

**MINUTES OF LAYTON CITY
COUNCIL WORK MEETING**

NOVEMBER 20, 2014; 5:32 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, BILL WRIGHT,
TRACY PROBERT, DAVE PRICE, KENT
ANDERSEN, JAMES (WOODY) WOODRUFF,
KEVIN WARD 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:

**MEMORANDUM OF UNDERSTANDING WITH DAVIS APPLIED TECHNOLOGY COLLEGE
(DATC) – RESOLUTION 14-71**

Kevin Ward, Fire Chief, said in 2005 the Fire Department started running a fire academy, which was a little cumbersome. He said in 2007 the Fire Department formed a partnership with DATC, which worked great. Kevin said the City hired a number of the firefighters that came out of the program; they were employment ready and had all of their necessary certifications. He said it was a win/win for the City and DATC. Kevin said through the partnership, the City was paid back for the use of equipment.

Kevin said Resolution 14-71 would renew the understanding with DATC. He said the amount the City would receive had gone up slightly to about \$800 per student. Kevin said depending on the number of students, the City received between \$20,000 and \$25,000 a year in fees. He said the money was used to purchase equipment and supplies.

Kevin said this had been a great partnership. He said the State Fire Marshall's Office had indicated that this was the best program of its type in the State.

Council and Staff discussed various aspects of the program.

UPDATE – SPUI AND THRU U-TURN ALONG HILL FIELD ROAD CORRIDOR

Alex Jensen, City Manager, introduced Brett Slater, Project Manager for UDOT. He introduced Aubrey Bennion with the PR team for the project. Alex said Brett and Aubrey had been great to work with.

Brett Slater said the project was moving forward. He said three contractors had been selected for the project; Kiewit, Ames and Wadsworth Brothers. Mr. Slater said an RFP would be released to the three firms and they would have until March 2015 to prepare their proposals to UDOT, and then one firm would be selected to complete the project.

Councilmember Freitag arrived at 5:41 p.m.

Councilmember Petro asked how they determined their short list.

Mr. Slater said an RFP was given out to everyone and five teams had submitted proposals. He said inside the proposal the firms were told that the intent was to get down to three contractors. Mr. Slater said they wanted to get down to three because it was a lot of work to go through the proposals, and the contractors were paid a stipend for putting the bids together because it was extremely expensive to put a proposal together.

Councilmember Day asked what they were paid in terms of the stipend.

Mr. Slater said it was approximately \$75,000, which was only a small portion of what they would spend in the next few months putting bids together.

Ms. Bennion said the contractors put together extensive proposals that turned into contracts.

Mr. Slater displayed a map of what they had released to the three teams of what the project would involve, including the thru u-turns and the SPUI. He indicated that the SPUI portion of the project would be a design build project because of the complexities of the SPUI. Mr. Slater said the thru u-turns would be built to UDOT's specific design specifications because they had already made the necessary right of way purchases, and they had already completed extensive traffic modeling.

Mr. Slater explained the intersection at Gordon Avenue, which would be a two-phase intersection. He said pedestrian traffic at this intersection would cross on the diagonal. Mr. Slater explained pedestrian flow in the area and steps that would be taken to delineate the pedestrian crosswalk.

Mr. Slater said I-15 would be raised and Hill Field Road would be lowered to accommodate the new bridge structure of the SPUI. He indicated that the left turn lane under the bridge onto I-15 would be removed during construction and traffic would be directed to the thru u-turns to access the interstate. Mr. Slater said during construction the intersection would not function very well, but after construction it would be great. He said there would be complaints about traffic flow during construction.

There was discussion about truck traffic from Smith's Food using the thru u-turns.

Ms. Bennion indicated that they were reaching out to the trucking companies to make them aware of the issues.

Councilmember Brown asked how long it would be that way.

Mr. Slater indicated that it would take 120 days, but it would not all be at the same time. He said they were really trying to protect the shopping season next year. Mr. Slater said all construction on Hill Field Road would stop, and the left turns would be put back in place from the 1st of November through the New Year. He said the entire project would be completed by June 2016.

Mayor Stevenson asked if the bridge would be built on-site or off-site and move into place.

Mr. Slater said that would be up to the contractor.

Mr. Slater explained closures of I-15 during construction. He indicated that there would be 4 closures on I-15 and 12 on Hill Field Road in each direction. Mr. Slater said the closures would be on a Sunday evening.

Mr. Slater expressed appreciation for the partnership UDOT had with Layton City through this process.

Mr. Slater displayed a timeline of the project. He indicated that the RFP had recently been released; proposals were due back in March and a contractor would be selected in April. Mr. Slater said the thru u-turns and super street would be constructed by next summer. He said they couldn't begin any construction on the SPUI until the super street was completed.

Councilmember Petro asked if all the thru u-turns would be constructed at the same time.

Mr. Slater said they would have to maintain Hill Field Road at all times. He said the left turns would not be removed until the signage, signals and everything was in place for the thru u-turns.

Ms. Bennion said most of the construction for the thru u-turns happened off the road in the bulb-out areas. She said that was what allowed it to happen quickly with little impact to traffic.

Ms. Bennion said they had been working on public involvement for 1 1/2 years. She said once the design of the thru u-turns was decided, they contacted property owners and had acquired all of the rights of way with the exception of three parcels. Ms. Bennion said everyone had been very agreeable to the concept of the project as well as to the right of way negotiations. She said that had been a good introduction of the project to the property owners and the business owners. Ms. Bennion said they wanted to reach out to the businesses relative to how the road was currently functioning; they would do that again midpoint through the project and again once the project was completed.

Councilmember Brown asked if the businesses would be informed ahead of time when there would be road closures.

Ms. Bennion said yes. She said some details wouldn't be known until the contractor was selected, but there was a lot of effort on the project to make sure that the community was informed and on board with the improvements.

Mr. Slater said a citizen review board would be formed to provide feedback to the contractor, and the board would be able to allocate incentive dollars to the contractor if he was meeting his obligations to the people. He said UDOT would be present but would not be a voting member relative to the incentive. Mr. Slater said with this process contractors very often went above and beyond to make sure they were doing a good job for the citizens.

Ms. Bennion said it was motivation to be good partners and to share the road with the people they had to report to. She said this process had been a great success on the Layton Parkway project.

Mr. Slater presented information about the Antelope Drive widening project. He said the majority of the project was overlay and restriping. Mr. Slater said this project would go extremely quick, and would be completed by May 15, 2015. He said this project had to be done before the Hill Field Road project began.

Mayor Stevenson asked who was heading up the Highway 89 and Antelope Drive project.

Mr. Slater said that was Rod Terry.

James (Woody) Woodruff, City Engineer, said they anticipated that opening by Thanksgiving.

Mayor Stevenson asked about the intersection just west of Highway 89; some residents thought there would be a roundabout at that intersection.

Woody said in the beginning stages of the project there was a discussion about a roundabout at that location. He said it was determined that a roundabout at that intersection would not be a good option.

Mayor Stevenson said he would be interested to see how traffic moved through that intersection, north to south, with the anticipated traffic on Antelope Drive.

Woody said the City would be asking UDOT to monitor that fairly closely. He said that was definitely a concern. Woody said because of weather, the Park and Ride would not be completed immediately and a section north of 2650 North would not be completed right away.

Mayor Stevenson asked about the roundabout at Oak Forest Drive.

Woody said the roundabout was in and ready to go. He said there were some concerns with safety and slopes in this area during the winter. Woody said heated mats had been placed underneath the asphalt on the south side of Oak Forest Drive approaching the roundabout. He said this was something that had been used in other parts of the country but was new to the City.

Councilmember Day asked what heated the mats.

Woody said they were electric. He said they were temperature and moisture controlled.

Mr. Slater indicated that with the Hill Field project, they discovered that there was a lot of water trying to be conveyed down Hill Field Road. He said currently a lot of the water was being stored in the existing gores; water was coming down Gordon Avenue, Hill Field Road, up from Ring Road, and into the detention pond. Mr. Slater said in a very severe storm event, they were overtopping the capacity of the gores and there was flooding on the east side. He said in working with City Staff, the idea was to put in a new trunk line to carry the water to Kays Creek. Mr. Slater said UDOT and the City would be working together on the trunk line, which would be a separate project. He said a cooperative agreement would be brought back to the Council for approval.

AGREEMENT FOR PROFESSIONAL SERVICES WITH SALT LAKE CHAMBER OF COMMERCE – RESOLUTION 14-72

Alex Jensen said at the Utah League of Cities and Towns (ULCT) convention this last year there was a resolution passed by the membership indicating that there needed to be more creative approaches to transportation funding; the current funding mechanisms were not sufficient to provide for all the transportation needs. He said as a follow up of that, the ULCT, the Utah Association of Counties, and the Salt Lake Chamber of Commerce had joined together to form the Utah Transportation Coalition. Alex said the purpose was to prepare information, do analysis and then share that analysis and information with State elected and appointed officials to help them understand the significance of the need, in terms of demand for transportation networks as well as funding flexibility to meet those demands. He said the ULCT was approaching every city in the State to see if they had an interest in being a member of that Coalition. Alex said in visiting with the Mayor, his view was that it made a lot of sense. He said depending on what happened legislatively, there was a potential that the revenue stream for transportation could increase significantly with some of the ideas that were being kicked around.

Alex said Resolution 14-72 would adopt an agreement between Layton City and the Salt Lake Chamber of Commerce. He said the Salt Lake Chamber had agreed to be the head agency in terms of doing the analysis and putting it into a format that would be made available to the cities that could then be shared with local representatives and with citizens. Alex said they were also asking for a \$2,000 contribution to be part of the organization. He said any information and materials produced would be made available for free. Alex said Staff agreed with the Mayor that it was a great idea.

Councilmember Brown said in attending the ULCT meetings, they have asked the cities to pass a resolution stating that transportation funding was important.

Alex said the ULCT had submitted a sample resolution that would be brought to the Council for consideration. He said some data had already been produced that they would be making available to the cities.

Councilmember Day asked if this would be an ongoing thing.

Alex said he would assume that it would be ongoing because it was likely to be a multi-year strategy to be able to bring about the attention, education and resources needed to fund a comprehensive transportation

network. He said this was not only the traditional highways and trucks, but it would include mass transit, bus systems, bicycle paths, pedestrian trail systems, etc. Alex said they would try to look at the transportation network a lot more holistically and comprehensively, and realized that the transportation networks that people were demanding and being used today were much different than they were 20 or 30 years ago. He said the way people wanted to move within a community or between communities was much different; that needed to be recognized and have a funding mechanism that would accommodate that.

Councilmember Brown said at a kickoff meeting it was mentioned that the State was barely maintaining rural roads; filling potholes. They didn't have the money to do major repairs.

Mayor Stevenson said there were those same issues within the City. He said there were only so many dollars to take care of it; it had to be figured out.

Councilmember Brown said it was suggested that when the Council met with local legislators, they present the City's Master Transportation Plan identifying major streets that would need to be funded.

REZONE REQUEST – PHEASANT VIEW LAND COMPANY, LLC – A (AGRICULTURE) TO R-S (RESIDENTIAL SUBURBAN) – 1242 E. PHEASANT VIEW DRIVE – ORDINANCE 14-22

Bill Wright, Community and Economic Development Director, said annexation of this property was approved at the November 6th meeting. He said the property was a landlocked parcel located south of the Pheasant View Assisted Living facility. Bill identified the property on a map. He said there was an annexation agreement on the property that was adopted with the annexation.

Bill said the annexation agreement placed restrictions on the total number of units allowed in the development, and it also restricted 15 of the units that were part of the addition to be memory care units. He said the site plan, which was shared with the Council at the earlier meeting, indicated that two units would be removed from the existing building to allow space for the driveway; there would be seven additional parking stalls; and the addition would be connected to the existing building to provide access to support services for the new units.

Bill said by default, property that was annexed into the City came in zoned agriculture. He said the request was to rezone the property to R-S, which was the same as the existing building. Bill said the neighborhood surrounding the development was R-1-8, which had a little higher density and smaller lots. He said there was some R-1-6 zoned property nearby.

Bill said Council had also received information about the Federal Fair Housing laws and reasonable accommodations. He said reasonable accommodation in this case was to allow the buildings to be attached. This property could be built as a flag lot with a separate building and meet all of the zoning requirements. Bill said attaching the building was important for the function of the facility and was a very reasonable accommodation.

Bill said the Planning Commission held a public hearing on this rezone on November 12th and there were comments received by citizens. He said there was a petition submitted asking that the facility not be allowed to expand. Bill said most of the comments focused around increased traffic, concerns about the intensity of the use, there were comments about the pickup of the trash, some of the deliveries for food services, parking issues particularly along the entrance, and parking on the street. He said the Planning Commission unanimously voted to recommend approval of the rezone and Staff supported that recommendation.

Councilmember Brown mentioned an email the Council received from a couple expressing concerns with delivery trucks backing into the facility. She wondered if the facility could arrange for their staff to park at the church nearby, which would allow for more visitor parking.

Mayor Stevenson said he didn't think that would be a possibility.

Mr. Martz said they had talked to the church and that wasn't allowed.

Councilmember Brown said she would think that on busy visiting days, such as holidays, there wasn't enough visitor parking.

Mayor Stevenson said he came by Legacy Village an hour ago and there were cars parked along the street there as well.

Mr. Martz said there usually wasn't a parking issue on holidays because families picked up residents and took them somewhere else.

Councilmember Petro asked Mr. Martz to address the parking stalls issue.

Mr. Martz said a maximum number of parking stalls for assisted living was hard to predict; the residents didn't drive and visitor parking was inconsistent. He said they didn't have issues on a day to day basis, but on random days when everyone showed up to visit there could be parking on the street, or when they had parties. Mr. Martz said this was usually short lived. He said he didn't think the parking was any more of a problem than it would be if four homes were built on the property.

Councilmember Petro said currently there were 11 parking stalls. She asked how the additional stalls would be added.

Bill displayed a site plan drawing that showed the additional parking stalls, which would increase the total to 17 stalls. He identified the locations of parking stalls.

Mr. Martz explained parking by the dumpster and on the drive approach. He said these areas weren't counted as parking stalls but they were available for parking. Mr. Martz said the back parking stalls would be for employee parking. He said with cars parked along the drive approach, emergency and service vehicles still had access. Mr. Martz said on average they didn't have parking issues; there were usually one or two stalls available.

Councilmember Petro asked how often they had medical emergencies.

Mr. Martz said 2 to 3 per week.

Councilmember Brown said in the email the Council received, they stated that the City was misusing the Fair Housing Act. She asked Gary Crane, City Attorney, to address that.

Gary said that was not accurate. He said the Fair Housing Act was very broad; this type of accommodation was typical. Gary said the only accommodation the City had made was to allow the two buildings to be joined together and for two additional units. He said the facility could be there as two separate buildings without the accommodation. Gary said things like the dumpster issue could be worked out. He said this was really only a zone change, and in the State of Utah zone changes were not conditional. Gary said dumpster and parking issues could be addressed through a development agreement.

Councilmember Petro said there was already an agreement in place. Could these additional issues be addressed by amending that agreement?

Bill said the annexation agreement for this property spoke to the number of units, restriction on units, the architecture of the building, and a restriction on uses.

Councilmember Day said so that was part of the annexation agreement; all they were doing tonight was rezoning the property.

Bill said that was correct. He said there would be a site plan review later. Bill said there was a conditional use permit on the first facility, and those conditions had been carried over to the addition, in terms of fencing and landscaping. He said those conditions would be enforced at the site plan review for issuing a permit.

Councilmember Day asked if that was handled administratively by Staff.

Bill said yes. He said as part of any conditional use, they had to follow the general standards and comply with City Code. Bill said an example of that would be the picking up of trash at an unreasonable hour; that could be enforced through Code.

Councilmember Petro asked how the Council could insure that the issues raised by the residents would be addressed at that time.

Councilmember Brown said the R-S zone was a less intense zone than the surrounding R-1-8 zone.

Councilmember Day stated that it wouldn't matter if the Council rezoned the property to R-S or R-1-8, the use would still be permitted through the Fair Housing Act.

Gary said that was correct.

Bill said it was probably important not to leave it as agriculture.

Councilmember Day said if the rezone request was to R-1-8 or R-1-6, it wouldn't matter; the building could still go in.

Gary said that was correct.

Councilmember Brown said the Council had to decide if this was an appropriate zone for that area. She said R-S was an appropriate zone for property that was surrounded by R-1-8 zoning.

Bill said that was correct.

Councilmember Day said it seemed that their major concern was the parking, which he could see when he drove there this afternoon. He said he would encourage Mr. Martz to expand the number of stalls if at all possible.

Mr. Martz said they had tried to squeeze as many stalls as possible into the site plan.

Mayor Stevenson said residents had voiced concerns with parking, but it wasn't 365 days a year. He said it happened occasionally.

Councilmember Brown said some days she had concerns about the parking on her street when her neighbor had a wedding reception in their backyard.

Councilmember Day said they were meeting the parking requirement.

Bill said that was correct.

Councilmember Brown said that was not a reason to deny the rezone.

Councilmember Petro said in walking the site, they had done a great job with landscaping. She said it was a nice facility and Layton needed these types of facilities. Councilmember Petro said she just wanted to make sure the concerns of the citizens were taken care of, especially with the trash.

Mr. Martz said they could have pushed the footprint of the building out and to the back a little bit and squeezed out an additional parking stall or two, but they didn't want to have a building so close to everybody else's property. He said they were trying to balance it so that there wasn't a giant parking lot, which was ugly, and that there was plenty of green space around the building so that it looked nice. Mr. Martz said by most of the neighbor's standards, they were a really good neighbor. If they wanted something changed, the neighbors came to them and addressed the issue, and they were quick to respond. He said they were there for the long haul and wanted to be a good neighbor.

PARCEL SPLIT – DUANE JOHNSON SHOPS – APPROXIMATELY 3100 NORTH 650 EAST

Bill Wright said this was a proposed parcel split request to separate a large parcel into two parcels. He said there was an existing building on one of the parcels and it met all the requirements of the M-1 zone. Bill said the plan would eventually be for additional buildings on the back portion of the larger parcel. He said 650 East was not a public street and had not been dedicated to the City. Bill said a waiver agreement had been provided by the abutting property owner that if the road was ever improved to public standards, that property owner would participate with improving the road.

Gary said they were required to contain drainage on the property.

Bill said that was correct; there was a drainage system on the property.

REQUEST FOR PROPERTY PURCHASE – WASATCH INTEGRATED WASTE DISTRICT CELL TOWER PROPERTY

Mayor Stevenson said this was a request from Scott Matthews for property purchase with Wasatch Integrated on a cell tower.

Shane said he was Scott's partner.

Mayor Stevenson said on the landfill site near where the grape vines were planted, there was a large cell tower site. He said Wasatch Integrated had a lease agreement with a gentleman that had the towers on their property. Mayor Stevenson said the gentleman had been in default a number of times on the lease, and went into default again this year. He said Wasatch Integrated indicated that they were done with the lease and would declare the property excess property. Mayor Stevenson said the property would tie into the City Park that would be developed in the area and the neighbors wanted the cell tower taken down. He said the City had expressed an interest in purchasing the property and Wasatch Integrated would take the tower down. Mayor Stevenson said Mr. Matthews and his partner had a sublease with the gentleman that wasn't paying his lease.

Shane said there was some misinformation about the default this last time. He said there were agreements between Wasatch Integrated and the company that currently owned the tower to negotiate the sale with them. Shane said during that time the current leaseholder would not make any payments to the property owner until the property was sold, and then they would satisfy their debt. He said he didn't have that information with him, but there was documentation supporting this.

Mayor Stevenson said that issue would be between the leaseholder and Wasatch Integrated, not the City. Mayor Stevenson said he thought Shane's question was whether or not the City would want to work with him.

Shane said they had been negotiating since April to buy the property. He said they were happy to take the large dishes off the tower to make it good for everyone. Shane said they were looking to continue to grow their small business and be a local contributor to Davis County.

Mayor Stevenson said the Wasatch Integrated Board took action indicating that if Layton City wanted to

purchase the property they would sell it to Layton City. He said they were informed that Layton would purchase the property. Mayor Stevenson said the Council would need to decide if they wanted to purchase the property and make it part of the future park, or if they would want to purchase the property and work with Scott and Shane with what they wanted to do, or back out and let Scott and Shane purchase the property. He said it tied into the park area and a lot of citizens in the area had been told by another source that the tower would most likely go away, which was what they had wanted for a long time. Mayor Stevenson said his opinion was that the City purchase the property and that the tower be removed. He said that was not what Shane wanted to hear.

Councilmember Brown said when the Parks and Recreation Department held meetings in the area to get feedback from the residents about a park, the residents mentioned that they wanted the tower removed.

Councilmember Freitag asked Staff to identify the park property on a map.

Councilmember Day asked Shane if his proposal was to leave the tower as is or were they taking part of it down.

Shane said a big part of the undesirable nature of the tower was the big dishes on the tower. He said removing those would greatly remove the eyesore. Shane said it would make it a little more discrete, but it would still be a tower like any other tower in the City. He said they would be happy to make it appealing for all sides.

Councilmember Petro asked if there was another site in the area that could be used.

Shane said not at this time.

Mayor Stevenson said right now there wasn't another option, but was that because they hadn't pursued another location. Mayor Stevenson said he understood that there were other towers in the area that would work for what they needed.

Shane said there was a possibility; the challenge was interference, degraded performance, licensing, etc. He said some towers already had contracts with other companies that state no other entity could be on those towers. Shane said for the most part, this tower didn't have any of those issues. He said this tower was their conduit from Salt Lake County to Weber County, and there were not a lot of options. This was their lifeline to Weber County.

Councilmember Day asked how this was any different from the towers the Planning Commission just approved at the Jr. High, and all the other towers on public land.

Gary said the City promoted the location of towers on public property so that they could be regulated. He said this one was located on private property, which turned public when Wasatch Integrated purchased the property. Gary said the City chose where the towers went, how many they wanted in the City, and how many companies could collocate on the tower. He said he thought the City allowed a maximum of three to collocate on a tower. Gary said he thought there were two collocated on this tower and it was built long before the single pole towers of today. He said this tower had been at this location for a very long time; the dishes located on the tower were very old technology. New dishes were much smaller.

Councilmember Freitag asked what the access was to the tower.

Dave Price, Parks and Recreation Director, said right now they came over the field.

Councilmember Brown said once the park was built, that access would go away.

Dave said it would with the Council's direction. He said right now the design of the park didn't show access, but if the tower was maintained there would be access.

Councilmember Freitag asked if there was any agreement in place allowing access to the tower.

Dave said there was an agreement with Wasatch Integrated.

Councilmember Freitag said it seemed like access was going to be a problem.

Dave said the biggest complaint from the citizens was that they didn't like seeing the tower. He said as a Park Manager, his larger concerns were with safety and upkeep of the facilities. Dave said if Staff wasn't vigilant with the towers that were located in other parks, they became eyesores very quickly, regardless of which company they had contracts with. He said occasionally kids explored over the fence into the tower structure.

Councilmember Petro asked what type of revenue the City received from tower locations.

Dave said it was very minimal.

Council and Staff discussed other tower locations.

Mayor Stevenson said realistically, if the current leaseholder was paying his obligations, this wouldn't be an issue.

Shane said what was presented relative to the status of payments wasn't necessarily accurate.

Gary said the City would require a clean title to the property and it would be Wasatch Integrated's obligation to provide that. Gary said the City received about \$12,000 a year in revenue for a tower location.

Councilmember Petro asked how tall the tower would need to be to maintain it.

Shane said he didn't know the exact height of the tower, but it was probably 70 feet.

Councilmember Petro asked if he would need the same height.

Shane said yes; it certainly aided them in what they needed to do. He said the big dishes would go away, and their small dish would remain on the tower. Shane said the big dishes over-powered everything on the tower. He expressed appreciation to the Council for their time.

The meeting adjourned at 6:56 p.m.

Thieda Wellman, City Recorder