

**MINUTES OF LAYTON CITY  
COUNCIL STRATEGIC PLANNING  
WORK MEETING**

**APRIL 23, 2015; 5:33 P.M.**

**MAYOR AND COUNCILMEMBERS  
PRESENT:**

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

**STAFF PRESENT:**

**ALEX JENSEN, GARY CRANE, JAMES (WOODY)  
WOODRUFF, DAVID PRICE, KENT ANDERSEN,  
SCOTT CARTER, KEM WEAVER, BILL WRIGHT,  
PETER MATSON, AND THIEDA WELLMAN**

**OTHER PRESENT:**

**PLANNING COMMISSIONER GERALD GILBERT  
AND MIKE FLOOD, HAWKINS HOMES**

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

Mayor Pro Tem Brown opened the meeting and indicated that Mayor Stevenson was running a little late. She turned the time over to Staff.

**COUNCIL DISCUSSION – RAMP TAX**

David Price, Parks and Recreation Director, said Staff had been working to forward a RAMP tax question to the residents for the election this fall. He said the Council had sent the required notice to the County. David said they received a resolution from the County clearing the way for the City to move forward with a RAMP tax.

David said an Election Committee Board had been set up in an effort to get a positive result with the election this fall. He said that Board was made up of citizens, and Louenda Downs had agreed to chair the Board. David said they had formed a PIC and would be able to accept money for donations in support of the RAMP tax. He said there would be four directors; one over finance, marketing, volunteer coordination and youth services. David said the Board would hold their first meeting this Tuesday and would be independent of employees.

David said this evening, Staff wanted to begin to talk about what the ultimate structure of the RAMP tax could look like; how it would be administered and how the money would be divided up. He said with the help of the Mayor, Councilmember Brown and Councilmember Francis, Staff would like to recommend establishing an advisory board that would review the grant requests from various organizations and prioritize those requests and make recommendations to the Council. David said Staff anticipated having four members on the board; one permanent representative from Parks, Recreation, Arts and the Museum. He said they would be there solely to represent those organizations. David said they would recommend five at-large members that the Council would choose. He said the advisory board would work as a clearing house and a first filter to prioritize grant requests and make recommendations to the Council, who would make the ultimate decisions on where the monies were spent.

Councilmember Brown said they also felt that there should be a Councilmember who would be a liaison

to that advisory board, but they would not be a voting member on the board.

David said Staff wanted to talk about how the money would be distributed to the various organizations.

Councilmember Day asked how the members would be appointed.

David said the Council would make the appointments; Staff would provide a short list to the Mayor for recommendations.

Councilmember Petro said maybe the Council should make the appointments instead of the Mayor; they should have to apply and be screened. She suggested dividing the appointments so that not all of the members were going off of the board at the same time.

David said the Mayor made recommendations for other appointments, but the Council made the final decision.

David said relative to how the money should be divided; some entities that had RAMP taxes in place divided the money with a simple percentage with parks, recreation and arts getting 33% each, but there were some limitations with that. He said it cut the pie up into small pieces, which didn't allow for big projects.

David said another way to divide the money was through grants; major grants, medium grants and small grants. He said this would allow for larger sums of money to be accumulated and spent on large projects. David said it could take a couple of years to save the money.

Councilmember Day asked how much money they anticipated collecting.

David said about \$800,000 per year for 10 years.

Councilmember Brown said there had been discussion about 1% for administrative expenses; 50% for big projects such as sports complex, arts center, or expansions to the museum; or the funds could pay the debt service on a bond that could be used to pay for a project up front; 25% for parks and recreation; 15% for arts and museum; and 9% for mini grants. She said mini grant recipients would have to be a 501(c) 3 organization and they would have to show that the majority served were from Layton.

#### **Mayor Stevenson arrived at 5:44 p.m.**

Council and Staff discussed the 1% administrative needs and whether that was enough to provide a stipend to the board members. Discussion suggested that the stipend would be based on the amount of meetings they would attend.

Councilmember Petro said the key word was up to; these amounts would be a cap. She said if the funds weren't used they would roll to the next year.

David said Staff would bring this back to the Council for approval well before the election so that people would be aware of how the money would be used.

#### **Councilmember Freitag arrived at 5:47 p.m.**

Mayor Stevenson said he talked to Tracy Probert today about the cost of bonding. He said for a 10 million dollar bond, the payment at 3% would be about \$650,000 annually.

Councilmember Brown said they wanted Council feedback on the proposed percentages.

Mayor Stevenson said this could provide money to put things in the City that the people wanted and that could draw people to the area; this would make Layton a better community.

Councilmember Day said it was important that the board determine what the money was spent on so that citizens would know that it was not just more money in the City's pot.

Councilmember Petro said she considered the RAMP tax monies to be the citizens' money.

Councilmember Brown said this was an added benefit, not money to take care of existing things.

David said the election committee indicated that this would help them explain to the citizens how and what the money would be used for, and how it would be distributed. He said they would continue to work on it.

Councilmember Brown asked Staff what they felt about it.

Scott said the allocation should be fluid from year to year; there might be big projects in years to come that would take more of an allocation, but this was a good place to start.

Councilmember Petro mentioned that this should be written into the bylaws.

Mayor Stevenson said the big projects could be 50% but not more than 75%.

Councilmember Petro asked if there was any reason this couldn't be called a RAMP initiative instead of a tax.

Gary Crane, City Attorney, said the specific language was indicated in State Code as to how it would have to be on the ballot.

Councilmember Petro suggested that the committee call it an initiative instead of a tax.

David said if there was bonding for a major project, the amounts couldn't be so high that it encumbered the City for more than 10 years. He said citizens might not agree to reinstate the tax after the initial 10 years.

Councilmember Day said the key to getting it passed was for people to understand that it was governed differently; it wasn't just more money for the City.

### **COUNCIL DISCUSSION – EASTRIDGE PARK PRUD**

Alex Jensen, City Manager, said Staff didn't intend to make another presentation on this. The intent was to report on those things that were discussed in the last meeting as needing additional information.

Councilmember Brown mentioned an email the Council received from the citizens group.

Mayor Stevenson asked Staff to start with the park and parking.

Scott Carter, Special Projects Manager, said the developer would incorporate a looping trail system as the

citizens requested and connect it to Antelope Drive. Scott stated that this was not a typical neighborhood park; there would be no playgrounds or pavilions. He said there was an opportunity to purchase the old Heather Drive slide property adjacent to the park, and there could be a trail connection from Heather Drive to the park. Scott explained ownership of the lots on Heather Drive.

Scott said in the Master Trail Plan there was a trail head on the north side of Antelope Drive. He explained trail connection to the Kays Creek Trail that would eventually be built.

Councilmember Brown asked how long the walk would be from the north side of Antelope Drive to the park.

Scott said about ¼ of a mile.

Scott said on the north side of Tartan Way, the City owned all of the lots; no homes could be built on the property, but it could be turned into parking. He said residents would have to come down Emerald Drive to the park.

Councilmember Brown said that wouldn't stop people from parking on the street.

Scott said that was correct.

Mayor Stevenson said the developer couldn't control parking on City streets; the City would have to deem the parking area a budget item and determine whether to do it or not.

Scott said that was correct. He said the property was readily available if the City decided to do that.

Councilmember Day said he felt that a parking area should be done as part of development of the park; the developer would receive a benefit for the park.

Discussion suggested that the park wouldn't be developed for some time.

Alex said there would be on-street parking; if the City built parking on Tartan Way, residents wouldn't park there they would park on the street, He said if there were sports fields there could be parking issues but this wasn't that type of park; people wouldn't park ¼ mile away when they could park on the street.

Councilmember Brown said she seldom saw people parked in the parking lot in the middle of Kays Creek Trail.

Mayor Stevenson said relative to building a parking lot area on Tartan Way, it was somewhat of a steep climb. He said when the park was constructed in two or three years, if parking was a problem, the City would have an option for a parking area.

Councilmember Brown mentioned comments from residents wanting the park on Boynton Road for their use only and not everyone else in the City. Discussion suggested that that was always the case.

Councilmember Day said he was fine if there was space for parking in the future if it was needed.

Mayor Stevenson said the options were there to answer the parking question.

Mayor Stevenson asked Staff to talk about the monitors.

Bill Wright, Community and Economic Development Director, said there was a lot of conversation about monitoring during the compacting process and homes within 100 feet. He said Staff had more opportunity to talk with the developer and his geotechnical experts. Bill said they would provide the monitors near existing homes within 100 feet of compaction. He said they had committed to placing those monitors.

Mike Flood, Developer, said they had agreed to monitor any construction activity within 100 feet of existing homes, if anything was measurable. He explained how the monitors collected data and indicated that chances were very good that there would be nothing that would be measurable.

Mayor Stevenson asked Woody to talk about tilt.

James (Woody) Woodruff, City Engineer, said tilt was a measuring device to see if a structure had moved. He explained how a plate was attached to the foundation to monitor movement. Woody said this was for very extreme conditions and he didn't want to see this development even get close to that. He said the monitoring devices that would be used were more than sufficient to measure any vibration near homes.

Councilmember Day said if the monitors indicated that the vibration limit was being exceeded, how would the homeowner be assured that their home had not moved.

Woody said the most important thing was to monitor vibration. He said if it got to a certain level it could impact cracking of the foundation. Woody said it wouldn't cause movement of the home; movement of a home would be from an earthquake or a slide.

Councilmember Day said if it exceeded the vibration how would they satisfy the residents that there wasn't any damage caused. Would the homes be inspected previous to construction?

Woody said they did a detailed study of the home's footing and foundation, and they videoed that. He said they looked at the structure inside and out and it was videoed. Woody said during the vibration, if something happened to the home, they would look at the structure afterwards and determine if something had happened that impacted the structure.

Councilmember Day asked if that would be done to the five houses that were a concern.

Mr. Flood said those preconstruction inspections were very expensive. He said the geotechnical expert indicated that they could be done, but it was never addressed as to who would pay for that. Mr. Flood said if there were certain homes that were identified as a concern, he could talk with his company's partners to see if that was something they would consider doing. He said it needed to be agreed to by the homeowners because it could be very invasive; every corner was videotaped. Mr. Flood said UDOT did this a lot on large projects next to residential housing, but rarely did you see any other application of it; it wasn't a general development application. He said if the seismograph monitors picked up anything, they would give a clear indication early that the process needed to be changed.

Alex asked Mr. Flood if the threshold on the vibration monitors could be set such that the threshold would be so far below what in fact would cause a house to move that they would be looking to address the vibration issues long before it would ever get to a point that it would cause a house to move. Alex said that was what Woody was saying initially; it should never be an issue.

Mr. Flood said the Mayor had made a comment in the previous meeting that most of the time that the compaction that was done on a basement of a home was more than what you would feel during any development. He said the fills were more than 300 to 400 feet away from most of these homes, which was where the compaction would be happening. Mr. Flood said most of the construction being done next to

existing properties was cuts; vibration compaction would not be used. He said their geotechnical engineer had indicated that seismograph monitors could be placed on anything within 100 feet of construction activity, but he didn't think the monitors would read much because they would not be doing any compaction close enough to measure. Mr. Flood said the inspections would be a huge deal and probably wouldn't provide anything useful other than to cause a big hullabaloo with people having strangers coming into their homes to videotape.

Councilmember Day said he was exploring any way to give residents piece of mind.

Mr. Flood said he did think that Alex was correct; the machines could be calibrated to read certain levels. He said the monitors were a small version of the seismographic equipment used in earthquake centers. Mr. Flood said if it was set low enough, it might pick up traffic on Antelope Drive, or jets. He said they were going to put the monitors out and monitor vibration; the data would be provided periodically to the City's Engineering Staff. Mr. Flood said the data could be made available on the internet for the public to review; they would be happy to do that. He said this would help residents realize that nothing was being done under the table; it might make them feel a little more comfortable through the process.

Discussion suggested that that would be a good idea.

Councilmember Francis said he liked the idea of a pre-inspection; there would be no question later on.

Councilmember Petro asked who would bear the burden of that cost; if homeowners wanted to do that they should pay for it.

Mr. Flood said if there ended up being an incident, the homeowner could come back to the contractor and developer with a claim. They had liability insurance for claims. He said after the fact, if someone had a crack show up in their home, it would be hard to dispute what caused it or how long it had been there.

Councilmember Francis said that was his point for the pre-inspection.

Councilmember Petro asked if the contractor or the homeowner should be responsible for the cost of the inspection.

Councilmember Brown said of the people that asked that question, they weren't the people that lived close to the development.

Councilmember Day said Tammy's home was right on the edge of the development.

Mr. Flood said there were about 10 homes that bordered their property.

Councilmember Day said the homeowners indicated that there were 5 homes they had concerns with.

Woody said the home that could be impacted the most from his review of the grading plan was the home at the northwest corner of Emerald Drive and Kays Creek Drive; that was the only place that there was a fill next to a home; all of the others were cuts. He said that was the only home he would recommend monitoring.

Councilmember Day said he didn't feel that it was all the developer's responsibility to pay for the pre-inspections.

Councilmember Francis suggested telling the homeowner that they could film their homes in advance.

Councilmember Freitag asked which homes they were talking about monitoring.

Mr. Flood identified the homes that were adjacent to their property on a map. He said if the homes were within 100 feet of any construction activity, they would be putting monitors on those properties. Mr. Flood said the seismic machines were about \$30,000 to \$40,000 each; they would have to be in a secure location.

Mayor Stevenson asked the Council if they would agree that with the monitors, if someone wanted their home filmed, the homeowner would have to do that or pay for it, and tilt monitors were not necessary.

Councilmember Day said he would trust Woody on the tilt monitors, but if not there should be an inspection. He said some of that responsibility should be placed on the homeowner.

Mayor Stevenson said the developer was going to protect himself. He said if they started to see too much vibration, he would probably turn around and do that. Mayor Stevenson said some homeowners might not want a plate nailed to their foundation.

Councilmember Day said there should be an option for the homeowner to take the responsibility to somehow say that they were worried; to video their home and get it to the City by a certain day; then the proof would be there.

Councilmember Brown asked if everyone got the email from the homeowners.

The Mayor and Council indicated that they had received the email.

Mayor Stevenson asked Staff to discuss the private drive for townhomes.

Bill said there was discussion about the private drive and whether it could be extended to service the cottage homes and widened to accommodate traffic on and off of Antelope Drive. He said it might be feasible to connect to the cottage homes, but the two items were very different products. Bill said the desire from the townhome developer was that the private road only be for the townhomes. He said it was a private street that the townhome owners would be responsible for maintaining. Bill said the developer agreed that it could be widened and they could install a median to make a statement, which would be a positive change.

Councilmember Brown asked how much distance there was between Emerald Drive and the private street.

Mr. Flood said it was about 500 feet.

Councilmember Brown expressed concerns with people using the private drive and causing issues to the Emerald Drive intersection.

Councilmember Day said they couldn't stop anyone from using that street if they wanted to.

Mayor Stevenson asked Mr. Flood to discuss the CC&Rs of the development.

Mr. Flood said they understood the concerns about rentals. He said these homes were being marketed for sale, owner occupied units. Mr. Flood said CC&Rs were required for final plat approval, and they were working on drafting those to include a provision that rentals would be restricted to a limited number. He

said it was hard to understand a percentage; on the townhomes they would be limited to 8 rental units out of the 52, which was a smidge over 15%.

Councilmember Brown said Layton City was a military community. She explained her daughter's circumstance with purchasing homes and renting their homes. Councilmember Brown said she would hate to see military people come to the community and then be told that they couldn't rent their home when they left for another assignment. She said she had a hard time in limiting rentals.

Mr. Flood said he agreed, but they were trying to appease the homeowners group.

Councilmember Petro said didn't the homeowners group want it limited to 5%.

Mr. Flood said that was only 2 units. He said that didn't make a lot of sense. Mr. Flood said 15 to 20% was a common amount in multi-family developments that had rental restrictions.

Mayor Stevenson said in the future the townhome HOA would be running the CC&Rs. He said they would be their own police; this really didn't mean anything.

Councilmember Day asked about the cottage homes.

Mayor Stevenson said those were single family homes; that was no different than any other house in the City. That shouldn't be regulated.

Mayor Stevenson asked what the price was on the cottage homes.

Mr. Flood said they would be between \$230,000 and \$320,000; the townhomes would be from \$180,000 to \$230,000. He said these would not turn into rentals.

Councilmember Freitag said he wouldn't want to start a precedent of restricting rentals.

Mayor Stevenson asked Mr. Flood to talk about disclosures.

Mr. Flood said they had developed several subdivisions on hillsides that had geotechnical and geological hazards; one was in Fruit Heights where they had three fault lines that ran through the community. He said they had developed one subdivision on South Mountain that was right next to an active landslide. Mr. Flood said in each of these cases they had included a sizeable note on the plat that indicated that the subdivision was within a sensitive lands overlay zone and that geotechnical and geological studies had been performed and were on file. He said in addition to that, in their Draper community they had a document recorded on every lot in the subdivision. Mr. Flood said in addition, when they sold property to an individual, before their due diligence period was up, they provide them with access to a cloud link where they could view all of this information. He said at closing, they received a disc with all of those documents on it.

Councilmember Petro said she thought the biggest concern was with subsequent owners.

Mr. Flood said it was recorded on a title and was flagged during the title insurance process.

Councilmember Day asked if they would do that with this development.

Mr. Flood said yes. He said he hoped to have a draft of that document for the May 7th meeting. Mr. Flood said it would for sure accompany the final plat process.



Councilmember Petro asked what types of things would be included in the disclosure statement.

Mr. Flood explained the documentation.

Mayor Stevenson read some of the things that the developer was agreeing to do.

Mr. Flood explained the land drain system and foundation drains of the homes.

Mayor Stevenson said another question was sidewalks.

Mr. Flood explained that sidewalks would be installed on both sides of all public streets, and on one side on the private streets.

Mayor Stevenson reviewed some of the items included in an email from Karlene Kidman.

Council and Staff discussed installing crosswalks and meeting warrant.

Mayor Stevenson said even if a street didn't meet warrant for a crosswalk, the City could still install a crosswalk.

Councilmember Day asked if there were any crosswalks in the City now that didn't meet warrant.

Alex said no; historically the City didn't put in a crosswalk when it didn't meet warrant; it put the City at some risk.

Gary explained the need to meet warrant to protect the City from liability.

Mayor Stevenson read more items in Ms. Kidman's email and indicated that most items had been addressed.

Mayor Stevenson said everyone knew that Antelope Drive was always planned as an arterial street.

Mayor Stevenson expressed appreciation for the Planning Commission and asked Commissioner Gerald Gilbert if he would like to make any comments.

Commissioner Gilbert said all of his questions had been answered.

Mayor Stevenson asked if the Council had any concerns.

Councilmember Petro said the only other question that came up was the clay soil.

Councilmember Freitag said the comment made the other evening about the soil didn't have an opportunity to be rebutted by the experts; where wasn't there clay soil along the Wasatch Front.

Mr. Flood said most everyone lived on clay soil along the Wasatch Front. He said Kent Hartly with IGES indicated that most of the residents were not soil experts. The gentleman that made the comments at the last meeting was an aerospace engineer not a soil engineer. Mr. Hartly had indicated that a lot of the information that was provided was not true.

Discussion suggested having Mr. Hartly send rebuttal comments through email.

Mayor Stevenson asked if the Council had any other questions or concerns.

**CLOSED DOOR:**

**MOTION:** Councilmember Brown moved to close the meeting at 7:07 p.m. to discuss the acquisition of real property. Councilmember Freitag seconded the motion, which passed unanimously.

**MOTION:** Councilmember Petro moved to open the meeting at 7:54 p.m. Councilmember Freitag seconded the motion, which passed unanimously.

**MAYOR'S REPORT:**

The Mayor and Council discussed various developments in the City, and some proposed developments.

**The meeting adjourned at 8:16 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 **23rd day of April, 2015**, was to discuss the acquisition of real property.

Dated this 21st day of May, 2015.

ATTEST:

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ROBERT J STEVENSON, Mayor

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THIEDA WELLMAN, City Recorder