

**MINUTES OF LAYTON CITY
COUNCIL MEETING**

OCTOBER 2, 2014; 7:00 P.M.

**MAYOR AND COUNCILMEMBERS
PRESENT:**

**MAYOR BOB STEVENSON, JOYCE BROWN, TOM
DAY, JORY FRANCIS AND JOY PETRO**

ABSENT:

SCOTT FREITAG

STAFF PRESENT:

**ALEX JENSEN, GARY CRANE, DAVE PRICE,
PETER MATSON AND TORI CAMPBELL**

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

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

MINUTES:

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

Layton City Council Joint Planning Commission Work Meeting – September 4, 2014.

The vote was unanimous to approve the minutes as written.

MUNICIPAL EVENT ANNOUNCEMENTS:

Councilmember Brown reported on the upcoming family recreation Halloween Bash on October 24th at Central Davis Jr. High, which was a fun, free family event. She indicated that there would be a Halloween pumpkin dive at Surf 'n Swim on October 25th.

Councilmember Petro reported on a meeting she attended today with the Northern Utah Chamber Coalition where Governor Herbert spoke.

CONSENT AGENDA:

**APPOINT DEBBIE COMSTOCK, STEVE CRAGO AND MILTON S. HERRING, II TO SERVE
AS REGULAR MEMBERS OF THE PARKS AND RECREATION COMMISSION –
REAPPOINT BRIGIT GERRARD, BILL JOHNSON, SARA BECKSTEAD, RICK BRADY AND
DON WILHELM TO SERVE AS REGULAR MEMBERS OF THE PARKS AND RECREATION
COMMISSION – RESOLUTION 14-63**

David Price, Parks and Recreation Director, said Mayor Stevenson recommended that Debbie Comstock, Steve Crago, and Milton S. Herring be appointed to serve as regular members of the Parks and Recreation Commission. He said the Mayor also recommended the reappointment of Brigit Gerrard, Bill Johnson, Sara Beckstead, Rick Brady and Don Wilhelm as regular members of Parks and Recreation Commission. Dave said Staff recommended approval of Resolution 14-63 appointing the Parks and Recreation Commission members.

Councilmember Brown welcomed the new members to the Parks and Recreation Commission. She said the Commission worked with the Parks and Recreation Department helping choose things such as recreational activities and where parks would be located. Councilmember Brown said the three new members were very qualified and had all lived outside of the state, which would allow for new ideas that they had seen work in other areas.

MOTION: Councilmember Brown moved to approve Resolution 14-63 approving the Parks and Recreation Commission appointments and reappointments. Councilmember Petro seconded the motion, which passed unanimously.

The Commission members came forward to shake hands with the Mayor and Council.

CONSENT AGREEMENT BETWEEN LAYTON CITY AND ZIONS FIRST NATIONAL BANK FOR THE COLLATERAL ASSIGNMENT OF THE AGREEMENT FOR THE DEVELOPMENT OF LAND BETWEEN LAYTON CITY AND LEGACY COTTAGES OF LAYTON, LLC, DATED OCTOBER 4, 2012 – RESOLUTION 14-66

Gary Crane, City Attorney, took a moment to introduce a new intern with the Legal Department, Jessica, a student from Layton High School. He said Jessica wanted to attend a Council Meeting and see how they were run.

Gary said based on the agreement the City had with the developer of this property, the City had to approve each assumption of the agreement by each group that may subsequently take ownership interest in the property. He said in the course of financing the property, there were a couple of assumptions that had taken place. Gary said first there was the original owner; two weeks ago the Council approved the assumption from the original owner to the developer. He said the developer had now gotten financing on the project for a senior housing center and Resolution 14-66 would approve the assumption by Zions Bank from the developer. Gary said that didn't mean the developer was out of any responsibility to do the things that were in the agreement; it simply meant that the Bank would become an additional party to that. He said Staff recommended approval of Resolution 14-66.

Councilmember Brown explained that there were some Scouts in the audience that were supposed to take notice of any items during the Council meeting that the Councilmembers disagreed on. She said that would probably not happen this evening, but when this project was first before the Council a couple of years ago there was a lot of discussion. Councilmember Brown said the project was right against a subdivision and this development would be three-story apartments. She said there was a lot of discussion about the road being able to handle the traffic and whether the neighbors would be okay with having an apartment building next to their homes.

FINAL PLAT – THE VILLAS AT HARMONY PLACE PRUD, PHASES 4, 5, AND 6 – APPROXIMATELY 525 SOUTH 2500 WEST

Peter Mattson, City Planner, said this was final plat approval for The Villas at Harmony Place PRUD, Phases 4, 5, and 6. He said the preliminary plat for the overall project was approved by the Council in August 2009. Peter said the three phases included approximately 6.5 acres with Phase 4 having 12 lots, Phase 5 with 14, and Phase 6 with 7 lots. He said the density was around 5 units per acre. Peter identified the property on a map and indicated that there would be fencing along the southern boundary. He said the Planning Commission recommended approval and Staff supported that recommendation.

Councilmember Petro said in the packet it mentioned that the secondary water would be supplied by Kay's Creek Irrigation Company. She asked why that was specifically identified; was it possible that Davis and Weber Counties Canal Company could be supplying the water as they had a line in that area.

Peter said as was the case with many of the subdivisions that had developed on the west side, he believed that the Canal Company was at their capacity as to what they could supply. He said Kays Creek would be the only supplier in the future, once they got across to the west side, that could supply that secondary service at an adequate capacity.

Councilmember Day asked if the City wasn't in the middle of a water study that would address all of those problems.

Gary Crane said the water study was ongoing, and the water issue out west would probably be resolved by that study. He said some years ago the Canal Company was almost exclusively servicing secondary water to the properties out west. Gary said then there was a period of time when they didn't have enough water to supply those properties with water. Gary said the Canal Company came to the City and the City redefined the area that they would be able to exclusively serve. Gary said the City entered into a couple of agreements with the Canal Company and Weber Basin Water Conservancy District to try and get more water into the system. He said there were a number of Canal Company lines that were left dry on the west side. Gary said it was one thing to put in the facilities, but it was another to come up with the supply to be able to provide water in those facilities, and the Canal Company did not have enough water at that time to be able to provide it. He said the City took the area the Canal Company thought that they could serve, and signed an agreement with them. Gary said the Canal Company was pretty much limited to that area. He said there were some areas the Canal Company had indicated that they could also serve, and the City had allowed them to do that, but for the most part, the Canal Company had hit their capacity.

Gary said since that time, the Canal Company had some water brought back into the system, and that was what the City was reviewing through the water study. He said Kays Creek Irrigation Company was beginning to provide water out west and had enough water to provide a lot of the area with water as they built infrastructure. Gary said there were some areas they would not be able to reach that would be serviced permanently by culinary water. He said this was part of the overall study of the area and what water supplies existed, but the reason the Canal Company was not all over the place was simply because principally they pared themselves back, and the City pared their area back to an area the size that they could actually accommodate.

Councilmember Petro said knowing that, and the fact that the Canal Company had additional water available, would it make sense to perhaps not identify specifically who would be supplying water in these developments until the study was completed.

Gary said right now the Canal Company was limited by contract to the area the City had designated for them. He said if the City wanted to expand that area the contract would need to be amended. Gary said that had been done on a couple of occasions when the property had warranted it, but the City didn't want to get caught in a situation where the area was enlarged and the Canal Company did not have the supply to be able to provide the water. He said the City was looking into and verifying that the Canal Company actually had the supply of water. Gary said he didn't know how you produced new water, because in the past the Canal Company did not have the water and they hadn't purchased any additional shares. He said maybe they had obtained more lease water, but the City would look at that during the course of the study.

Councilmember Day asked if the City had entered into an agreement with Kays Creek Irrigation to supply those areas.

Gary said no.

Councilmember Day said it seemed to go along with Councilmember Petro's question that it would be best not to identify one until the water study was completed.

Alex Jensen, City Manager, said he didn't think by approving the plat the City was in any way taking any formal action to say that Kays Creek Irrigation versus Davis and Weber Counties Canal Company would provide the water. He said according to the plans that had been in place in the past, the assumption had been Kays Creek Irrigation would probably be the one that would end up providing the water in that area for the reasons that Gary had stated. Alex said by approving this it didn't formally adopt that; the City didn't do that. He said part of the plan that was being looked at was to identify all of the water resources in the community, both culinary and secondary, and then try to identify who could most efficiently, in terms of construction and price, provide that water.

Councilmember Day asked when the study would be completed, and would it go through the same process as the Transportation Master Plan Study where it would be open to public review.

Alex said yes; the Mayor would ultimately set the process, but the expectation was that Staff would work with the consultants to identify the areas, the quantities of water, and fine tune the information that would come back to the Council for approval. He said it would be up to the Mayor and Council to determine the amount of public input. Alex said Staff felt it would be a wise thing to do.

Councilmember Day said the study had been going on for some months; did Staff have any idea when it would be completed and presented to the Council.

Alex said Staff actually met with the consultants last week and there were several questions raised by Staff that they were not able to answer in a satisfactory way with regard to the analytics associated with the project. He said Staff had asked them to do some additional research. Alex said he would expect that within the next couple of months Staff should be in a position to bring it to the Council.

Mayor Stevenson asked if secondary water lines would be run to each individual lot in this subdivision. He said he didn't think there were any lines down Fieldstone Way.

Councilmember Day asked if it wasn't the City's position that all subdivisions would provide secondary lines, but there had been some in the past that didn't.

Gary said subdivisions were all required to have dry secondary lines; with the exception of Crimson Corners because they were so far west there was no one that could service the subdivision. He said he couldn't answer that definitively, but it was a requirement of the subdivisions that the dry lines were installed. Gary said Staff could find that out; it appeared that the Mayor had more information on that.

Mayor Stevenson said Fieldstone Way was the main street into the subdivision, and he didn't recall seeing any lines. He said he didn't think there were any lines in lots 108 through 114, or on the other side of the road, which was probably the only way into the subdivision at this point.

Gary said the secondary water lines should be a requirement of all developments in anticipation of secondary water being provided.

Councilmember Day said he had a complaint from the adjacent property owner to the south about the fence being built. He said when this was before the Planning Commission it was specifically indicated that the fence would be installed toward the beginning of the project. Councilmember Day said there were other projects where that had been a problem. He encouraged City Staff to make sure the fences went in when they were supposed to.

Peter said Staff would be on that with the contractor and the developer. He said he thought the requirement was that the fence was installed when the street and utility system was installed.

Councilmember Day said the subdivision to the east was already building homes and the fence wasn't installed. He said the problem was the timing for when the fence was installed.

LOCAL GOVERNMENT UNDERSTANDING AND AGREEMENT WITH WASATCH FRONT REGIONAL COUNCIL (WFR) FOR THE PROVISION OF CONSULTING SERVICES WITH ENVISION UTAH FOR THE GROWTH SCENARIOS AND VISIONING PROJECT – RESOLUTION 14-67

Peter Matson said Resolution 14-67 would authorize the Mayor to sign a local government understanding and agreement with the Wasatch Front Regional Council for them to engage Envision Utah as a consultant for professional services to advise, guide and consult Layton City on a growth scenarios and visioning project. He said the City was the recipient of a \$40,000 program award from Wasatch Front Regional Council for planning assistance through their local planning resource program. Peter said the City would provide matching funds of \$30,000, and a minimum of \$10,000 of in-kind Staff hours. He said Staff

recommended approval.

Mayor Stevenson said this was discussed in detail in a work meeting two weeks ago.

MOTION: Councilmember Brown moved to approve Items B, C and D of the Consent Agenda as presented. Councilmember Day seconded the motion, which passed unanimously.

The meeting adjourned at 7:30 p.m.

Thieda Wellman, City Recorder