

**MINUTES OF LAYTON CITY  
COUNCIL WORK MEETING**

**NOVEMBER 6, 2014; 5:36 P.M.**

**MAYOR AND COUNCILMEMBERS  
PRESENT:**

**MAYOR BOB STEVENSON, JOYCE BROWN,  
TOM DAY, SCOTT FREITAG AND JOY PETRO**

**ABSENT:**

**JORY FRANCIS**

**STAFF PRESENT:**

**ALEX JENSEN, GARY CRANE, TRACY  
PROBERT, BILL WRIGHT, PETER MATSON,  
KENT ANDERSEN AND THIEDA WELLMAN**

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

Mayor Stevenson opened the meeting and turned the time over to Staff.

**AGENDA:**

**FINANCIAL UPDATE**

Tracy Probert, Finance Director, said sales tax revenues for the last fiscal year were 4.1% higher than the previous year, or \$488,000, which was fairly consistent with where the City was in 2013. He said revenues were about \$609,000 ahead of what had been budgeted last year. Tracy said so far this year there were two months of sales tax collected and revenues were up 4.05% over last year. He said that was an increase of about \$30,000 to \$40,000 per month. Tracy said he would attribute a lot of that steady increase to the increase in population; there had not been an increase in large sales tax producers to the City.

Mayor Stevenson said the population hadn't grown 8%.

Tracy said no, and it hadn't grown 4% either, but it did contribute to the increase. He said the economy was somewhat better as well.

Councilmember Brown said that was good news given the new development to the south.

Tracy said so far this year building permits were remaining strong. He said so far about 50% of what was budgeted had been received, but building would slow through the winter season. Tracy said overall revenues and expenditures were in line with what was budgeted.

Tracy said the audit for last fiscal year would be reported on December 4th. He said the City's financial advisor, Lewis Young, had indicated that it was probably a good time to consider refinancing the outstanding bonds. Tracy said a refinance could probably save the City approximately \$120,000 over the balance of the bonds. He said the outstanding bond amount was \$3,600,000.

Councilmember Freitag asked about the health care cost issues; had it been presented to employees.

Alex Jensen, City Manager, said yes; he had met with all of the employees and the formal document was sent to employees. He indicated that the one provider in the City that would not be on the new network was looking at changing to the new network.

Councilmember Freitag said considering the financial update, were there CIP projects that had been put off that should be discussed.

Alex said his recommendation would be to do that as part of the next budget cycle. He said it was really the Council's decision; if there were things the Council felt should be revisited midyear, Staff was certainly happy to do that.

Councilmember Freitag asked what the difference was in what was received and what was budgeted.

Tracy said last year it was approximately \$600,000 from what was budgeted.

Councilmember Freitag said the City also used some fund balance last year.

Alex said that was correct.

Tracy said overall the unassigned fund balance went down slightly, which hadn't happened before.

Councilmember Freitag suggested looking at the additional revenues and making some determinations.

Mayor Stevenson asked what the total sales tax revenue was for last fiscal year.

Tracy said it was \$12,194,000.

Mayor Stevenson said the all time high in 2007 was \$12,700,000 or \$12,800,000. He said the City was almost back to that point.

**CERTIFICATION AND ACCEPTANCE OF A PERPETUAL RIGHT-OF-WAY EASEMENT FROM PACIFICORP, DBA ROCKY MOUNTAIN POWER – WEST EXTENSION OF LAYTON PARKWAY – RESOLUTION 14-69**

Gary Crane, City Attorney, said as the Layton Parkway continued to be constructed west of 2200 West, there was a Rocky Mountain Power corridor that went through that area. He said the City needed to acquire a right of way through the power corridor to extend Layton Parkway. Gary said the cost for the right of way easement was \$16,000. He said this would allow the City to complete that portion of the road. Gary said this was ratification of that acquisition.

Councilmember Brown asked if Rocky Mountain Power wanted to dig up the road would they need the City's permission.

Gary said the City was subservient to their interests; the City would probably have to repair the road if that happened. However, all of the power lines were overhead and he didn't see that happening.

Councilmember Petro asked if this was in line with other easement purchases.

Gary said yes.

Councilmember Day asked what the per acre value was.

Gary said he didn't have that information but he would let Councilmember Day know.

**ANNEXATION REQUEST – ERIC MARTZ – ANNEXATION OF PROPERTY AND ANNEXATION AGREEMENT – 1242 EAST PHEASANT VIEW DRIVE – ORDINANCE 14-21 AND RESOLUTION 14-70**

Bill Wright, Community and Economic Development Director, said this was the Eric Martz annexation request for property located at 1242 East Pheasant View Drive. He said this was discussed in detail in the last joint work meeting. Bill said the property was a landlocked piece of property that contained .43 acres

and had previously been in Kaysville but was now in unincorporated Davis County. He said the annexation would allow for an expansion of the Pheasant View Assisted Living facility. Bill identified the property on a map. He said if the annexation was approved, this would be brought back to the Council for a rezone to R-S.

Bill said the annexation would provide for an expansion of the building. He said the addition needed to be connected to the existing building because of support facilities being located in the existing building. Bill said the additional units would be memory care units.

Bill said there was an annexation agreement placing limits on the development, such as the type of services that could be provided and there was a cap of 36 units. He said there were some technical changes made to the agreement that were not included in the Council packet copy relative to the owner and the color of the fencing. Bill said the owner was changed from Eric Martz to Pheasant View Land Company, LLC, and the fencing color was changed from earth tone to white to be consistent with existing fencing.

Councilmember Brown asked if there had been any feedback from residents.

Bill said yes; the property owner to the west did not support the expansion.

Councilmember Brown said when the Adamswood project was being approved, the agreement indicated that there couldn't be any changes made to the types of services unless it was brought back to the City for approval. She asked if there were any assurances that this facility would stay assisted living.

Gary said the annexation agreement would be filed and recorded against the property.

#### **ANNEXATION REQUEST – DANIEL’S CANYON – ANNEXATION AND REZONE – APPROXIMATELY 1300 NORTH 3300 EAST – ORDINANCES 14-23 AND 14-24**

Bill Wright said this was the Daniel's Canyon annexation request. He said in 1998 when the property was originally annexed into the City, there were a couple of small pieces of property that were left out of the annexation. Bill said recently when the plat was being recorded, those pieces of property were discovered. He identified the property on a map. Bill said there were two ordinances involved in this proposal; one would annex the property and one would rezone the property to R-1-10.

#### **DEVELOPMENT PLAN – WINCO FOODS – APPROXIMATELY 200 SOUTH FORT LANE**

Bill Wright said this development plan was presented earlier to the Council in a Strategic Planning meeting in May. He said in 2010 the subdivision had been approved and there had been an approval of a development plan. Bill identified the property on a map and displayed conceptual drawings of the site. He said a smaller building, 85,000 square feet, was being proposed. Bill said this was a little less than a 10,000 square feet reduction from the original plan.

Councilmember Brown asked if they were reducing the size of all of their stores.

Bill said this was the model they were working toward now. He said at the Planning Commission hearing their Vice President of Real Estate expressed that this was an efficiency model they had been working with for the last four years.

Councilmember Brown asked if the reduced size would be the same size as the Roy City store.

Bill said this would be a little smaller than the Roy store.

Mayor Stevenson said the smaller building would allow for another buildable pad on the site.

Councilmember Brown asked if the same development parameters would be on the separate pad as identified in the development agreement.

Bill said yes.

Bill indicated that the intersection at Wasatch Drive and Gentile Street would be completed as part of this approval. He said that intersection would become a signalized, four-way intersection. Bill said the number of parking stalls for the store was reduced.

Councilmember Brown said when she recently visited the Roy store she noticed the large number of parking stalls and felt they would never be used, even on the busiest shopping days.

Bill said Staff felt that this was an improved plan. He mentioned the landscaping and the layout of the sidewalk. Bill identified other aspects of the development on a map including the detention pond area. He said Staff felt that this would be a magnet to draw other development to the site.

Council and Staff discussed various aspects of the entire site including widening along Gentile Street.

Councilmember Day asked who would be responsible for the cost of the widening.

Bill said WinCo and the property owner up front would be responsible.

Councilmember Freitag said in the Engineer's report relative to the storm drain, it indicated that the developer should be aware that the costs associated with the storm drain system could be reduced. He asked if that was the cost to the developer.

Bill said yes; it was being brought to their attention. He said that was discussed in 2010; they had an in-house specification to accommodate a 100-year flood event on the property, which was not a City requirement.

Councilmember Freitag said if it was brought up in 2010 what was the point in bringing it up again.

Bill said part of the effort was that the City knew they were attempting to get the costs of the project in line with their current modeling so that the store could be built. He said Staff was sharing with them that there were some opportunities to lower costs that they may want their engineers to look at. Bill said it amounted to a little smaller underground pipe, which would meet the City's standard.

Councilmember Freitag said if the City had concerns about water, and future development on the site, why wouldn't their engineers recommend reducing this cost but beefing up the water supply so that they didn't have to do the looping as development occurred in the future.

Bill said he probably wasn't the one to speak to that. He said their engineer had had extensive conversations with the City's Engineers about the best way to handle the water situation.

Mayor Stevenson said the City liked developers to loop the water lines because it kept the water flow going in all directions.

Councilmember Freitag said in the Parks Planner notes it didn't appear that the WinCo property would extend to Layton Parkway.

Bill said that was correct. He said there would be a detention basin between the Parkway and the landscaping along the Parkway.

Councilmember Freitag expressed concerns with maintenance of the strip of land between the WinCo property and what the City maintained along the Parkway.

Bill indicated that the strip of land was part of the road right of way and belonged to UDOT. He explained the slope of the property in that area and the view shed. Bill said Staff didn't think that there would be a problem; because of the slope, the property was not viewable from the road, and there would be a building in front of it.

Council and Staff discussed maintenance of empty pads relative to weed control. There was discussion about the area by Target that was not developed or maintained.

Bill said any vacant lots had to be maintained relative to weed control. He said the owner would be incented to maintain it.

Councilmember Freitag expressed concerns with the vacant lots not being maintained.

Councilmember Petro asked if there was an increased interest in other development on the site.

Mayor Stevenson said yes; he felt that it would go quickly.

Bill identified the loading dock area of the building and screening. He explained the flow of truck traffic to the site.

Bill reviewed the façade treatment for the building and indicated that it had been through the Design Review Committee (DRC) process. He said Staff recommended approval of the development plan.

Councilmember Brown said the DRC recommended some changes relative to the trees on the site. She asked if the Council needed to be concerned about that.

Bill said no; WinCo agreed with the DRC recommendations. He said they were minor changes.

Councilmember Day indicated that the conditional use was granted by the Planning Commission. He asked what the Council's role was in this process.

Bill said as part of the original development agreement on the property, it indicated that the development plan would come back to the Council for approval. He said the Council's action would be to approve the development plan. Bill said he felt that WinCo would aggressively go to work on the project.

Councilmember Day asked when the other sites developed, would they just go to the Planning Commission for conditional use approval or would they come before the Council.

Bill said they may not go to the Planning Commission for conditional use approval; it would depend on the use. He said in the development agreement there was a review process for the site plan, the architecture and the landscaping, similar to this review, which would come back.

Councilmember Brown said if the developer wanted to put something on the site that didn't fit with the development agreement, the Council would see that.

Bill said that was correct; the development agreement would have to be amended, which would take Council approval. He said Staff's role was to follow the development agreement that was approved in 2010.

Mayor Stevenson asked if the Adam's property was part of the development agreement.

Bill said no. He said that property would follow CP-2 zoning requirements.

Councilmember Freitag said on October 25, 2011, when the Planning Commission approved the

extension of the original conditional use, what was the time frame for that extension.

Bill said six months.

Councilmember Freitag asked what had happened since that time until today.

Bill said at the six-month mark that previous approval expired. He said there were several conversations back and forth with some personnel changes in WinCo's real estate division. Bill said most recently, toward the end of 2013, they tasked a consultant to reevaluate many of their sites, which was the beginning of the conversation that was bringing this forward today.

Councilmember Freitag asked, by the Council granting the development plan approval, would that also fix the expired conditional use permit.

Bill said no; WinCo received a new conditional use permit a week ago at the Planning Commission meeting. He said there was a conditional use permit requirement for any building over 80,000 square feet.

Councilmember Freitag asked how long that conditional use permit would last.

Bill said it was a one-year approval.

#### **DISCUSSION – VISIONING SCENARIOS STAKEHOLDER GROUP**

Peter Matson, City Planner, said Staff wanted to provide the Council with an update on the process for the growth scenarios and visioning project. He said they were considering a date for a stakeholder meeting kickoff for the first week of December, possibly Wednesday December 3rd, at the Conference Center. Peter said as part of the project, there was a stakeholder group that would be organized to guide the process, together with a core advisory group. He said a stakeholder group was typically 50 to 60 participants from a good cross section of the community. Peter said Staff had developed a preliminary list of recommendations they would be getting to the Council that included people that participated in the branding survey process and people that had served in various volunteer capacities in the City. He said the core advisory group would involve 10 to 12 people. Peter said it was recommended that members of the Council and Planning Commission be on the stakeholders group as ex officio members to participate as much or as little as they would have time for.

Peter said the kickoff meeting would be about 1 ½ hours. He said Envision Utah staff would be involved in explaining the process, the time commitment, projected outcomes, and getting everyone ready.

Councilmember Petro asked if names they had submitted in the past would be on the list.

Peter said yes, and names could be added. He said there were about 113 names on the list he would be sending to the Council, and about 33 on the focus group list. Peter said Envision Utah suggested reaching out to the high schools and having some students participate.

Councilmember Petro asked if the names on the lists were identified as residential, business, etc., to make sure there was a good mix in the group.

Peter said that information could be provided.

Mayor Stevenson suggested that school board members be included.

**CLOSED DOOR:**

**MOTION:** Councilmember Petro moved to close the meeting at 6:44 p.m. to discuss the acquisition of real property. Councilmember Freitag seconded the motion, which passed unanimously.

**MOTION:** Councilmember Brown moved to open the meeting at 7:07 p.m. Councilmember Freitag seconded the motion, which passed unanimously.

**The meeting adjourned at 7:07 p.m.**

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Thieda Wellman, 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 **6th day of November, 2014**, was to discuss the purchase, exchange or lease of real property, including any form of a water right or water shares.

Dated this 18th day of December, 2014.

ATTEST:

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ROBERT J STEVENSON, Mayor

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THIEDA WELLMAN, City Recorder