

**MINUTES OF LAYTON CITY
COUNCIL MEETING**

APRIL 16, 2015; 7:00 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,
PETER MATSON, TERRY COBURN, DEAN HUNT,
SCOTT CARTER, KEM WEAVER, STEPHEN
JACKSON, JAMES (WOODY) WOODRUFF AND
THIEDA WELLMAN**

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

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

MINUTES:

MOTION: Councilmember Freitag moved and Councilmember Brown seconded to approve the minutes of:

**Layton City Council Work Meeting – March 19, 2015;
Layton City Council Meeting – March 19, 2015; and
Layton City Council Strategic Planning Work Meeting – March 26, 2015.**

The vote was unanimous to approve the minutes as written.

MUNICIPAL EVENT ANNOUNCEMENTS:

Councilmember Brown indicated that in the next few weeks citizens would have an opportunity to help with planning for the future of the City. She said on April 21st at 6:00 p.m. at the Central Davis Jr. High gymnasium there would be an opportunity for citizens to be a part of the Parks and Recreation Master Plan and provide input on what they would like to see in the future relative to parks and recreation.

Councilmember Brown said Layton City was participating in Envision Layton, which would provide an opportunity for citizens to participate in helping to guide growth in the next 20 or 30 years. She said those meetings would be held on April 29th and May 5th at Layton High. Councilmember Brown indicated that there were fliers in the back of the room explaining the workshops.

Councilmember Petro indicated that the Council had been exploring the opportunity to pursue a RAMP tax, which was an acronym for recreation, arts, museum and parks. She said several cities in the County had implemented this type of a tax. Councilmember Petro said the City had received notification from the County that they would not be imposing the tax, which cleared the way for the City to place it on the ballot this fall. She said citizens would have an opportunity to vote on the proposed tax this fall.

Mayor Stevenson said the RAMP tax was 1/10 of 1%; on \$10 the tax would generate 1 penny. He said because of Layton's large commercial base, everybody that bought in Layton would support the tax. Mayor Stevenson said the tax was based on sales; this would be a good thing for the community.

PRESENTATIONS:

RECOGNITION OF COMMUNITY EMERGENCY RESPONSE TEAM (CERT) GRADUATES

Dean Hunt, Fire Marshall, explained the CERT program. He introduced the recent graduates of the CERT program. The graduates came forward to shake hands with the Mayor and Council.

CITIZEN COMMENTS:

Delmar Stevens, 1879 East Gentile Street, expressed concerns with the property where concrete tanks were being demolished. He thanked the City for removing the tanks. Mr. Stevens said the property had been a dumping ground for many years, which could become a bigger problem with the tanks removed. He indicated that the cottonwood trees located on the property were a problem. Mr. Stevens asked the City to consider developing a pocket park on the property.

Dee Flitton discussed the same issues expressed by Mr. Stevens. He said they would like a small pocket park on the property that could include a small bowery, restroom facilities and culinary drinking water. Mr. Flitton said they would be willing to find residents to help with the project; they would put as much responsibility on the neighborhood as possible. He said they would want the park to be available for use by the neighborhood. Mr. Flitton suggested a committee to control use of the bowery. He suggested zero-scape to conserve water.

Mayor Stevenson asked Staff if the property belonged to the Peacefield Subdivision.

Scott Carter, Special Projects Manager, said when the Peacefield Subdivision was developed, it was developed as a PRUD. He said they needed a certain amount of open space in order to qualify for the density they wanted in the development. Scott said by agreement, that City property would be incorporated into the Peacefield open space and they would maintain the property as open space.

Mayor Stevenson asked if the property that was being referred to, including the property where the tanks were located, was part of the Peacefield responsibility.

Scott said yes.

Councilmember Freitag said the Peacefield residents would need to be part of what was being suggested.

Mayor Stevenson said the City could visit with the members of the Peacefield HOA Board.

Sherri Tatton, 1032 West 500 South, thanked the City for addressing the parking issues on Gentile Street in front of her store. She said there was a parking problem on Gentile Street and she thanked the City for addressing the issue.

Councilmember Petro said she had passed this information on to Staff who quickly took care of the problem.

Bob Haywood, 2521 East 50 South, explained a problem with the Deseret News falsely reporting that trash would be picked up at an incorrect time. He said he wanted Britt Wilson recognized for her professionalism in resolving the issue.

CONSENT AGENDA:

2014 LAYTON CITY MUNICIPAL WASTEWATER PLANNING PROGRAM ANNUAL REPORT – RESOLUTION 15-24

Terry Coburn, Public Works Director, said Resolution 15-24 authorized the review and adoption of the 2014 Municipal Wastewater Planning Program Annual Report. He said the report pertained to the City's sanitary

sewer system. Terry said the City was in good standing with the State and Staff recommended approval.

Councilmember Freitag asked if the report would be available on the City's website.

Terry said Staff would take care of that.

FINAL PLAT – ADAMS FARMS SUBDIVISION – APPROXIMATELY 1250 EAST GORDON AVENUE

Bill Wright, Community and Economic Development Director, said this was a final plat for the Adams Farms Subdivision located at approximately 1250 East Gordon Avenue. He said in January 2015 the Planning Commission approved a preliminary plat for the subdivision. Bill said the subdivision contained 8.53 acres that fronted onto Gordon Avenue. He said the plat included 25 lots, which met the zoning density of the R-1-8 zoning district. Bill said the subdivision would provide connections to the two stub streets to the west and onto Gordon Avenue.

Bill said there was one issue at the Planning Commission meeting having to do with the five foot landscape buffer along Gordon Avenue. He said two lots would have side yards abutting Gordon Avenue, which required fencing and five feet of landscaping. Bill said the applicant, Mr. Ed Green, was looking at a way to not have an HOA involving all 25 lots that would be responsible for that landscaping, particularly when only two lots were affected. He said Staff felt that there was an alternative where an HOA could be formulated with only the two lots that would be impacted and make sure that they understood that they had responsibility for maintaining that landscaping and fence.

Bill said on March 24, 2015, the Planning Commission voted unanimously to recommend that the Council grant final plat approval subject to meeting all Staff requirements, and Staff supported that recommendation.

Councilmember Brown said they were connecting to the circle that was in front of the LDS Chapel, which was a very hard Chapel to access. She said this would be a nice connection.

Councilmember Petro asked if the old cabin was on the property or on adjacent property. She expressed interest in the historical value of the cabin.

Councilmember Brown said the family that owned the property had been negotiating with the Daughters of the Utah Pioneers. She said the cabin was in such bad condition that it could not be removed from the site.

Ed Green said he met with the Daughters of the Utah Pioneers and he understood that they would move the cabin to a Kaysville Park. He said it would be very extensive to move the cabin and they had all summer to work on it. Mr. Green said only the west part of the building would be moved.

Councilmember Petro expressed appreciation to Mr. Green for working to preserve the cabin.

Mr. Green mentioned a triangular piece of property on the southeast end of the subdivision. He said the abutting property owner would like to purchase the property. Mr. Green said the property contained 1,926 square feet and was of no value to the abutting lot, which would contain 11,000 square feet. He said they were considering removing that corner of property before the final plat was filed.

Mr. Green said relative to the HOA, the frontage on Gordon Avenue would only involve two lots. He said they would like to include something in the CC&Rs indicating that the two lots would maintain the landscaping and fence on Gordon Avenue.

Mayor Stevenson said if the people refused to maintain the landscaping, there would need to be some mechanism in place for the other homeowners to enforce the issue. He said that could be figured out.

Mayor Stevenson said since this was the final plat approval, would there be any problems with changes to the

lot line on the one lot.

Gary Crane, City Attorney, recommended leaving the property in the subdivision plat and then conveying the property to the abutting property owner.

Discussion suggested conveying the property to the abutting property owner.

Mr. Green said he would get with Gary before recording the plat.

MOTION: Councilmember Freitag moved to approve Items A and B of the Consent Agenda as presented. Councilmember Petro seconded the motion, which passed unanimously.

PRELIMINARY PLAT – EASTRIDGE PARK PRUD – APPROXIMATELY 1450 EAST ANTELOPE DRIVE

Mayor Stevenson said this process had been going on since 2009, when this property was rezoned. He said the approval this evening was for the preliminary plat only, which would move it to the next step. Mayor Stevenson said the City had received a lot of emails from concerned citizens and they appreciated citizen involvement. He said they wanted citizens involved in the community. Mayor Stevenson said they had received a number of questions that would be answered through the presentation process. He said after the presentations he would open the meeting up for additional questions or comments. Mayor Stevenson asked everyone to be as condensed as possible.

Bill Wright said this was preliminary plat approval of the Eastridge Park PRUD located at approximately 1450 East Antelope Drive. He displayed a map of the property and indicated that there was frontage on Antelope Drive with connection to Beechwood Drive and Emerald Drive. Bill indicated that the Planning Commission reviewed the preliminary plat on March 10th and unanimously recommended approval. He said the applicant was Adams Property represented by Mr. Mike Flood.

Bill said the proposed development was 70 acres of vacant land. He said this process began in February 2006 and the property was rezoned in 2009 to R-1-10 PRUD. Bill said the general zoning in the area was agriculture with R-1-10 PRUD to the north, agricultural zoning abutting the property to the west, R-1-10 to the northeast and R-1-8 to the east and south.

Bill displayed a conceptual drawing of the proposed development, which included townhomes along Antelope Drive; cottage homes would be located south of the townhomes. He said Emerald Drive would connect through to Antelope Drive and single family homes would be located south of the cottage homes. Bill said there would be a 16 acre nature park on the southern border of the property.

Bill displayed a conceptual plat that was submitted in 2009. He indicated that the townhome units had been reduced significantly since that time and cottage homes had been added. Bill said the development agreement capped the density at 303 units. The proposal was for a total of 268 units; the townhomes went from 157 units to 52 units and the density went from 4.33 units per acre to 3.82 units per acre. He said the grading changed with the uses.

Scott Carter said the development agreement indicated that there were 16 acres set aside that would be left in a natural park along Kays Creek to keep it safe from landslides. Scott said there had been slide problems in the Falcon Ridge Subdivision to the south, and they wanted to protect that area. He identified a trail system in the development and around the park that would eventually connect to the regional Kays Creek Trail and Fairfield Road along the canal. Scott said on the north side of Antelope Drive there was acquired property for a parking area and there could eventually be a parking lot on Heather Drive in the slide area.

Mayor Stevenson asked if the design of the park would be through the City.

Scott said yes; that was outlined in the development agreement.

Bill Wright displayed a map of the phasing of the project. He said it was typical for large developments to move forward in phases. He displayed conceptual drawings of streetscapes and the architectural designs of the project. Bill explained the Design Review Committee's (DRC) involvement in the approval process. He indicated that Destination Homes was contracted to construct the townhomes.

Mayor Stevenson asked if it was normal for the DRC to already review what had been submitted.

Bill said yes; they had already reviewed this preliminary plat and there would be reviews of the final plat by the DRC. He said they didn't review the single family sites. Bill said landscape architecture had been reviewed.

Bill displayed conceptual renderings of the cottage homes and townhomes. He displayed a map of the trail system and explained how it would flow throughout the development to the park property.

Woody Woodruff, City Engineer, invited Ryan Hales to give his presentation.

Mr. Ryan Hales, owner of Hales Engineering, indicated that he had a Masters Degree in Traffic Engineering and had been doing traffic engineering for 16 years. He explained the work they did for the State, municipalities and developers.

Mr. Hales explained the traffic gathering process for the study on this development. He indicated that data was collected on August 19, 2014, which was a Tuesday, in the morning and evening peak times, and again on a Saturday between 11:00 a.m. and 1:00 p.m. Mr. Hales said the traffic was 45% higher during the evening peak period than the morning peak period. He said they calculated the analysis based on the highest peak time. Mr. Hales explained that the study was done before completion of Antelope Drive and the Church Street roundabout. He explained that recounting was done after completion of the connection and roundabout, and showed an increase of 18%. Mr. Hales said the road still functioned at a D level, which was an adequate level.

Mr. Hales explained the study that was completed with traffic coming from existing subdivisions once Emerald Drive was connected to Antelope Drive. He explained that the Antelope Drive/Emerald Drive intersection wouldn't meet warrant for a signal even with 80% of the existing subdivision traffic using that connection, including traffic from the new development. Mr. Hales indicated that the intersection was only at 50% of meeting warrant for a signal with all the new traffic. He said by the year 2020 it would not need to be signalized.

Mayor Stevenson asked if the study indicated that the number of cars, including the new subdivision and traffic coming from existing subdivisions, would have to double to meet warrant for a signal.

Mr. Hales said yes; that was correct. He said the study included traffic from the new development at full build out. Mr. Hales said even with the new project completely built out, traffic would have to double from that point to warrant a signal.

Councilmember Petro asked when the new traffic counts were completed.

Mr. Hales said the counts were taken again on Tuesday, March 17th, to see where traffic volumes were with completion of the Antelope Drive connection and the roundabout at Church Street.

Councilmember Petro asked how they collected the data.

Mr. Hales said people were there counting cars, which provided more accurate data.

Woody discussed safety issues with Antelope Drive and concerns during snow events.

Terry Coburn, Public Works Director, indicated that during a snow event, Staff plowed Antelope Drive the first thing to address concerns through the dip area. He said the City had 270 miles of roads to maintain. Terry indicated that the State used a brine solution before a storm, but State highways were a different type of road than City streets. He said the process was very expensive and trucks would have to be retro-fitted for the process, which could cost as much as \$30,000 a truck, and there was an expense of building a pond and meeting EPA standards. Terry said the City used two types of salt on the roads, with a faster acting salt being used on the east side of the City.

Mayor Stevenson said relative to the brine solution; if one truck was equipped to do that, would that truck be taken out of service for everything else.

Terry said yes; it would need to be a 10-wheeler. He said it was also hard to predict storms. Terry said the brine solution had to be put down before a storm to be effective.

Mayor Stevenson asked if it was too late after a storm to put down the brine solution.

Terry said yes; it was a pre-storm application.

Mayor Stevenson mentioned issues with shady areas on the eastbound hill.

Terry said crews were aware of those issues.

Mayor Stevenson said with this subdivision there would be an intersection; what could the City do to make that area of the road better.

Councilmember Petro asked if there could be a working alliance with the State to brine this section of the street.

Terry said he hadn't checked into that, but Oakhills Drive was a State road and very often the City was called by the State Highway Patrol to service Oakhills Drive during a snow storm because the State couldn't or wouldn't get there quickly enough. He said this had happened on many occasions. Terry said Staff could contact the State to see if they would be willing to do that, but it would be very expensive.

Mayor Stevenson asked if the brine solution would stop snow from building up on the roads in a big storm.

Terry said no; the freeway elevation was a lot different from Oak Forest Drive or Highway 89. He said he didn't think the State used brine anywhere but the freeway. Terry said this area of the City received more snowfall than other areas.

Woody said there had been questions about speed along Antelope Drive. He said the street was posted at 40 mph in the dip area; everything to the east was posted at 35 mph. Woody explained how they established speed limits.

Woody said with this development they were proposing sidewalks on both sides of the public streets. He said one concern the City was evaluating was how pedestrians and a future trail crossing would effectively work on Antelope Drive. Woody said the trail wasn't developed now, but in the future there was a concern with taking pedestrians across Antelope Drive on the trail system. He said it would be very expensive for the City to construct a grade separated structure. Woody explained a system that was being used around the State that allowed pedestrians to activate a light that would stop traffic to allow for crossing. He said there were concerns with location of such a crossing with the grades on Antelope Drive. He said the trails would typically be used in warmer times when there would not be snow events. Woody said these were tools the City would be looking at for this area.

Woody said there had been questions about children walking to school in this area. He said children in the area would go to two separate schools; Adams Elementary to the north and EG King to the south. Woody

said the City would work with Davis School District to resolve issues with children crossing Antelope Drive.

Councilmember Brown said whether the children went to Adams or EG King, there would be sidewalk along the development on the south side of Antelope Drive.

Woody said yes, but there were issues farther to the east. He said there were retaining walls right along Antelope Drive. Woody said the development didn't front along that area of Antelope Drive; the City would need to look at that issue. He said it would be very expensive for the City to construct a retaining wall to allow for a sidewalk.

Councilmember Brown asked who would take care of snow removal on the sidewalk on Antelope Drive that would be against the backyards of the townhomes.

Woody said the townhome HOA would have responsibility for that.

Councilmember Petro asked what the timeline was for completing the sidewalk to the east.

Woody said it would depend on the timing of the development.

Woody identified the geotechnical and civil engineers that had evaluated the sensitive land issues. He said the City hired Golder & Associates as a third party geotechnical consultant to do an independent study on the project. Woody said the City had been working with Golder & Associates for 7 years. He said Stantec, IGES, and Golder & Associates had been involved with the project from the beginning.

Woody displayed a map of the cuts and fills on the property and highlighted those that were over 10 feet. He indicated that this information was discussed in detail in the Planning Commission meeting. Woody said originally the plan was to do the grading all at one time, but the developer selected to do that in a phased approach. Woody said it was sent back to the third party geotechnical consultant to evaluate each phase to make sure they were whole and complete and could be done safely. He said the purpose of the City reviewing this project was to make sure mitigation procedures were in place to protect the homeowners. Woody said it required extensive testing that would be evaluated on a daily basis while they were doing the fills; a lot more requirements were being placed on the developer.

Woody said there was a question about a future connection to Church Street. He said the City ran some profiles on the property to the west and it would be very difficult and impractical to build a road to Church Street because most of the grades exceeded 12%.

Woody explained the timing of the road connection to allow for placement of a water line.

Councilmember Day asked if the grading would have to be completed at that time to accommodate the road.

Woody said yes.

Woody displayed some pictures of the hills along Antelope Drive on the property. He displayed conceptual drawings of the roads in the project and explained the grade of the roads. Woody displayed drawings of the engineered walls in the development and indicated that the highest wall would be 15 feet.

Woody said the City had concerns with mass grading the entire project and felt that the phased grading would be a better process. He mentioned issues with mass grading in the Greyhawk Development and getting vegetation to grow.

Woody displayed pictures of some of the equipment that would be used for grading on the property, and explained how they would be used. He explained monitoring of the vibration of the ground.

Councilmember Brown said a citizen had made a comment that the engineering firm was from out of State

and wondered if they knew the soils in the area.

Woody said during the request for proposal process, the City selected the company based on expertise in large earth moving projects with similar materials. He said Golder & Associates did this type of work all over the United States, and had done several projects in Utah. Woody said earth was very similar wherever you went; there were differences, but the application for how it was moved and managed, especially in slide areas, was very similar. He said the City wanted to make sure they had a good consultant for that and Golder & Associates had a lot of experience.

Councilmember Petro asked about land drains.

Woody said managing water was important in any subdivision. He said the water table was at different elevations and could be a very damaging entity. Woody said the City required a land drain system throughout the public and private streets in this location, and the homes were required to install a drain around the foundation that would be tied into the drainage system that went into the public system. He said the City maintained the system in the public right of way. Woody said if any springs were found on the property, the City Inspector would require that the contractor tie those into a land drain system. He said the water would eventually be discharged into Kays Creek.

Councilmember Day asked if the land drains were designed through the phasing process, and would they drain directly into the creek.

Woody said each phase would have to be whole and complete. He said they would drain into detention basins and then into the creek. Woody said nothing could directly discharge into the creek channel.

Mayor Stevenson asked if there were any types of problems with the dirt; was it good old Davis County, northern Utah soil.

Woody said the soils were claylike in nature. He said the sheer-plane was something that was concerning; it was really important that this be graded appropriately. Woody said the geotechnical experts indicated that nothing over a 14% slope should be allowed on this project.

Mayor Stevenson asked if the individual homes would be reviewed by geotechnical experts.

Woody said he thought every home would have a geotechnical review.

Mike Flood, Adams Property LLC and Hawkins Homes LLC, displayed a map of the phases of the grading. He explained the phasing of development to accommodate access to utilities. Mr. Flood explained the plan for extending Emerald Drive. He said within 2 to 2 ½ years the Emerald Drive connection would be made to the south. Mr. Flood said this would be market driven.

Mayor Stevenson asked if they could get financing for this large of a project.

Mr. Flood said no; lending institutions wanted to see small phases of projects. He said the recession changed the way things were done.

Councilmember Petro asked if they could extend Emerald Drive to at least Beechwood Drive early on in the project to allow for a second outlet.

Mr. Flood said the problem was utilities; the City didn't allow utilities through private streets.

Councilmember Freitag asked about the waterline.

Mr. Flood explained how the connection would be made at Antelope Drive and an oversized line put in.

Mayor Stevenson asked the geotechnical engineer to respond to the questions about the soil.

Kent Hartley, Geotechnical Engineer with IGES, said he had been involved in this project since the very beginning. He said the soil was typical silt and clay soil. Mr. Hartley said it needed to be moisture conditioned properly when it was placed, and it needed to be compacted in fairly thin lifts. He said they would be monitoring that through the entire process. Mr. Hartley said in general, the contractor had done an excellent job in grading the property. He explained the process of compacting the soil and the type of dirt on the site. Mr. Hartley said he was very comfortable with the site.

Mayor Stevenson asked how the land drains would impact the soil.

Mr. Hartley said it was always beneficial to get the water out of the ground.

Mayor Stevenson said where this was a PRUD there would be an HOA and CC&Rs. He said people were concerned with rentals; size of homes; and materials.

Mr. Flood said Destination Homes would be building the townhomes. He said they built a great product. Mr. Flood said they would be selling the properties as owner occupied.

Councilmember Day said one of the concerns was that it be stated in the CC&Rs that a certain percentage of rentals would be restricted.

Mr. Flood said there were HOAs that restricted rentals in various ways. He said sometimes that was a restricted percentage in the CC&Rs and sometimes the CC&Rs stated that the HOA fees would be higher for rentals. Mr. Flood said at final approval they were required to provide CC&Rs. He said they would work with Destination Homes to make sure, within the law, that there were controls in place to reduce the number of rentals. Mr. Flood said they would not be selling for-rent products; it would be for sale/owner occupied. He said however, if someone from Hill Air Force Base purchased a home, and then was transferred for two years, there were property rights. Mr. Flood said they would work within the law to make those restrictions.

Steve Bingham with Destination Homes said in other communities they had put rental restrictions in the CC&Rs. He said they were happy to work with Mr. Crane on doing that for this project. Mr. Bingham said typically in other areas they had been able to limit rentals to 15 to 20%. He said the HOA would have oversight with that in higher fees or fines. Mr. Bingham said it was not their intent to sell to investors; these would be owner/occupied homes.

Mr. Bingham displayed conceptual drawings of the townhomes. He said the units would have 2 car garages and 3 bedrooms. Mr. Bingham said the interior units would be slightly larger with the units between 1600 and 1700 square feet. He said the units would be 2 levels; slab on grade. Mr. Bingham said all sites would be signed off by geotechnical engineers. Each unit would be different architecturally.

Mr. Bingham displayed floor plans of the units and conceptual drawings of the overall townhome site. He displayed the various elevations of the buildings and color pallets.

Councilmember Day said there was an issue mentioned at the Planning Commission meeting about tagging the titles to the lots with some type of restriction to let buyers know of the sensitive lands issues.

Gary Crane said on the plat, the City put information regarding the geotechnical study. He said the City had done this in the past. Gary said when a building permit was issued, they had to sign off on the information.

Councilmember Day asked if that could happen on this development.

Gary said it could happen with this project if the Council designated that it needed to happen.

Councilmember Brown asked when that would happen and how would the second homeowner find out about

that information.

Gary said the second owner would have to do their due diligence; the City could do more than that. He said the plat would be available at the County and any title company could get a copy of the plat. Gary said the City couldn't do any more than to make people reasonably aware of it. He said the City didn't draw any conclusions; the City made the studies available.

Councilmember Brown asked at what point the Council should indicate that they wanted that information added to the plat.

Gary said it could be included with the motion tonight as a condition.

Councilmember Petro said there had been concerns expressed with water on the site and saturation of the ground. She said residents felt that the Council should address the requirements of sump pumps.

Mr. Flood said there was a misnomer of really shallow ground water. He said when this site was graded, the area that had water would be under 12 feet of fill. Mr. Flood said they had been monitoring the ground water since 2007; ground water was 30 to 70 feet down in most areas. He said it needed to be clear that water wasn't just flowing through the property. Mr. Flood said on the north side of the project in the cottage homes area, the ground water was about 9 to 11 feet down and basements were being put into the ground 7 ½ feet. He said a land drain was very necessary there, but it was still not at the basement level. Mr. Flood said they were making provisions to address that. He said there was water standing on some areas of the site, but those areas would have 10 to 12 feet of fill, and the water would be carried to a land drain system.

Councilmember Petro said she felt the concern was with water flowing from the north side of Antelope Drive.

Mr. Kent Hartley said all of the water would be captured with the land drains and taken to the creek. He said there would be a perimeter drain around each home, and a land drain that would run down the street would capture all of that water and take it to the creek. Mr. Hartley said there wouldn't be a need for sump pumps; water would gravity feed to the creek.

Councilmember Day asked if foundations would be on native ground or on fill.

Mr. Flood said many would be on fill; most of the cottage homes would be on fill. He said that was why they were compacted with very thin lifts. Mr. Flood said the geotechnical engineers would observe the soil and test the soil to make sure it met the compaction necessary for a housing structure. He said the fills would be engineered, compacted fills; not loosely placed soil.

Mayor Stevenson said when there were compacted, engineered fill, how did that compare to natural compaction.

Mr. Hartley said it was more dense than native soil. He said they were required to compact the soil to 95%; native soil was at 80%.

Mayor Stevenson asked if they would be testing throughout the cuts and fills process.

Mr. Hartley said yes; they would be doing compaction tests.

Mayor Stevenson said the ground water that was very close to the ground, how would the water move with the fill.

Mr. Hartley said the surface and subsurface drains would take that water to the creek.

Mayor Stevenson opened the meeting for public input.

Dotty Collins, 1765 East 2100 North, expressed appreciation for the response to emails and for the many meetings. She said the neighborhood was frustrated; it seemed that no one cared about their concerns with this development. Ms. Collins mentioned the Sunset Drive slide and how that had affected the number of rental units and the value of surrounding homes. She expressed concerns that this subdivision would have the same problems.

Mayor Stevenson asked Scott Carter if the types of protections that were being put in place with this project were available when the Oak Forest area was developed.

Scott Carter said no; the City did not have the standards it had today relative to geological studies. He said Hidden Hollow had geological studies that extended northward and included Country Hollow, which was one development. Scott said Heather Glen had a geological study and was not done to the extent that was being discussed with this project. He said a couple of the homes that slid were built a little different than a typical construction; they added greater footings and rebar, but it still didn't work.

Scott said with this development, there had been 7 years of reviewing soils and groundwater, and manipulating that landscape to be safer. He said that wasn't done in the case of Heather Drive or Sunset Drive.

Donna Chipman, 1548 East 2050 North, said she previously lived on Sunset Drive, but her house was one of the homes that slid. Ms. Chipman said they had done everything that the geotechnical engineers recommended and they had 4 sump pumps in their basement, and it still slid. She said this property had geotechnical issues. Ms. Chipman said residents were being told that it would work, but they were told that before. She said the City should make the developers set aside a fund to ensure that it would not slip.

Councilmember Petro asked what amount Ms. Chipman would suggest should be in that fund.

Ms. Chipman suggested \$1,000,000.

Councilmember Day asked Gary Crane to explain the possibilities of that.

Gary said it was a little bit like requiring car manufacturers to put a hold harmless in place for every purchaser of a vehicle. He said it was much better to put things in place up front and then the individual homeowner could insure their home for whatever damage they thought would occur. Gary said the whole purpose of indemnification was to treat something after the fact; you were better off if you treated the problem before the fact. He said another consideration was that there were no other subdivisions in the State that ever guaranteed their homes past the normal warranty period. Gary said the Council had the responsibility to look at those things the City was requiring the developer to do, and they couldn't exceed what was reasonably necessary to address the impacts of the development on the City and surrounding area. He said even if the City required a million dollars to be placed in an account for 10 years; the England's home slid 20 years later. Gary said the developer and City would be better off to take the precautions ahead of time so that those types of events didn't occur, rather than coming back after the fact. He said the best legal action for the City to take was to notice the issues, which was what the City would be doing on the recorded plat. Gary said this allowed for people to make informed decisions about the areas they were moving into. He said the City couldn't guarantee every single hazard and every single event that was going to occur in the City.

Councilmember Freitag said when Ms. Chipman bought her house, had that mitigating already been done, or was it something that was done after the fact; he thought that it was done after the fact. He said a big difference in his mind was that they were talking about trying to deal with these problems before anything was ever built, but in Ms. Chipman's case it was something that was recommended be done after the house had already started to slide; was that generally correct.

Scott said yes.

David Paulsen, 1555 East 2050 North, indicated that he had shown a video to the Mayor the other night; he wanted to show the video that explained winter conditions on Antelope Drive near where Emerald Drive would connect. Mr. Paulsen showed the video. He said he would like to see a better intersection at 1600 East and not a private street access. Mr. Paulsen requested that Emerald Drive be completed from the beginning of the development. He mentioned that the developer he worked for put a road in, up front of development, in Saratoga Springs.

Councilmember Freitag asked Mr. Paulsen what the address was of the road and if it was of similar topography.

Mr. Paulsen said it was in the downtown area of Saratoga Springs, but he didn't know the address. He stated that it was on flat ground.

Mayor Stevenson said if there was no proposed development, would Mr. Paulsen be asking the City to put a road through at Emerald Drive.

Mr. Paulsen said no; that was apples and oranges. He said for public safety, another viable alternative, other than onto Antelope Drive, should be given to this development from day one. Mr. Paulsen requested that the mass grading be done at one time and not in phases.

Councilmember Day asked if the Mayor wanted to wait for Mr. Flood to answer everything at the end, or answer questions as they arose.

Mayor Stevenson said he would have everyone address their concerns first.

Dale Thompson, 2547 East 1825 North, indicated that he was against the high density of the development because of additional traffic on Antelope Drive, particularly in the winter. Mr. Thompson said it didn't make sense to crowd more people into this area.

Daniela Harding thanked the Mayor and Council for their time in reviewing this project and addressing their concerns. She indicated that the project should be mass graded. Ms. Harding said they believed that the City Staff illegally issued a permit to phase grade the project. She said they were insisting that the developer complete Emerald Drive up front.

Karlene Kidman, 2056 North 1650 East, expressed concerns with the water drainage issue. She explained issues with her home and the mitigation installed to alleviate the problems.

Jeff Merkley, 1777 East Beechwood Drive, expressed concerns with the townhomes being located so close to expensive homes on Beechwood Drive and asked that the developer move the townhomes to another area of the development. He said there were no other multi-family units in the area. Mr. Merkley said kids would not qualify for bussing from this development.

Mayor Stevenson asked Staff to bring up Google Earth of the area.

Mike Flood identified on Google Earth where the townhomes would be located.

Councilmember Day asked Mr. Flood if there was any room for the developer to budge on that issue.

Mr. Flood said no; they were asking to move townhomes to a cottage home area. He explained that the townhomes and cottage homes were separate HOAs with different costs because of the private roads.

Councilmember Day asked Mr. Flood about making the second connection onto Antelope Drive a public road, which was mentioned earlier.

Mr. Flood explained the problem with having additional traffic on a private road that the townhomes were responsible for maintaining. He said additionally, he didn't know if trying to disperse traffic halfway up the slope of Antelope Drive would be more dangerous than dispersing it at the flat part of the slope. Mr. Flood said Emerald Drive was designed with a 66-foot right of way that would allow for proper lane movement and stacking; the short private road would not accommodate that. Mr. Flood said he thought that it would create more traffic issues.

Mr. Flood said keeping the townhomes and cottage homes separate would help develop a sense and feel of community. He said the natural flow of traffic would be on Emerald Drive. Mr. Flood said Destination Homes had indicated that they did not want a looping road; it was a bad idea for their townhome product.

Tamera Shilling, 1479 East Beechwood Drive, requested that tilt monitoring and vibration monitors be installed on all homes within 100 feet of the development, and on new homes as they were built.

Ja Eggett, 1548 East 2050 North, said he formerly lived on Sunset Drive. He said whenever homes were built in flood areas, flood insurance was required. He asked if the City could require that land slide insurance be purchased on homes that were constructed in a landslide area. Mr. Eggett expressed appreciation for the builder working to make the trail system work within the development to the park. He suggested that there should be parking near the park; 90% of people drove to parks. Mr. Eggett indicated that if parking wasn't provided there would be issues with cars parking on the streets. He requested that the Council not approve the preliminary plat without these issues being addressed.

Councilmember Freitag said several of the speakers had indicated that they wanted this tabled until the issues were addressed; a lot of the questions had been addressed whether they had been addressed to a person's satisfaction or not was a different issue. Councilmember Freitag asked Mr. Eggett what was he specifically requesting that the Council consider before approving the preliminary plat.

Mr. Eggett said to make sure there was a parking area provided for the park.

David Ense, 1951 North 2000 East, said several questions addressed safety of people on Antelope Drive. He asked what the grade was of Antelope Drive. Mr. Ense indicated that he was an aerospace engineer.

Woody said the slope was 12%.

Mr. Ense said there had been discussion about not connecting Emerald Drive on the west side of the development onto Church Street because it was an 11% grade, but Antelope Drive was 12%. He said he didn't think the developer would be responsible for extending the sidewalk along Antelope Drive, past the development to the next intersection, because of the cost. Mr. Ense said there should be a study of the costs of extending the sidewalks and building the retaining walls before approval was given for the development. Mr. Ense expressed concerns with the clay soil in the area and slip planes.

Mayor Stevenson said the City had tried to cross every "T" and dot every "I" with having geotechnical experts involved in the process. He said Mr. Ense had concerns, but the City had been told by two geotechnical engineering firms that there was no problem. Mayor Stevenson said the developer had been required to jump through hoops so that the City could make sure this was a viable area to build. Mayor Stevenson asked Mr. Ense to help him understand his concerns.

Mr. Ense said he was an engineer in the aerospace industry; he was not a geological engineer. He said that things could change and mistakes could be made. Mr. Ense said he heard an engineer state that the soil was clay and silt, and based on his understanding of clay, that didn't match with setting a foundation and having that foundation stay. He said there could be 10 experts, but he was asking that it continue to be addressed.

Mayor Stevenson said on that specific point, the City hired an outside firm. He said the City was not paying someone off to give them the answer they were looking for; the City was paying them to do an unbiased review of the project. Mayor Stevenson said he appreciated Mr. Ense's concerns, but the City had tried to

cross every “T” and dot every “I” through this process in order to protect the City and the citizens.

Donald Berube, 1865 North 1480 East, said there was an active land slide east of his home on Beechwood Drive. He mentioned a Landslide Commission that was formed by Governor Huntsman; what happened to that Commission and their recommendation relative to slide areas.

Drew Lewis, 2057 North Sunset Drive, said relative to limiting rental properties through the HOA; unless it was in writing it wouldn't happen. He suggested that the rental units be limited to no more than 5% of the total number of units. Mr. Lewis requested that it should be a condition of approval.

Mayor Stevenson asked Mr. Lewis how many of the 52 townhome units should be allowed to be rentals.

Mr. Lewis said it should be 5% of the total number of houses and townhouses.

Mayor Stevenson asked how many rental units were in the surrounding areas.

Mr. Lewis said he was in the Autumn Woods Subdivision and in his area it was probably at 25%.

Mayor Stevenson said it would be impossible to put in place and enforce rental restrictions on single family homes. He said the HOA could put a limit on rentals in the townhome area.

Steve Collins, 1765 East 2100 North, expressed appreciation to the Mayor and Council for listening to their concerns. He mentioned the City's mission statement relative to citizen involvement and enhancing the quality of life. Mr. Collins expressed concerns with safety and quality of life. He asked the Council to postpone approval of the preliminary plat to address these issues. Mr. Collins reiterated issues that had been raised earlier in the meeting by other residents.

Mayor Stevenson asked Mr. Collins if he had problems with the conceptual plan Mr. Flood was presenting.

Mr. Collins said yes.

Mayor Stevenson asked Mr. Collins to help him understand what the City was supposed to do when a property owner had the zoning in place; the property owner had done everything the City required; the property owner had jumped through many hoops; all of the studies were in place that were required to show that this could take place; and the property owner had made many concessions.

Mayor Stevenson mentioned crosswalks that had been installed in other areas of the City. He indicated that the City could install a crosswalk on Antelope Drive if it was needed. Mayor Stevenson said the School District had indicated that they were not sure which school the students from this development would attend; there may not be a need for a crosswalk. He explained the process he had gone through to try and understand the issues and listen to both sides. Mayor Stevenson said not everyone was going to be 100% happy.

Mayor Stevenson said most subdivisions in the City were built through a phasing process. He said relative to monitoring the homes being built; there were homes being built all across the City that were not required to have monitoring equipment on them. Mayor Stevenson said there were large trucks and construction equipment in those areas as well.

Mayor Stevenson said this would be a very nice project in the area with the park and trails. He said there would be additional street connections, and possibly an additional connection onto Church Street sometime in the future when additional property in the area developed.

Mayor Stevenson said when he lived in the Oak Forest area years ago, none of the development below that was in; now that entire area had developed. He asked if the City shouldn't have built the Heather Glen area because of the house that slipped; if that home had been there first and slipped, should the City not have allowed any other homes to be built in the area, or should the City have done a lot more due diligence to

make sure things were as safe as possible.

Mayor Stevenson said he thought the City had done that with this development. He said everybody had a different idea of what should be done. Mayor Stevenson said the developer had drastically lowered the number of townhomes because of concerns from residents. He said he didn't see anything that didn't indicate that the developer had done everything that had been asked of him, which was more than most developers were asked to do. Mayor Stevenson said the developer had worked with residents to try and make things better in the area; and the City was looking at what could be done to make the intersection on Antelope Drive as safe as possible. He said the City couldn't make everyone happy.

Mayor Stevenson said he couldn't see any reason to table this. He said the Council could put stipulations in place that would have to be met before the final approval was given. Mayor Stevenson said this was not final approval tonight; approval tonight would move the process to the next step. He said this was the time for the Council to make stipulations; if those stipulations were not met, final approval would probably not be granted.

Mayor Stevenson said he had learned a lot through this process. He expressed appreciation to everyone for their input and kindness to him through the process.

Mr. Collins said the residents were not anti-growth or anti-development. He said they were Layton citizens; this was their home. Mr. Collins said developers came into the area to use their resources and to make a gain, but the citizens were the ones that should set the standards by which they accept or reject those developments.

Mayor Stevenson said at some point and time, a previous Council agreed with this zoning and also agreed that there could be a PRUD overlay on the project. He said along with that previous approval, the developer had done everything that was required. Mayor Stevenson said the residents were now saying that yes, the developer followed all of the rules, now they wanted to challenge the developer on those rules.

Mr. Collins said that was not what the residents believed. He said the residents didn't have this interaction before and didn't know all of the rules. Mr. Collins said they were asking that the Council hold off on the approval so that the dialog could be continued. He said they recognized that they may come out of the dialog without the buffer that they wanted, or they may not get the road on the southwest end, which they felt was a high priority. Mr. Collins said they appreciated and believed that it was through the dialog process that they could work out some of the bumps, but they felt that the process evolved. He said relative to Heather Glen, it wasn't as good as it could have been. The goal was to have it more right. Mr. Collins said there was an opportunity to find a common ground, and they were close.

Mayor Stevenson said if the Council tabled this and called the developer in tomorrow, and he indicated that he wasn't willing to change anything else, where were they in the process. He said the developer didn't have to do as much as he had already agreed to do; he could have a higher density and he didn't have to put the trails in. Mayor Stevenson said if the developer indicated that he had done all that he could do, what should the City do.

Mayor Stevenson said the City would figure out some of the safety issues.

Mr. Collins said if the developer indicated that he wouldn't do anything, the City and citizens in partnership should state the standards that they felt were important and critical for the citizens, and allow the developer to decide if he wanted to continue with the development. He said he didn't think that it needed to get to that point; it needed to continue through the process.

Dave Paulsen said State Statute indicated exactly what the Mayor had stated; the developer had the right for approval if he followed all the different things and paid all the things he was suppose to, but then the word "unless" came. He said the unless was, "if it jeopardized a public interest." Mr. Paulsen said if that public interest was safety, then the City could go to the developer and state that in the interest of public safety, the

City needed to see “this” done. He said if that consensus was never reached, the Council would make the decision for approval and they would move on. Mr. Paulsen said the City Council had the ability, the right and the responsibility to get that “unless” evaluated. He said that was all they were waiting for tonight.

Mr. Paulsen said they agreed that the developer had fulfilled the first part of the State Statute, but they believed that the development was jeopardizing the second part of the State Statute, and therefore the Council could vote the way they wanted to, and they could until they believe the developer has satisfied the “unless” clause; and then it would move forward. He said it was the Council’s decision.

Mayor Stevenson asked Mr. Paulsen to reaffirm what the safety issues were.

Mr. Paulsen said they still believed that the road should be put in all the way through, so that they could have another exit. He said they believed that the developer should have to mass grade the property. Mr. Paulsen said this had gone on long enough; it should be turned over to the Council for their decision.

MOTION: Councilmember Freitag moved to close the conversation and take action on this item. Councilmember Petro seconded the motion.

Mayor Stevenson said relative to the length of the meeting, he wanted to make sure all of the residents were given a chance to voice their opinion.

Gary Crane said relative to the section of State Statute that Mr. Paulsen referred to, he was involved in the drafting of that law several years ago. Gary said this was after the Western Land Equities Case, where those things that were written into an ordinance were applicable on a developer, unless there were some very, very high exceptions. He said the first was that there needed to be compelling, countervailing public reason for turning it down; the second was if the City was in the process of changing the ordinance. Gary said those were the only two reasons the City could not approve a development.

Gary said the City had responsibility to put together enough information, and the City had done that in this case, to be able to justify moving forward. He said compelling, countervailing public interest was almost an impossible standard, unless you were falling off the cliff. Gary said the “unless” was not specifically for a rational basis type of determination, it was a very high standard.

Daniella Harding said she and Mr. Paulsen made an appointment with a high level official at the State Capitol, who did not want to go on record, about this particular statute. She said they were told that the Council absolutely had the right to deny this application. Ms. Harding said safety was a massive issue here that was just beginning to be addressed. She said she didn’t think the residents were being unreasonable. Ms. Harding said she respectfully disagreed with Mr. Crane, based on what they were told.

MOTION: Councilmember Day moved to table a decision on the preliminary plat until the next Council meeting, date certain of May 7, 2015, and in the meantime that the Council have a meeting to discuss some of the issues that were brought up this evening. Councilmember Petro seconded the motion.

Councilmember Freitag asked Councilmember Day if there were specific things he wanted addressed.

Councilmember Day said no. He said he felt that there were enough concerns expressed, and some of the issues had not been agreed to by the developer. Councilmember Day said he didn’t think there needed to be additional comments taken.

MOTION (continued): The motion passed unanimously.

Mr. Flood said he didn’t have an opportunity to respond to any of the comments, but everyone else had been allowed to speak. He asked for a summary; he asked that each Councilmember explain why they had voted the way that they did.

Gary Crane said there had been a motion made, and voted to table the preliminary plat approval.

Mr. Flood said he was disappointed that he wasn't given an opportunity, after everyone else had been allowed to ask and answer questions, to respond. He said he appreciated everyone's time; he would go home and accept the table, but he was very disappointed. Mr. Flood said he had never been in a public meeting where the developer wasn't allowed to address some inaccurate comments and statements. He said they had met every condition in the City's ordinance; they had met every condition the Staff had put forward; and they had even made accommodation after accommodation. Mr. Flood said that was rarely acknowledged in this meeting; they gave the residents a trail, and there were dozens of other things that they had acquiesced on, and it wasn't acknowledged. He said they had given and given and given. Mr. Flood asked the Mayor and Council to understand his frustration.

Mayor Stevenson said tabling this just meant that it would be picked up where it was left off.

Mr. Flood said tabling this hurt no one but the developer. He said time was money and they had been waiting for years on this development. Mr. Flood said he understood that residents felt that nothing had been done to accommodate them or help them. He said there were probably 23 hours of public hearings that had been racked up, and they had tried to accommodate where they could. Mr. Flood said in the end, they had a property right to develop their land, within the ordinance and within the General Plan, in a manner that they saw fit, if it met those ordinances. He said it may not address everyone's problem or concern, but they had tried to do that.

Councilmember Freitag said he understood what Mr. Flood was saying; he understood the frustration. He said between now and May 7th, there needed to be some refinement in the messages the Council was receiving. Councilmember Freitag said the Council needed to focus on the very specific issues of safety, and he thought that the Council would be able to do that in the next meeting. He said Mr. Flood was privy to the discussions this evening, but he wasn't privy to all the other feedback and information the Council had received from the people that they represented.

Mr. Flood said maybe a GRAMA request would help him understand what was different.

Councilmember Freitag said he would give Mr. Flood everything that he had.

Mr. Flood said if things were being addressed outside of a public meeting, he needed to know that to know what he was up against. He said the current plan addressed several concerns that had been brought up over several years. Mr. Flood said he had listened and tried to address all the concerns. He said he was now being told that there were other things going on underneath the surface.

Councilmember Freitag said he was saying that the Council was trying to balance the residents' needs and the developer's needs. He said he would encourage Mr. Flood to keep doing things the way he had been doing them; he didn't think Mr. Flood had made any mistakes. Councilmember Freitag said he didn't think the Council had every answer in their mind solid.

Mayor Stevenson expressed appreciation to everyone.

The meeting adjourned at 12:08 a.m.

Thieda Wellman, City Recorder