davis County, without any subdivision amendment. He explained the proposed amendment would combine the unauthorized parcel to the rear yard for Lot 29, creating a new subdivision, the Nalder Heights Subdivision. He pointed out the amendment affected the Eastwood Estates Phase 2 Subdivision and identified it on an aerial map reflecting the portion proposed to be added to the property fronting Sundance. He reported the request was reviewed by the Planning Commission during its meeting on Tuesday, August 23, 2022, and unanimously recommended approval to the Council. Staff

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concurred with the recommendation.

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

AMEND PLAT – SHEPHERD’S RIDGE SUBDIVISION – 1ST AMENDMENT – APPROXIMATELY 2230 NORTH CHURCH STREET

This item was removed from the Consent Agenda and was considered and addressed later in the meeting.

LICENSE AGREEMENT – BJ’S AUTO – RESOLUTION 22-54 – 685 SOUTH MAIN STREET

Mr. Wilkinson shared a map illustrating the location and explained the request would allow for additional off-street parking for site expansion of BJ’s Auto, the applicant’s property. He identified the old Fort Lane right-of-way proposed to be used for the expansion, created by realignment of Fort Lane. He informed the Council, the City had a number of underground utilities; therefore, the City wasn’t in favor of vacating that old roadway. He added the City wasn’t opposed to allowing the proposed use by entering into a license with BJ Hatch. He reviewed some of the specifics called out in the agreement regarding maintenance and access to two additional properties. He mentioned it also allowed the City to rescind the agreement with noticing requirements and changes to that use. Staff recommended approval.

Mayor Petro asked if there were any questions.

Councilmember Thomas inquired if the road had two accesses and Mr. Wilkinson responded there was only one access and referred to the illustration for explanation.

Councilmember Morris inquired if the business had already been using road right-of-way for this purpose prior to approval. Mr. Wilkinson responded that might have been happening; however, was now requesting formal approval in conjunction with the expansion of the business and identified where the additional service bays would be located.

MOTION: Councilmember Smith Edmondson moved to approve the Consent Agenda as presented. Councilmember Roberts seconded the motion, which passed unanimously.

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AMEND PLAT – SHEPHERD’S RIDGE SUBDIVISION – 1ST AMENDMENT – APPROXIMATELY 2230 NORTH CHURCH STREET

Mr. Wilkinson introduced the item and shared an illustration which identified the location of the subdivision. He explained the amendment involved shifting the Static Slope Setback Line further east on Lots 101 and 102 of the current recorded plat. When the subdivision was originally approved a series of geotechnical studies were completed, and reviewed by a third party, which established a Static Slope Setback Line. He identified the location and indicated it established a restriction applicable to any structures constructed to the east on these properties. He reported a structure had been constructed east of that setback line consisting of a large carport structure and a large shipping container. He indicated a code enforcement action was taken to consider conditions of the subdivision and lack of building permit. He reported City Staff worked with Mr. Gertge and proposed new analysis be completed specific to the Static Slope Setback Line to determine whether the structures could remain. The additional performed geotechnical study and reflected the Static Slope Setback Line could be moved from its existing location further east and shared an illustration reflecting the new Setback Line; which would provide compliance for the shipping container. He reported the completed new geotechnical report indicated that based on the removal of some of the soils in conjunction with the construction process, could not accommodate the carport structure and shipping container.

He stated this was the subject of a Settlement Agreement between the City and the property owner and reviewed additional provisions included in the Settlement Agreement. He reported the Planning Commission reviewed the request during its meeting on Tuesday, August 23, 2022, and unanimously recommended approval and Staff concurred.

Mayor Petro asked if there were any questions.

Councilmember Bloxham requested Gary Crane, City Attorney, review the process and procedures specific to the Settlement Agreement. Mr. Crane reviewed the enforcement action taken by the City, in addition to the actions of Mr. Gertge. He reported as part of the Settlement Agreement, the City required Mr. Gertge to enter a guilty plea for violation of City ordinance, and either bring his property into compliance or remove the structures from the property. Mr. Crane continued to explain all provisions identified by the Geotechnical Engineer to be compliant were also included in the Settlement Agreement. He added all these things were presented to and approved by the Judge. He further explained the Settlement Agreement had been recorded against the property to ensure any future property owner would need to comply. He added an additional clause would be included on the Amended Plat reflecting compliance was required to the additional Settlement Agreement. Mr. Crane summarized Mr. Gertge had brought his property into compliance with City Code. A

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discussion followed regarding during which Mr. Crane pointed out the options to Mr. Gertge were to either remove the uses or bring the property into compliance and he chose the latter. He pointed out the original geotechnical study was completed against all lots in the subdivision and this most current study was specific to these two lots.

A discussion took place during which Councilmember Morris expressed concern with this particular process specific to compliance and the Settlement Agreement associated with an amended subdivision plat that the Council didn't really have an opportunity to oppose or deny approval. Mr. Crane responded if the Council denied approval the issue could be appealed to either a judge or appeal authority. He emphasized although the properties were in the middle of the City, they were zoned agriculture which allowed this use.

Councilmember Morris inquired whether the City had completed its own geotechnical study. Stephen Jackson, City Engineer, responded the City didn't perform geotechnical studies and reported at least three different geotechnical engineers had looked at this particular site. He indicated the last study commissioned by Mr. Gertge for these two specific lots reflected the finding that due to soil being removed from the site during the construction process of the homes, the stability of the hillside had actually increased. He clarified the result of the study wasn't to identify how far the new setback line should be moved to the east; but whether if it was moved just east of the container, would it be acceptable in order to bring the property into compliance. He emphasized the setback line didn't move for any of the other properties, just these two lots. Councilmember Morris asked who would be responsible if the container fell into the hollow and Mr. Crane believed the liability would fall to the geotechnical engineer and shared some scenarios in which Mr. Gertge could possibly share some of that liability. Mayor Petro clarified nothing else could be constructed on the parcels.

Councilmember Thomas inquired whether the container itself was allowed and Mr. Crane responded containers were allowed on agriculture parcels and Mr. Wilkinson added building permits were required and a tie down system would also be required. He indicated in this particular case an amended plat would need to be recorded prior to the issuance of a building permit.

Councilmember Smith Edmondson clarified the removed dirt associated with construction and landscaping of the home contributed to the new study reflecting the pressures associated with the sensitive lands were mitigated. She suggested the real issue amongst members of the Council was what was initially done out of compliance by the property owner was now being allowed and accepted in compliance. She requested clarification whether the container was on a paved surface and Mr. Wilkinson responded there was no pavement in the area and reported it was sitting on gravel. She expressed appreciation for the explanation that the setback line hadn't necessarily been moved; rather, identifying whether the bearing of the unit could be

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sustained. She also appreciated the language in the Settlement Agreement stating nothing else could be constructed or placed beyond that original eastern setback line. Mr. Wilkinson emphasized that was based on the recent study specific to the placement of the new structure based on the amount of removed material.

Mayor Petro inquired where the access points were to the container and Mr. Wilkinson responded access would be from the owner's property. The discussion continued regarding compliance after the fact and Mr. Crane pointed out it wasn't unusual for a geotechnical report to a singular lot to be different from that of the original subdivision as a whole. He also pointed out the location of Mr. Gertge's lot could have also contributed to that difference and the discussion continued.

Alex Jensen, City Manager, mentioned there was a history with the City working with Mr. Gertge over the years and emphasized the City set the terms of the Settlement Agreement pointing out he had met those. He stated Staff wouldn't be recommending approval if Mr. Gertge hadn't done what was necessary to be compliant with the City's ordinance.

Councilmember Roberts pointed out up to this point Mr. Gertge's structure on his property wasn't compliant and suggested adjusting the setback to accommodate this structure only would be setting a precedent.

Mr. Jensen reminded the Council Mr. Gertge had stated he had no intention of building anything else beyond the original designated setback line and clarified the recent study was to determine the safety for the existing structure. He pointed out if Mr. Gertge had approached the City prior to constructing the structure he would have been informed it wasn't allowed and why. He could have then opted to demonstrate, by having a new study completed, specific to his lots, separate from the entire subdivision, meeting the conditions set forth by the City for the structure. He suggested Mr. Gertge had followed the process and the resulting facts would have been the same.

Mayor Petro requested clarification whether vehicles could be parked at the back portion of the parcel and Mr. Crane responded the Settlement Agreement was very restrictive; however, the properties were still zoned agriculture which allowed him certain uses.

MOTION: Councilmember Thomas moved to approve the amended plat – Shepherd's Ridge Subdivision – 1st Amendment, approximately 2230 North Church Street, as presented. Councilmember Bloxham seconded the motion. The motion was denied with the following vote: **Voting AYE – Councilmembers Bloxham and Thomas. Voting NO – Councilmembers Roberts, Morris, and Smith Edmondson.**

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PUBLIC HEARINGS:

AMENDMENT – DEVELOPMENT GUIDELINES AND DESIGN STANDARDS – ORDINANCE 22-20

Stephen Jackson, City Engineer, introduced the agenda item and explained the Engineering Division currently maintained a set of Development Guidelines and Design Standards for the purpose of informing developers of the current guidelines and standards and to assist them in meeting those standards. Some of the guidelines and standards occasionally require updates or revisions. City Code allowed for the City Engineer to draft, approve, adopt, interpret, and amend the Guidelines from time to time as determined necessary and State Code required the Guidelines be adopted and amended by ordinance. The City Engineer and Staff recently amended the Guidelines, as specified in the Attachment-Summary of 2022 Revisions. He specifically reviewed amendments to the following:

- Secondary water systems
- Traffic Impact Study thresholds
- Dedication plat and lot line adjustments specific to rear lots
- Public utility and drainage easements
- Street width clarification

Staff recommended approval.

Mayor Petro opened the public comment period at 8:41 p.m.

Mayor Petro called for public comment.

There were no public comments.

MOTION: Councilmember Morris moved to approve the Amendment – Development Guidelines and Design Standards, as presented, Ordinance 22-20. Councilmember Bloxham seconded the motion. The motion passed with the following vote: **Voting AYE – Councilmembers Thomas, Smith Edmondson, Morris, Bloxham, and Roberts. Voting NO – None.**

AMENDMENTS TO LAYTON CITY MUNICIPAL CODE, TITLE 18 LAND USE DEVELOPMENT, CHAPTER 18.24 STREETS, SECTION 010 ARRANGEMENT, SECTION 020 WIDTHS, SECTION 040 CUL-DE-SACS, SECTION 050 EASEMENTS; TITLE 19 ZONING, CHAPTER 24

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CONDOMINIUM/TOWNHOUSE (C-TH) ZONING DISTRICT, SECTION 080
CONDOMINIUM/TOWNHOUSE DESIGN STANDARDS; REPEAL TITLE 18 LAND USE
DEVELOPMENT, CHAPTER R18.24 STREETS SECTION 030 ALLEYS, AND TITLE 18 LAND
USE DEVELOPMENT, CHAPTER 18.50 PRIVATE RESIDENTIAL SUBDIVISIONS AND
DEVELOPMENTS, SECTION 060 STREET AND DRIVEWAY IMPROVEMENTS TO ESTABLISH
PUBLIC AND PRIVATE STREET STANDARDS IN LAYTON CITY – ORDINANCE 22-21

Mr. Wilkinson explained the ordinance was meant to consolidate and organize street standards in an attempt to better assist the development community specific to private streets and reviewed the following:

- Text format had been revised to a table format identifying the different types of streets providing specific designations for each private street type along with the various developments they could serve.
- Criteria specific to the allowance of gates in certain circumstances.
- Private streets and specific criteria which addressed conflicts experienced by residents in certain developments where private streets had been connected to public streets.
- The ordinance also addressed the Public Utility and Drainage Easements specific to rear-loaded developments and the MU-TOD (Mixed-Use Transit Oriented Developments) within the City.
- Adjustments to minimum building setbacks.

He reported the Planning Commission reviewed the ordinance during its meeting on Tuesday, August 9, 2022 and recommended approval. He mentioned the ordinance had been reviewed by the City Council during its meeting on Thursday, September 1, 2022, at which time it was continued to provide for additional comment. Staff recommended approval.

Mayor Petro called for public comment and there were none.

MOTION: Councilmember Roberts moved to close the public hearings at 8:48 p.m. and approve Amendments to Layton City Municipal Code, Title 18 Land Use Development, as presented, Ordinance 22-21. Councilmember Morris seconded the motion. The motion passed with the following vote: **Voting AYE – Councilmembers Roberts, Bloxham, Morris, Smith Edmondson, and Thomas. Voting NO – None.**

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UNFINISHED BUSINESS:

CLOSED DOOR:

MOTION: Councilmember Thomas moved to close the meeting at 8:49 p.m. to Discuss the Purchase, Exchange, or Lease of Real Property, Including any Form of a Water Right or Water Shares, Discuss Pending or Reasonably Imminent Litigation and to Discuss the Character, Professional Competence, or Physical or Mental Health of an Individual. Councilmember Bloxham seconded the motion, which passed unanimously.

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 **15th day of September, 2022**, was to Discuss Pending or Reasonably Imminent Litigation and to Discuss the Character, Professional Competence, or Physical or Mental Health of an Individual.

Dated this 15th day of December, 2022.

ATTEST:

JOY PETRO, Mayor

KIMBERLY S READ, City Recorder

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MINUTES OF LAYTON CITY COUNCIL WORK MEETING

NOVEMBER 3, 2022; 5:33 P.M.

MAYOR AND COUNCILMEMBERS PRESENT:

**MAYOR JOY PETRO, ZACH BLOXHAM, TYSON
ROBERTS, BETTINA SMITH EDMONDSON, AND
DAVE THOMAS**

PARTICIPATING ELECTRONICALLY

CLINT MORRIS

STAFF PRESENT:

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

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

Mayor Petro opened the meeting and announced Councilmember Morris was participating electronically.

AGENDA:

COUNCILMEMBER REPORT

Councilmember Thomas complimented the Parks and Recreation Department for the recent Halloween Bash and was impressed with what had been planned. Mayor Petro expressed agreement with his comments.

Councilmember Smith Edmondson reported on the following:

- Reminded the Council of the Communities That Care key leader meeting scheduled for Friday, November 4, 2022, 11:00 a.m. at City Hall. She suggested participation via Zoom for those not able to attend in person. She mentioned those planning to attend in person needed to RSVP.
- Layton City Youth Court just completed its 24th year and 100% of offenders had completed the Program.
- The Antelope Drive extension to Highway 89 had opened and residents were continuing to express concern regarding Valley View Drive.

Councilmember Roberts informed the Council, Legislative Affairs had met with the Davis Chamber of Commerce earlier in the day. He mentioned Wayne Niederhauser, State Homeless Coordinator, had attended and shared some of the State's efforts in addressing the homelessness population. He mentioned

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one of the core priorities was preventing homelessness and reminded the Council of the new Student Center at Northridge High School. He emphasized Layton City wasn't immune to homelessness and expressed appreciation to the Parks and Recreation Department for its efforts in building a "community" by offering various programs and parks.

Councilmember Bloxham announced Utopia had formalized its intention to financially change how it operated with some of its bonding. He explained the new financial direction had the potential to save money over a long period of time due to the ability to lock into a fixed interest rate. He mentioned the Board formalized approval and it would be up to the finance officer to determine the best time to move forward and explained the change would benefit taxpayers, as well as putting Utopia on better financial footing moving forward. A discussion regarding Utopia took place and Councilmember Bloxham reported Layton City was still experiencing a high level of subscriber take rates compared to other participating cities.

He also expressed appreciation to Gary Crane, City Attorney, regarding his efforts with influencing the legislature leadership with providing grant funding options to water entities and pointed out the benefit to Layton City.

Councilmember Morris reminded the Council the City's Active Transportation Plan Open House was scheduled for Wednesday, November 9, 2022, at Layton City Hall.

PRESENTATION – UTAH DEPARTMENT OF TRANSPORTATION

Kathy Wickam and Anne Williams, Horrocks Engineers representing UDOT (Utah Department of Transportation) shared a presentation regarding a proposed raised median on SR 193 from the West Gate of HAFB (Hill Air Force Base) east to 650 East. Ms. Wickam identified the project scope and objectives intended to improve safety along that portion of the road. She shared statistics associated with traffic crashes from 2017-2022 occurring in or near the intersections along that stretch of SR 193. She reviewed the project schedule with the Council highlighting the public meeting scheduled for Tuesday, November 29, 2022, at the Weber State Davis Campus. She shared an illustration identifying where the raised medians would be installed and explained what the traffic patterns would resemble for the different accesses to SR 193 along that stretch of roadway and a discussion followed.

Glen Ames, UDOT, arrived at 6:50 p.m.

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Mr. Ames indicated the proposed ¾ intersections at Harriger Way and North Fort Lane and respective traffic patterns were not yet finalized and seeking the City's direction and the discussion continued. Stephen Jackson, City Engineer, suggested discussions should take place with Wasatch Integrated to accommodate its truck traffic. Ms. Williams mentioned the public meeting was intended to not only provide information to the public, but to also accept public comment and mentioned how the information would be disseminated to the public and Layton City businesses and residents. Mr. Ames emphasized HAFB had proposed the raised median as a solution to issues along SR 193.

REVIEW – PARKS AND RECREATION CODE OF CONDUCT/BEHAVIOR POLICY

David Price, Parks and Recreation Director, and Michelle Howard, Assistant Parks and Recreation Director, were present to discuss behavior associated with the City's recreation activities. A handout was distributed identifying appropriate Code of Conduct. Mr. Price mentioned the lack of civility and bad behavior during recent recreation activities. He announced there were approximately 150 different games played per week and explained an issue at one of these games had been brought to his attention. He stated Staff had completed an investigation and was pleased to report Staff had met expectations in regards to behavior during the incident. He shared some statistics specific to youth declining to participate in youth sports.

Ms. Howard suggested the most recent incident had propelled Staff to review its Code of Conduct policies and expected behavior. She reported Staff was working to present the Code of Conduct and Behavior Standards to participants and parents. Mr. Price mentioned this was meant to be a positive action and reviewed enforcement of violations. He also mentioned the most prevalent issue was with parents' behavior interacting with the City's officials. He also shared some policies for consideration and a discussion followed. Mr. Price also pointed out there were some sports within the City which weren't City sanctioned and therefore; the responsibility for behavior and/or enforcement would be up to that organization and a discussion took place.

Mayor Petro requested clarification regarding the decrease in participation of organized sports and Mr. Price responded there seemed to be a movement in participation from one sport to another and added Staff was constantly vigilant regarding these numbers. Councilmember Smith Edmondson also requested clarification regarding enforcement for negative behavior and the discussion continued.

The Council directed Parks and Recreation Staff to proceed with its proposal to address negative behavior.

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BID AWARD – M.C. GREEN AND SONS, INC. – 2700 WEST CONSTRUCTION, PROJECT 22-59 – RESOLUTION 22-70 – 2700 WEST BETWEEN GENTILE STREET AND WEST HILL FIELD ROAD

Stephen Jackson, City Engineer, announced the design for the 2700 extension was completed and shared an illustration identifying its location and design and reviewed the specifics. He reported a bid process had been completed with eight submissions being received. He reviewed issues specific with the bid, product costs and supply, and other issues which contributed to the high bids; although, the bids were competitive. He briefly reviewed the timeline associated with the project and pointed out the hard deadline of April 1 for the irrigation to be completed for all adjacent property owners. He asked if there were any questions and a discussion followed.

Gary Crane, City Attorney, provided an update regarding property acquisitions near Gentile Street and Mr. Jackson mentioned once agreements and/or documents were in place the contractor was prepared to begin.

GRANT AWARD ACCEPTANCE ON BEHALF OF LAYTON CITY, FROM THE UTAH BOARD OF WATER RESOURCES, MANAGED BY THE STATE OF UTAH, DIVISION OF WATER RESOURCES, FOR THE SECONDARY WATER METER INSTALLATION PROJECT – RESOLUTION 22-65

Mr. Jackson reminded the Council of recent legislation requiring the metering of secondary water and the available grant funding and low interest loans available for this purpose. He reported Layton City applied for the grant funding and was awarded \$5 million in the first funding cycle, which the Council was being asked to accept the funding and agree to the requirements. He reviewed the specifics associated with receiving the grant funding, pointing out the City's participation costs would be \$319,000. He informed the Council the City had recently been informed of the availability of additional grant funding and reported Staff intended to apply for the additional funds and a discussion followed. Mr. Jackson concluded Layton City was in a good position respective to the secondary water metering and indicated the City would need to complete a bid process for the meter installation.

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APPOINTMENT TO THE PLANNING COMMISSION – LINDSEY HAMILTON – RESOLUTION 22-69

Chad Wilkinson, Community and Economic Development Director, informed the Council a vacancy occurred on the Planning Commission and Mayor Petro recommended the appointment of Lindsey Hamilton. He mentioned she was included with the group previously interviewed by the selection committee and shared some of her background with the Council. Both Mayor Petro and Councilmember Smith Edmondson mentioned she interviewed well and expressed confidence with her abilities.

MAYOR'S REPORT

Mayor Petro mentioned she would be participating in a meeting with mayors from other First and Second Class cities assembled by the ULCT (Utah League of Cities and Towns). She indicated she had been asked to identify the City's three highest priorities and requested assistance from the Council in identifying these priorities.

She also informed the Council of the meeting with the Wasatch Integrated Board on Wednesday, November 2, 2022, and announced beginning January 1, 2023 all vehicles going into the facility would be weighed and loads weighing below 10,000 pounds would be assessed the flat rate; fees would be assessed based upon weight above the 10,000 minimum weight load.

The meeting adjourned at 6:47 p.m.

Kimberly S Read, City Recorder

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MINUTES OF LAYTON CITY COUNCIL MEETING

NOVEMBER 3, 2022; 7:00 P.M.

MAYOR AND COUNCILMEMBERS PRESENT:

**MAYOR JOY PETRO, ZACH BLOXHAM, TYSON
ROBERTS, BETTINA SMITH EDMONDSON, AND
DAVE THOMAS**

PARTICIPATING ELECTRONICALLY

CLINT MORRIS

STAFF PRESENT:

**ALEX JENSEN, GARY CRANE, TERRY COBURN,
STEPHEN JACKSON, CHAD WILKINSON, 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. Mayor Petro led the Pledge of Allegiance. Tom Tudor, resident, offered the invocation.

MINUTES:

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

**Layton City Council Work Meeting – July 21, 2022;
Layton City Council Work Meeting – August 4, 2022; and
Layton City Council Meeting – October 20, 2022.**

The vote was unanimous to approve the minutes as written.

MUNICIPAL EVENT ANNOUNCEMENTS:

Councilmember Roberts announced the following:

- Parks and Recreation's Family Activity – Turkey Bowl, was scheduled for Saturday, November 5, 2022, at Davis Lanes. He believed spaces were still available and directed the public to the City's website for details and reservations.
- Veterans Day Parade would take place on Saturday, November 12, 2022, beginning at 11:11 a.m. followed by the Veterans Honors Ceremony at the Vietnam Veterans Memorial Wall Replica.

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Councilmember Smith Edmondson announced the following:

- Acknowledged the Layton City Youth Court just completed its 24th year and for the first time 100% of youth offenders (18 offenders) had completed their respective dispositions. She complimented Karlene Kidman, Youth Court Advisor, and the Youth Court participants, as well as the offenders for completing the Program.
- Davis Arts Council's Small Stage Series of performances would begin with the first concert scheduled for Friday, November 4, 2022, by local singer/actor Quesley Bunch. She mentioned there would be two performances that evening one at 6:00 p.m. and another at 8:00 p.m. She mentioned this was a free event.
- The City's Active Transportation Plan Open House was scheduled for Wednesday, November 9, 2022 beginning at 6:00 p.m. to allow the public to provide feedback. She also mentioned comments could be submitted from the City's website.

PRESENTATIONS:

PROCLAMATION – SMALL BUSINESS SATURDAY

Mayor Petro read a Proclamation expressing the City's support for Small Business Saturday, November 26, 2022.

CITIZEN COMMENTS:

Tom Tudor, 1757 Gregory Drive, acknowledged the opening of the Antelope Drive/Highway 89 interchange and expressed appreciation to the City and Staff for making this happen.

Chris Rowe, 1051 Nalder Street, petitioned the Council regarding the lack of sidewalks on the south side of Gordon Avenue beyond Fresh Market for students walking from E.G. King Elementary School. He mentioned there had been an increase in vehicular traffic with the opening of the Gordon Avenue extension to Highway 89. He requested installation of a sidewalk on the south side of Gordon or installation of a lighted crosswalk for students walking to and from the elementary school.

Justin Hugie, 1188 Nalder Street, expressed agreement with Mr. Rowe's comments and believed most children were accustomed to light traffic on that section of Gordon. He would be in favor of either an additional crosswalk beyond the area minus the sidewalk on the southern side of Gordon or installation of a sidewalk.

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CONSENT AGENDA:

APPOINTMENT TO THE PLANNING COMMISSION – LINDSEY HAMILTON – RESOLUTION 22-69

Chad Wilkinson, Community and Economic Development Director, informed the Council there was a vacancy on the Planning Commission. He explained earlier this year the City received a number of applications to be considered for service on the Commission and several applicants were interviewed by a committee. He mentioned Lindsey Hamilton was one of those and Mayor Petro was recommending the appointment of Lindsey Hamilton as an alternate member of the Planning Commission.

INTERLOCAL COOPERATION AGREEMENT BETWEEN LAYTON CITY AND DAVIS COUNTY REGARDING THE FAIRFIELD ROAD SIDEWALK PROJECT – RESOLUTION 22-64 – APPROXIMATELY FAIRFIELD ROAD AND ROSEWOOD LANE

Terry Coburn, Public Works Director, introduced the agenda item and announced Davis County was responsible for the management and maintenance of designated drainage systems within the County, including the Holmes Creek drainage system. The County had surveyed and prepared a design for a new culvert to replace its existing culvert at Fairfield Road, near Rosewood Lane. The City surveyed and prepared a design for the sidewalk improvements and related work associated with those improvements along Fairfield Road, on the property located at 1254 East Rosewood Lane. The City and County would work together to install the improvements for the Holmes Creek Culvert and the Fairfield Road Sidewalk under the same contract. The County had advertised, received bids, and selected a contractor for the Project. The City agreed to reimburse the County for the total construction costs, associated with the Fairfield Road Sidewalk portion of the Project, estimated to be \$146,008.33, within 30 days after being provided with an invoice for the actual improvement costs by the County. A visual illustration was shared which identified the location of the sidewalk and the culvert which provided further clarification.

GRANT AWARD ACCEPTANCE ON BEHALF OF LAYTON CITY, FROM THE UTAH BOARD OF WATER RESOURCES, MANAGED BY THE STATE OF UTAH, DIVISION OF WATER RESOURCES, FOR THE SECONDARY WATER METER INSTALLATION PROJECT – RESOLUTION 22-65

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Mr. Coburn introduced the agenda item and stated the Legislature passed HB242 during the 2022 legislative session, which addressed the metering of pressurized secondary water and required that all secondary water systems be metered by 2030. The Utah Board of Water Resources had established a program allowing for grant funds and low interest loans to be made available to secondary water providers, in order to mitigate some of the costs associated with HB242. The City recently acquired the Kays Creek Irrigation pressurized secondary water system and needed to purchase and install 2,380 secondary water meters in order to be compliant. The estimated cost of the Project was approximately \$7,140,000. The Board had awarded the City \$5,000,000 in grant funds toward the Project. The Board had also authorized a low interest loan in the amount of \$1,821,000 to provide additional funding in order to mitigate a portion of the Project costs. The City's estimated participation cost for the Project, after the grant and loan funds had been applied, would be approximately \$319,000.

Staff recommended approval.

Councilmember Bloxham inquired how many of the 2,380 secondary water meters would be installed to users of the Kays Creek System and Mr. Coburn responded all 2,380 would be installed for Kays Creek secondary water users. Councilmember Bloxham expressed appreciation to Staff for identifying grant funding to help offset the cost for the water meters in order to be compliant. Mr. Coburn also mentioned the City's Engineering Staff had been instrumental in obtaining this grant funding in addition to other grants which benefitted the City's water system.

Councilmember Smith Edmondson clarified the Resolution number was 22-65 and not 22-56 as previously stated in the introduction.

BID AWARD – M.C. GREEN AND SONS, INC. – 2700 WEST CONSTRUCTION, PROJECT 22-59 – RESOLUTION 22-70 – 2700 WEST BETWEEN GENTILE STREET AND WEST HILL FIELD ROAD

Mr. Coburn announced the resolution would authorize the execution of an agreement between Layton City and M.C. Green and Sons, Inc. for the 2700 West Construction project. This project included the installation of asphalt, curb and gutter, sidewalk, sewer pipe, water line, land drain pipe, storm drain pipe, manholes, conduit, and associated items. He reported eight bids were received, with M.C. Green and Sons, Inc. submitting the lowest responsive, responsible bid in the amount of \$6,217,851.30. The engineer's estimate was \$4,750,000. Staff recommended approval.

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Councilmember Bloxham requested clarification regarding the difference between the engineer's estimate and bid amount. Mr. Coburn responded not only had the industry recognized an increase for materials, there were supply chain issues in actually procuring the product. He expressed his opinion costs for products hadn't yet peaked. He also mentioned the difference between this bid and the next lowest bid was only \$2,000 and didn't believe the City could postpone the project due to timing constraints identified with the project.

Councilmember Roberts inquired whether item B would come back to the Council for approval specific to the sidewalk costs and also inquired whether it required a roll call vote since it authorized an expenditure. Gary Crane, City Attorney, responded this particular agenda item had been appropriated as a budget item; therefore, the Council was being asked to approve the project.

MOTION: Councilmember Smith Edmondson moved to approve the Consent Agenda as presented. Councilmember Thomas seconded the motion, which passed unanimously.

PUBLIC HEARINGS:

There were no public hearings.

UNFINISHED BUSINESS:

There was no unfinished business.

The meeting adjourned at 7:31 p.m.

Kimberly S Read, City Recorder

D R A F T

MINUTES OF LAYTON CITY COUNCIL WORK MEETING

NOVEMBER 17, 2022; 6:00 P.M.

MAYOR AND COUNCILMEMBERS PRESENT:

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

STAFF PRESENT:

**ALEX JENSEN, GARY CRANE, CHAD
WILKINSON, TRACY PROBERT, STEPHEN
JACKSON, ED FRAZIER, AND KIM READ**

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

Mayor Petro opened the meeting.

AGENDA:

COUNCILMEMBER REPORT

Councilmember Smith Edmondson informed the Council, Communities that Care (CTC) had met last week and new leaders were designated. She announced it had just completed a grant approval process and reviewed some of the programs it was implementing. She also mentioned she had also attended a meeting with the Davis Arts Council.

Councilmember Morris mentioned the new members of the RAMP Commission were being trained and announced the grant application process was open until January 3, 2023.

Councilmember Roberts stated the Parks & Recreation Commission had met and reported a good discussion had taken place regarding sportsmanship at City's recreational leagues.

AMENDMENTS TO THE BUDGET FOR FISCAL YEAR 2022-2023 – ORDINANCE 22-26

Councilmember Bloxham requested clarification regarding the most current water usage report and Tracy Probert, Finance Director, reported water revenue had significantly declined due to the decrease in usage as a result of the water conservation campaign. Alex Jensen, City Manager, requested direction from the Council with how it would like to be updated specific to water revenue and a discussion followed.

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Stephen Jackson, City Engineer, indicated he could provide additional data and Mr. Probert stated he could provide monthly statistics, year-end statements, and yearly comparisons.

Mr. Probert shared a visual presentation and reviewed the Budget Amendment Summary specific to the General Fund., in addition to the Davis Metro, Proposition 1, CDBG (Community Development Block Grant), Impact Fee, Capital Projects, Water, Storm Water, Street Lighting, and Sewer; and a discussion followed.

Councilmembers Bloxham and Morris expressed concern with the CDBG expenditure for the teen resource center affiliated with Davis School District. Mayor Petro clarified although it was associated with the school district, it would function separate from the District. Chad Wilkinson, Community and Economic Development Director, pointed out the parameters for the use of CDBG funding and emphasized the project qualified under its guidelines and the City was allowed to use previous programming funds for this purpose and clarified this expenditure didn't take funding away from other projects. Mayor Petro stated she would solicit more information regarding the youth resource center to disseminate to the Council. Mr. Wilkinson continued to explain how the funding had materialized for this specific expenditure with HUD's approval. Mr. Probert informed the Council of possible grant funding options which would eliminate the need for bonding.

MAYOR'S REPORT

No Mayor's report was shared.

The meeting adjourned at 6:29 p.m.

Kimberly S Read, City Recorder

D R A F T

MINUTES OF LAYTON CITY COUNCIL SPECIAL MEETING

NOVEMBER 17, 2022; 6:31 P.M.

MAYOR AND COUNCILMEMBERS PRESENT:

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

STAFF PRESENT:

**ALEX JENSEN, GARY CRANE, CHAD
WILKINSON, STEPHEN JACKSON, TRACY
PROBERT, 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.

AGENDA:

PUBLIC HEARING:

NOTICE TO ISSUE WATER REVENUE BONDS

Mayor Petro opened the public hearing at 6:32 p.m.

Tracy Probert, Finance Director, announced the public hearing was required because the City was considering issuing Water Revenue Bonds in support of a project for the installation of water meters for secondary water connections. The installation of the meters was a result of House Bill 242 requiring the connections to be metered by January 1, 2030. In conjunction with that requirement the Utah Board of Water Resources was providing some funding. Additionally, funding from the American Rescue Plan Act (ARPA), had been applied for and received, which required no payback and reviewed those figures.

He explained the City had applied to the Board for a loan and security for the low interest loan would be provided through the sale of a revenue bond to the Board. He mentioned the City considered funding the project from Water Fund Reserves, as opposed to bonding, and determined it would be in the best interest of the City to pay for the project over time as opposed to disrupt the Capital Improvement Project Plan specific to water projects. He indicated the remainder, \$319,000, would be funded through future water system revenue or Water Fund Reserves. He pointed out the bond payments for the \$1.8 million would be funded from water system revenue or Water Fund Reserves.

D R A F T

Mr. Probert reviewed specifics associated with the secondary water metering pointing out the Utah Water Board was requiring the City to bond for the low interest loan and emphasized there would be no tax increase or rate increase associated with the bond issuance.

He stated notice had been provided to residents within their respective utility bills. He reviewed and responded to the following comments and questions submitted by residents as a result of the utility bill notice:

- Are residents without access to secondary water subsidizing users of the secondary system? Mr. Probert reviewed a portion of the City's Water Master Plan pointing out the culinary water rate structure had been adjusted for residents without secondary water access.
- Would residents without access to secondary water now receive secondary water service? Not every resident would have access to the secondary water system.
- Would the monthly bill increase? No rate increase would be proposed for this project.
- The City had no plans to increase water rates or increase property taxes as a result of this project.
- Weber Basin would be under the same requirement to meter its secondary water users and it operated separately from the City; therefore, the City would have no knowledge if it intended to raise rates as a result of the requirement.
- The project would soon go out for bid with meter installation beginning late winter early spring.
- Properties with unique circumstances would be addressed by the City Engineer and contractor when needed.

Mayor Petro called for public comment. She stated Staff would respond to comments and questions following the public comments.

Ron Frazier, 1636 West 75 North, wanted to know who served on the Board, if all rate payers would be contributing, requested clarification of areas identified on the map in relation to Weber Basin water users, and who was providing the grant funding. He didn't believe it was fair he pay for secondary water meters when he didn't have access to secondary water, and expressed concern with the City accessing 'free money'.

Chris Nielsen, representing Margaret Nielsen, 1280 North Fairfield, inquired if additional costs associated with the installation of the secondary water meters would be passed onto the resident. He asked about the deadline associated with completing the meter installation project. He shared some unique specifics associated with his property and inquired how that would be accommodated.

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Geri Wilkes, 2759 North 1650 East, asked how many meters would be installed, what were the projected costs for a meter once installed, what brand of meter would be purchased, and what portion of the utility bill was specific to secondary water. She clarified her father was involved with an irrigation company which was also being required to install secondary water meters.

Stephen Jackson, City Engineer, provided the following:

- The Board was the Division of Water Resources and it was responsible for making decisions for funding. It was responsible for appropriations via the State Legislature and explained the background associated with funding this specific House Bill. He pointed out this low interest loan was intended as a resource to cover the approximately 30% gap between the grant funding and project costs.
- Weber Basin would be responsible for installing secondary water meters on its own system and it would be completing its project separate from Layton City.
- The scope of the project included the meter pit and the valve for the meter connections. There could be individual circumstances in which a conversation would take place with property owners.
- A three year construction window was anticipated and funds needed to be expended by 2026. He mentioned the City was aware of possible supply chain issues.
- An agreement with property owners would be needed for those with private lines away from the roadway and suggested those would be on an individual basis.
- He stated there were 2,380 meters proposed for installation with a projected cost of \$2,500 to \$3,500 depending on whether the connection would be made in the front or rear yard.
- The City would be purchasing the Master Meter Sonata which was the same meter used in the City's culinary water system.
- He identified the different water providers and operating systems within the City.

Alex Jensen, City Manager, explained the background associated with the City accessing water in the reservoirs with the transfer of the Kays Creek Irrigation water system to the City. He pointed out the benefit of having deep water wells within the City, in addition to the long-term contracts with Weber Basin Water. He also pointed out potential costs in acquiring additional water needed in the future for growth within the City and the strategy in acquiring additional water resources. He pointed out the City's water rates were historically, and still was, one of the lowest in the State. He further explained the funding sources associated with the water meter installation project and the benefits in not using City revenue for this project.

Councilmember Morris requested clarification regarding the number of secondary water meters and Mr.

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Jackson reiterated new secondary water connections would be metered in conjunction with new development.

Councilmember Bloxham expressed appreciation to Staff for securing grant funding for the project.

Councilmember Roberts requested clarification regarding the need for additional valves and Mr. Jackson responded a shut-off valve would be made available in certain circumstances to eliminate access to the meter box.

Mr. Jackson identified the number of water meters, for both culinary and secondary water, currently used within the City.

MOTION: Councilmember Bloxham moved to close the public hearing at 7:07: p.m. Councilmember Thomas seconded the motion. The motion passed with the following vote: **Voting AYE – Councilmembers Bloxham, Morris, Roberts, Smith Edmondson, and Thomas. Voting NO – None.**

The meeting adjourned at 7:08 p.m.

Kimberly S Read, City Recorder

D R A F T

MINUTES OF LAYTON CITY COUNCIL MEETING

NOVEMBER 17, 2022; 7:10 P.M.

MAYOR AND COUNCILMEMBERS PRESENT:

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

STAFF PRESENT:

ALEX JENSEN, GARY CRANE, CHAD WILKINSON, STEPHEN JACKSON, TRACY PROBERT, 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. Mayor Petro led the Pledge of Allegiance. Pastor Kevin Lambert, Church of Nazarene, offered the invocation.

Maryianne Pullman, Community Interfaith Committee, announced the Annual Christmas Concert was scheduled for Sunday, November 20, 2022, at 7:00 p.m. Doors to the Layton High School Auditorium would open at 6:20 p.m. She identified some of the performers and choirs from 14 different faith based organizations/churches within the City and explained what the public could expect to see, hear, and witness at the concert. She encouraged the public's attendance at the free event and directed the public to the City's website for information.

Mayor Petro expressed appreciation to the Interfaith Committee for organizing the Christmas Concert with the different organizations and indicated she was looking forward to attending the concert.

MINUTES:

No minutes came before the Council for approval.

MUNICIPAL EVENT ANNOUNCEMENT:

Councilmember Smith Edmondson announced the following:

- Davis Arts Council was presenting its Small Stage Series of concerts on the 1st and 3rd Friday of the month. She announced the performer scheduled for Friday, November 18, 2022, was Morgan Thomas.

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She mentioned the concerts were free and performances were scheduled for 6:00 and 8:00 p.m.

- Layton Communities that Care coalition would be providing a free 10-week program, Strengthening Families, beginning in January. She mentioned registration was currently available and would focus on families with children between the ages of 10-14. She indicated free childcare was provided for children under the age of 10 and dinner was also provided. The classes were available in either English or Spanish and pre-registration was required. She directed the public to the Layton Communities that Care Facebook page.
- The City hosted an Active Transportation Plan open house last week and public comment was still being accepted until Monday, November 21, 2022, and directed those interested in making comments to visit the City's website or Facebook page.

Councilmember Roberts announced the Parks and Recreation Department had been working hard to provide the City's Christmas Light display in Constitution Circle. He stated the lighting ceremony was scheduled for Monday, November 21, 2022, with a small presentation beginning at 6:30 followed by the lights being turned on at 7:00 p.m. He mentioned the lights in the park would be available nightly until 11:00 p.m. through Saturday, December 31, 2022.

Mayor Petro announced the Rotary Club would also be selling hot chocolate and churros every night, except Sunday evenings, in the Park for those visiting the Christmas lighting display.

Councilmember Thomas mentioned those visiting the City's Christmas light display between Monday, December 12 and Saturday, December 17, 2022, would have the opportunity to ride a train through Commons Park for a small fee. He indicated this would be a pilot program to determine whether there was enough interest for the City to purchase a train.

Councilmember Morris informed the Council KUTV News, the Davis Education Foundation, and Davis School District had partnered together for a Holiday food drive at Northridge High parking lot on Friday, November 18, 2022, from 3:00 to 6:00 p.m. He reviewed the suggested items for donation and stated the collected food would benefit students within the Davis School District

CITIZEN COMMENTS:

Amy Motta, 1174 Milton Avenue, Salt Lake City, Humane Society Volunteer, mentioned one of her roles with the Humane Society was to educate policy makers on matters of animal welfare. She specifically mentioned the problem of puppy mills and puppies being sold in pet stores and urged the Council to consider adopting

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legislation prohibiting this practice. She shared the legal definition of a puppy mill pointing out it didn't specify the number of breeding animals.

VERBAL PETITIONS AND PRESENTATIONS:

Ray Stowers, Layton Christian Academy Head Football Coach, informed the Council the football team had won the 1A State Championship Title. He expressed appreciation to the Council for recognizing the team's achievement and stated he was extremely honored and proud of the football team. He reported 14 out of 17 seniors had received college scholarships. He mentioned the football program had worked hard and been successful over the past two years which allowed the team to represent Layton City and bring home a state championship for the first time.

Mayor Petro mentioned the players/students at Layton Christian Academy came from all over the World and congratulated the Eagles and coaching staff on its achievement of earning a State Championship.

Councilmember Bloxham acknowledged the final score of the game 55-19.

CONSENT AGENDA:

AMENDED SUBDIVISION PLAT – QUAIL HOLLOW PHASE 2 SUBDIVISION – 1ST AMENDMENT – 2444 NORTH 1675 EAST

Chad Wilkinson, Community and Economic Development Director, announced the agenda item and shared a visual illustration which identified the location of the subdivision. He reviewed the adjacent zoning and uses and identified the proposed lots for the plat amendment. He referred to an illustration and explained the access driveway to the flag lots at the rear didn't follow the original easement or driveway lines. The subdivision amendment would create an easement to allow for Lot 10 to have some additional buildable area. He shared the proposed plat pointing out what the new driveway access would look like and the new configuration for Lot 10. He indicated this would require the lots to be renumbered. He announced the request was reviewed by the Planning Commission during its meeting on Tuesday, October 25, 2022 and forwarded a positive recommendation to the Council and Staff supported the recommendation.

He asked if there were any questions.

Councilmember Thomas clarified if all property owners were in agreement with the proposal and Mr.

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Wilkinson responded in the affirmative.

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

PUBLIC HEARINGS:

AMENDMENTS TO THE BUDGET FOR FISCAL YEAR 2022-2023 – ORDINANCE 22-26

Tracy Probert, Finance Director, announced a public hearing was noticed regarding amendments to the 2022-2023 Budget. He reviewed the following proposed amendments:

- \$59,908.76 for the General Fund - \$47,308 for the Ed Kenley amphitheater, \$12,600 for the Fire Academy

He mentioned two of the larger items were directly related to the 2700 West Project and reviewed those funding appropriations. He indicated the secondary water metering was also identified in the budget amendments and reviewed those figures. He also identified the CDBG (Community Development Block Grant) funding appropriated for a teen resource center in conjunction with the Davis Education Foundation, Davis School District, and other private donors.

He asked if there were any questions specific to the budget amendments.

Councilmember Bloxham requested Mr. Probert speak to the \$1,450,000 Proposition 1 funding for 2700 West. Mr. Probert explained how the Prop 1 funding was recognized and stated the City generally appropriated the funding for different transportation projects within the City such as: streets, trails, bike lanes, etc. He reported this appropriation was specific to street construction, the 2700 West Project.

Councilmember Thomas pointed out the possibility of acquiring additional grant funding to decrease the amount of funds from bonding needed to complete the secondary water metering. Mr. Probert explained in order for the City to begin the project, funds needed to be in the budget prior to approving the contract; which this budget amendment would accomplish. He mentioned until the City knew the exact amount of grant funding it would receive, a decision could not be made on whether the City would need to bond. He concluded the budget amendment was needed in order for the City to move forward with the project.

Mayor Petro opened the public hearing at 7:43 p.m.

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Mayor Petro called for public comment.

There were no public comments.

MOTION: Councilmember Thomas moved to close the public hearing at 7:44 p.m. and approve the amendments to the budget for Fiscal Year 2022-2023, as presented, Ordinance 22-26. Councilmember Morris 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.

The meeting adjourned at 7:45 p.m.

Kimberly S Read, City Recorder

**LAYTON CITY COUNCIL MEETING
AGENDA ITEM COVER SHEET**

Item Number: 5.A.

Subject:

Annual Comprehensive Financial Report for the Fiscal Year Ended June 30, 2022

Background:

State statute requires an annual audit of the financial records by a qualified certified public accountant. Federal regulations require an audit under the “Single Audit Act” when \$750,000 or more of Federal grant money is expended in the year. HBME, P.C. was engaged to perform these audits and has completed the work fulfilling the requirements. Their opinion and reports are included within the Annual Comprehensive Financial Report (ACFR). A copy of the ACFR was submitted to the Mayor and Council's Dropbox.

The Audit Committee has met with the auditors and reviewed the financial report, audit findings, and reports on compliance. The City has received a favorable opinion on the financial statements contained in the ACFR. This means that the financial statements present fairly, in all material respects, the financial position of the City at June 30, 2022.

Tracy Probert, Finance Director, will make a few comments regarding the financial report and answer any questions. Mr. Robert Wood, Partner, in the certified public accounting firm of HBME, P.C. will present a brief report on the audit and will respond to questions, if any.

Alternatives:

Alternatives are to: 1) Accept the audit reports and the financial report by passing a motion; or 2) Request additional information from the auditor or Staff.

Recommendation:

The Audit Committee and Staff recommend that the Council pass a motion accepting the audit reports and financial report as presented.