

**MINUTES OF LAYTON CITY
COUNCIL MEETING**

JUNE 18, 2015; 7:01 P.M.

**MAYOR AND COUNCILMEMBERS
PRESENT:**

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

STAFF PRESENT:

**ALEX JENSEN, STEVE GARSIDE, TRACY
PROBERT, MARK CHATLIN, PETER MATSON,
KENT ANDERSEN, DAVID PRICE, RYAN PICKUP
AND THIEDA WELLMAN**

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

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

MINUTES:

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

**Layton City Council Meeting – April 16, 2015; and
Layton City Council Strategic Planning Work Meeting – May 28, 2015.**

The vote was unanimous to approve the minutes as written.

MUNICIPAL EVENT ANNOUNCEMENTS:

Councilmember Brown said the City was seeking nominations for Hometown Heroes of anyone that had served from 2001 to the present. She indicated that nomination forms were available at any First National Bank branch or on the City's website.

Councilmember Brown reviewed activities that were scheduled for the July 4th celebration. She indicated that additional information was available on the City's website.

Councilmember Brown indicated that once again Taste of the Town would be held in the Commons Park on July 24th, which would allow citizens to sample food from many of the restaurants in the City. She said there would be a free concert that evening in the amphitheater sponsored by the City; Riders in the Sky would be performing beginning at 8:00 p.m.

PRESENTATIONS:

Mayor Stevenson recognized Dawn Fitzpatrick and Anne Hunsinger for the great things they did behind the scenes in supporting the City and particularly the Police Department. He presented City coins to Dawn and Anne.

Mayor Stevenson recognized Steve Morris for his involvement with Envision Layton. He said it was important for young people to become involved. Mayor Stevenson presented a packet of pictures relative to Envision Layton to Steve and thanked him for being involved.

LAYTON INDEPENDENTS WEEK

Mayor Stevenson read a proclamation proclaiming July 1st through July 7th as Independents Week in Layton City.

CITIZEN COMMENTS:

Sandy Kellogg, 111 West 1525 North, expressed concerns about a notice she received on her water bill relative to how public utilities were handled in the City and how that would impact the citizens.

Mayor Stevenson explained that nothing had changed; the State Legislature put in place a law making reporting of how public utility funds were handled more transparent. He said Tracy Probert would go into more detail on that during the budget public hearing.

Ms. Kellogg commented about dogs being allowed in the parks and the tests that were being conducted in two of the parks. She said Woodward Park was notorious for people letting their dogs run loose. Ms. Kellogg said there had not been enough advertisement that the other parks still didn't allow dogs. She expressed concerns with health and safety of people and children attending the parks; there were a lot of problems with dogs in the parks; people ignored the signs. Ms. Kellogg suggested putting notice on the utility bill telling people to not bring dogs into the other parks.

Mayor Stevenson said there were multiple sides to this issue; some would like a separate dog park; some didn't want any dogs in the parks; and others wanted dogs in every park. The City was doing this as a study to see what would work best. He said the City couldn't put an officer at every park to monitor violators; people would have to police themselves. Mayor Stevenson said the City tried to keep people informed.

Ms. Kellogg said the link didn't work for comments on the dog park issue on the City's website.

Mayor Stevenson said Staff would look into that.

CONSENT AGENDA:

INTERLOCAL AGREEMENT WITH DAVIS COUNTY TO SHARE PROGRAM FUNDS PROVIDED BY THE 2015 EDWARD BYRNE MEMORIAL JOINT JUSTICE ASSISTANCE GRANT – RESOLUTION 15-37

Mark Chatlin, Assistant Police Chief, said Resolution 15-37 authorized an interlocal agreement with Davis County to share program funds provided by the 2015 Edward Byrne Memorial Joint Justice Assistance grant. Layton City and Davis County had submitted a joint application for the grant. The grant required that governmental agencies enter into an interlocal agreement regarding the distribution and use of the federal funds. Mark said Layton City had administered several joint application grants for the Davis County area in the past and Staff recommended approval.

Mayor Stevenson recognized Mark Chatlin for being selected as the new Assistant Police Chief.

BID AWARD – MERRILL SHERIFF CONSTRUCTION, INC. – NEIGHBORHOOD PARK – 3500 NORTH 2100 EAST – RESOLUTION 15-40

David Price, Parks and Recreation Director, expressed appreciation to Ms. Kellogg for the extra set of eyes she provided in monitoring activity at Woodland Park.

David said Resolution 15-40 authorized the execution of an agreement with Merrill Sheriff Construction for the construction of a neighborhood park located at 3500 North 2100 East. He displayed conceptual drawings of the park and indicated that construction included sidewalks, light fixtures, landscaping, landscape irrigation, tennis/pickle ball courts, playgrounds and a restroom. Five bids were received with Merrill Sheriff Construction submitting the lowest responsible, responsive bid in the amount of \$1,420,365. David said Staff recommended approval.

Mayor Stevenson asked David to explain some of the amenities the park would include.

David indicated that there would be a play cove, which included rock climbing walls and a play tower, a chalk wall, and a tube slide. He said the entire area would be built into the landscape and would allow children to explore and enjoy imaginative play. David said there would be an adult exercise area and a tot lot. He said the larger play area including a zip line and other play structures; and there would be pickle ball courts.

Mayor Stevenson asked when construction would be completed.

David said construction would begin this year with total operation next summer.

Mayor Stevenson said parks were not inexpensive to construct. He said the City tried to create new things for the citizens to enjoy. Mayor Stevenson mentioned the RAMP tax that would be on the ballot this fall, which would allow for these types of things to be brought to the City.

Councilmember Brown said this park was developed in conjunction with residents in the area giving input on the design.

AMEND TITLE 2, CHAPTER 2.56, SECTION 2.56.010 OF THE LAYTON MUNICIPAL CODE – CAMPAIGN FINANCIAL DISCLOSURE IN CITY ELECTIONS – ORDINANCE 15-20

Steve Garside, Assistant City Attorney, said several years ago the City adopted regulations regarding candidates for municipal offices. Since that time the State had adopted some legislation that actually superseded what the City was doing. Each year the Legislature seemed to tighten those regulations. He said Staff recommended, in lieu of trying to amend the City's ordinance each time the State Legislature amended State law, that the City adopt the State law. That way, the amendments would flow through automatically. Steve said based on that, Staff recommended the Council adopt Ordinance 15-20 regulating candidates and their financing.

RENEWAL OF FRANCHISE ORDINANCE AND FRANCHISE AGREEMENT WITH PACIFICORP (DBA ROCKY MOUNTAIN POWER) – ORDINANCE 15-24

Steve Garside said this was renewal of a franchise agreement with PacifiCorp, doing business as Rocky Mountain Power. As the Council was aware, as there were utilities in the City utilizing the public rights of way and public easements, the City had asked them to participate in a franchise agreement so that the City could assure that the services provided were coordinated and that the work was coordinated as well. The City had always had a good working relationship with Rocky Mountain Power. He said Staff recommended adoption of Ordinance 15-24 renewing the franchise agreement with Rocky Mountain Power for another five year period.

CONDOMINIUM PLAT – VILLAGE AT CHURCH AND MAIN – APPROXIMATELY 100 NORTH CROSS STREET

Mayor Stevenson said the developer requested that this item be tabled indefinitely.

GRANT AGREEMENT AND WARRANTY DEED BETWEEN LAYTON CITY AND HAVE A HEART – 211 WEST GOLDEN AVENUE – RESOLUTION 15-38

Kent Andersen, Deputy Director of Community and Economic Development, said Resolution 15-38 was a grant agreement and warranty deed between the City and Have A Heart for property located at 211 West Golden Avenue. Kent explained that the CDBG program annually budgeted funds to purchase lots and partner with the Davis School District to build affordable homes in the City. Students built homes that could be provided to a needy family. He said due to unforeseen circumstances, the School District would not be able to move forward with the construction of a home this year. He said the Have A Heart group had stepped up to partner with the City. Have A Heart, a nonprofit partnership between the Northern Wasatch

Association of Realtors and the Northern Wasatch Homebuilders Association, along with partners, Nilson Homes, would like to be considered as an applicant for this and take ownership of the lot, construct a home, and partner with the City to find a needy family to sell the home to. Kent said the program worked very well with Have A Heart previously. The School District fully intended to continue to do the program, but because of unforeseen circumstances, they were not able to move forward during this program year. Kent said the City would provide the building lot to Have A Heart and they anticipated starting construction on the home this summer with completion by December. He said Staff recommended approval.

AMEND TITLE 3, CHAPTER 15 OF THE LAYTON MUNICIPAL CODE – CONSOLIDATED FEE SCHEDULE – ORDINANCE 15-23

Tracy Probert, Finance Director, said Ordinance 15-23 would amend the Consolidated Fee Schedule. Tracy said the proposed changes included an increase in sanitary sewer fees of \$3 per month. The North Davis Sewer District raised their fees and the increase was being passed along to customers. The new garbage collection contract with Waste Management would increase fees for first cans by \$.35 per month and second cans by \$.25. Waste Management was also offering an opt-in recycling program for \$5.50 per month, which was being added to the Consolidated Fee Schedule. The recycling program was a program of Waste Management and was an opt-in program; the City was not requiring anyone to participate.

Tracy said fees relating to re-submittals of development plans submitted to the Engineering Division were being proposed. After the second submittal of those types of plans, additional fees would be imposed. The proposed re-submittal fees were outlined in the Consolidated Fee Schedule. Tracy said Staff recommended approval.

Mayor Stevenson said the sewer fee increase was a fee schedule that was put in place by the Sewer District a couple of years ago to cover costs of EPA requirements at the sewer plant. He said there was an additional increase of \$3 scheduled next year and the following year. Mayor Stevenson said the Sewer District was required to spend a lot of money to bring the plant up to required standards and to accommodate growth. He mentioned some of the work being done in the City by the Sewer District to improve lines.

MOTION: Councilmember Francis moved to approve the Consent Agenda as presented, excluding Item E, which was being tabled indefinitely. Councilmember Brown seconded the motion, which passed unanimously.

PUBLIC HEARINGS:

AMEND THE ADOPTED BUDGET FOR FISCAL YEAR BEGINNING JULY 1, 2014, AND ENDING JUNE 30, 2015 – ORDINANCE 15-21

Tracy Probert said Ordinance 15-21 would amend the current year budget. Every year the City did some cleanup at the end of the year to bring the budget in line. Tracy reviewed the proposed amendments listed in the documentation in the packet. He said Staff recommended approval.

Councilmember Brown said this was pretty much balancing the checkbook.

Tracy said that was correct; most of it was money the City received that would go right back out. The City had to show in and out transactions in the budget.

Mayor Stevenson opened the meeting for public input. None was given.

MOTION: Councilmember Brown moved to close the public hearing and approve the amendments to the 2014/2015 budget as presented, Ordinance 15-21. Councilmember Day seconded the motion, which passed unanimously.

ADOPT THE BUDGET AND PROPERTY TAX RATE FOR FISCAL YEAR JULY 1, 2015, TO JUNE 30, 2016 – ADOPT THE SCHEDULE OF COMPENSATION FOR ELECTIVE, STATUTORY AND APPOINTED OFFICERS – ORDINANCE 15-22

Tracy Probert said Ordinance 15-22 would adopt the budget, property tax rate and scheduled compensation for fiscal year 2015/2016, which would begin July 1, 2015. The tentative budget was adopted on May 7th and a public hearing was set for tonight for final adoption of the budget. The tentative budget had been available since that time for review. Tracy said as part of this public hearing, a public notice was sent out to all utility customers in the May and June billings as part of a State requirement, as the Mayor mentioned, which required notice anytime transfers occurred between enterprise funds and the general fund. The City had been making these types of transfers between the water, sewer, and storm sewer funds, and the general fund, since the inception of those funds; each of the utilities was intended to stand on its own as a separate business.

Tracy said the public notice probably wasn't worded exactly right and there was a bit of confusion. He said the transfers were based on property tax rates and franchise tax rates, but the City was not imposing a tax on the utilities. The notice was intended to comply with the law of providing public notice, but there was not a new tax nor was there a new transfer out of the utility funds. This was a transfer that had been budgeted in the original adopted budget each year since the inception of those utilities.

Tracy indicated that there had been some changes to the budget since the tentative budget was presented. He said a \$100,000 transfer was added from the general fund to the capital projects fund for the Davis Conference Center lighting project, and \$100,000 in revenue and expense was added in the emergency medical services fund as part of a new State assessment for a Medicaid type program that would be instituted this next year.

Tracy stated that the total City budget, including all funds was approximately \$72,000,000. In order to balance the budget, it was proposed to use \$4,900,000 of fund balance or net assets from the various funds, most of that was related to one time projects. The estimated fund balance to revenue ratio would be about 15%; this was a good ratio but not an excellent ratio. Tracy said the City was allowed to reserve up to 25% in the general fund. It was important to note that the City was using some fund balance and the balance was going down a little bit. Tracy said the budget did not include a property tax increase for fiscal year 2015/2016; it was proposed that the certified property tax rate be adopted as it would be determined by Davis County and the Utah State Tax Commission. The budget included a 3% merit increase for employees and adjustments to the salary schedule based on a salary survey.

Tracy said the before mentioned changes to the Consolidated Fee Schedule would affect the minimum utility bill, which would go from \$101.20 to \$107.90 every two months. The adopted budget would be available on the City's website. He said Staff recommended approval.

Mayor Stevenson opened the meeting for public input. None was given.

MOTION: Councilmember Francis moved to close the public hearing and adopt the budget for fiscal year 2015-2016 as presented, Ordinance 15-22. Councilmember Freitag seconded the motion, which passed unanimously.

Mayor Stevenson said the City was run very well. The City was fortunate for the commercial base in the City; taxable sales were 1.3 billion dollars annually. He said he wanted to see the City continue to grow with people shopping in the City. Mayor Stevenson said the Council would continue to work on the fiber optic issue; the goal was to get that issue resolved.

REZONE REQUEST – ADAMS/CRAYTHORNE – A (AGRICULTURE) TO R-1-8 (SINGLE FAMILY RESIDENTIAL) – APPROXIMATELY 752 W. GENTILE STREET – ORDINANCE 15-15

Peter Matson, City Planner, said Ordinance 15-15 was a a rezone request submitted on behalf of the Adams Family by Eric Craythorne for property located at approximately 752 West Gentile Street. Peter identified the property on a map. The proposed rezone area contained 17.36 acres and the proposal was to rezone the property from agriculture to R-1-8, which was a single family residential zoning district with a minimum lot size of 8,000 square feet.

Peter said this item was tabled at the June 4th meeting to today to allow an opportunity to explore options with abutting property owners. Peter explained the utility layout on the property as discussed in the Engineer’s notes. Culinary water could be provided to a depth of about 1,500 feet from Gentile Street; farther than that the system would need to be looped and the options for that would be connections into existing stub streets to the east. Sanitary sewer could also go to the east, but also had an option going to the south underneath the UTA Rail Trail into a subdivision where a sanitary sewer line existed in Trailside Drive.

Peter said storm drainage would need to flow to the south with detention at the south end of the property, with storm water released into a storm drain line that ran along the east side of the Rail Trail corridor. He said the Planning Commission reviewed this proposal on May 12th and recommended approval by a vote of 5 to 1. The Planning Commission recommendation was based on the R-1-8 zone being consistent with the General Plan recommendation for this area, which was single family residential at 2 to 4 dwelling units per acre. Staff supported the Planning Commission recommendation.

Councilmember Petro indicated that she was an adjacent property owner and would recuse herself from this agenda item.

Mayor Stevenson asked if Councilmember Petro should leave the meeting.

Steve Garside said traditionally, it had been the practice of the City that anybody that recused themselves actually left the room. They could return after the vote had been taken.

Councilmember Petro left the meeting.

Councilmember Day said he still had a few questions and concerns about utility service to the property, mainly with sanitary sewer. He said he questioned if going under the Rail Trail was the best option for the City. Eventually that would be a City line that the City would have to maintain; not having a line down a road and through private yards was a concern to him. The other concern was the size of the line; would it be big enough to handle all of the future homes northwest of that area.

Peter said in the Engineer’s memo, the option to go to 775 West underneath the UTA right of way, would connect into an 8 inch line. He said there wasn’t a lot of detail in the memo about capacity. At some point it would be necessary for an additional connection to the east into the sanitary sewer system. Peter said the connection was sufficient for the subject property. It would likely take an additional connection for a considerable amount of additional property.

Mayor Stevenson said usually when ground developed, the systems expanded in different ways.

Councilmember Day said that was true, but this was somewhat of an atypical situation where it was tapping into a line that was probably not designed to take an additional connection for this area.

Peter said the City’s typical sewer lines were 8-inch within subdivisions; on occasion there were some 10-inch lines, but most of the sewer lines in City rights of way connecting to trunk lines were 8-inch lines.

Mayor Stevenson asked if there were any examples in the City where utility lines ran through side yards.

Councilmember Day said he could recall that a year or so ago on the Morgan's water line, the City would not grant a permanent easement for them to run a Weber Basin line through the park because it was not in a roadway. They were granted a temporary easement but not a permanent easement.

Councilmember Francis said he shared Councilmember Day's concern with that southern connection. He said he didn't see that it would work very well.

Steve Garside said it was generally the practice that the City didn't do that, but there were instances when there wasn't another option, where it had been allowed. He said this was listed as an option approved by the City Engineer. A current example of this was a storm water line on the Syracuse border at the end of a cul-de-sac. Steve said it was not uncommon for the City to do this when it was a viable option.

Mayor Stevenson said this was an example where there was another option, but the City was trying to work together with all of the property owners to make it work. He said it might not be the most preferred, but it was something that had been allowed in the past.

Mayor Stevenson opened the meeting for public input.

Eric Craythorne, representing the Adams Family, said he had met with Engineering Staff. He said Staff indicated that this would be a temporary sewer connection until other surrounding properties developed as there were no other alternatives. Mr. Craythorne said this was tabled at the last meeting to allow for a good faith effort to negotiate with the families and surrounding property owners. He said they had met with the property owners, but they felt that it was necessary to move forward with the rezone.

Mayor Stevenson said if the rezone was approved, and there was an exchange of property, would the process start over again.

Steve Garside said basically it would start over; it would go back to the Planning Commission.

Mayor Stevenson said there was a little bit of R-1-10 zoning in the area and there was quite a bit of R-1-8 zoning. He asked Mr. Craythorne to explain his vision for the R-1-8 zone.

Mr. Craythorne said because of the nature of the property, a road would go down the center of the property and the lots would be 126 feet deep. Their intent was for 82 to 85 foot frontages, which would make the lots well above 10,000 square feet as required in an R-1-10 zone. The R-1-8 zone would allow for flexibility in side yard setbacks as well as the frontages. Mr. Craythorne said the R-1-8 zone allowed for a side yard of 8 feet on one side and 12 on the other, which would allow for an RV pad.

Mayor Stevenson asked Peter what the differences were on the frontages between an R-1-8 and R-1-10 zone.

Peter said there was a difference between lot width and frontage. The minimum frontage with an R-1-8 zone was 60 feet, and it was 70 feet in an R-1-10 zone.

Mr. Craythorne said the ordinance also allowed for varying sizes, which made for a better subdivision. He said they didn't intend to do the minimum allowed in the R-1-8; they would average between 82 and 85 feet.

Mayor Stevenson asked if the developer would be willing to agree to that.

Mr. Craythorne said they would be willing to enter into a development agreement with the City indicating that the average lot size would be 10,000 square feet. He said they wanted the City to be happy with the development.

Mayor Stevenson said because there was not a second access into the development, they were only allowed to go 1,500 feet from Gentile Street.

Mr. Craythorne said 1,500 feet was the restriction for the water connection without looping the line. He said with only one access there could be no more than 30 lots.

Mayor Stevenson said until there was an additional access, the remainder of the property wouldn't be developed.

Mr. Craythorne said that was correct.

Councilmember Day said there wasn't a development agreement in place tonight; what guarantee did the City have that those things would happen.

Mayor Stevenson said he believed the Council could control some of that when the plat came in for approval.

Steve Garside said that was correct.

Peter read from Code clarifying the provision in the ordinance about lot widths and varying lot widths. The purpose was to reduce monotony in the design of a subdivision.

Mr. Craythorne said based on Code, there would need to be 75-foot lot widths. With 126-foot deep lots, the square footage would be 9,450 at the minimum, which was well above the R-1-8 zone. He said his recommendation would be for the Council to consider rezoning the property to R-1-8 with a provision that they enter into a development agreement to make the lots an average of 10,000 square feet.

Ed Green, Developer, said relative to Councilmember Day's comments about utilities in side yards, with his Greyhawk project, he installed a 1.4 million dollar sewer line through Matt Love's property down Love Lane to Hill Field Road. He said they bored the line between homes and tied into an Ivory Homes subdivision near Church Street. Mr. Green said utilities through side yards had been done in the past; this was a City trunk line not a subdivision line.

Richard Chesarek, 813 East Gentile Street, said the rezone was fine, but because of restrictions on water they would only be able to build down about 1,500 feet. He said that told him all of the utilities would have to go to Gentile Street. Mr. Chesarek said when his mother-in-law's home was built in about 1950, they were told by the City that the sewer under Gentile Street was approximately 8 feet deep. They discovered the hard way that it was only down about 3 feet. Mr. Chesarek said he had no reason to believe that the sewer depth had changed; there would be a problem bringing a sewer line 1,500 feet up to a line that was only 3 feet deep.

Mayor Stevenson said there had been a discussion about the sewer line running west.

Mr. Chesarek said if that was a temporary line, who would pay for it when it was fixed to a permanent location.

Mayor Stevenson said as future development occurred in the area, the developer would be responsible for tying the line in at another location.

Mr. Chesarek said he would like to see that pinned down; many a developer walked away from responsibilities.

Mayor Stevenson indicated that it was something that could be outlined in the development agreement.

Dana Sides, 625 West Gentile Street, said they met with the developer today to come to some agreement with a property exchange. They proposed a trade for property on the south end, which wouldn't impact Gentile Street; it would loop the water taking care of the water issue; and there would be multiple accesses including off of Weaver Lane and 225 South, and possibly 350 South and 450 South. Ms. Sides said her father was amenable to an easement that would allow access to 225 South. She said she felt they could work

with the developer to come to an agreeable property trade and asked that this be tabled to allow for additional time to come to an agreement.

Mayor Stevenson asked what Ms. Sides felt about the R-1-8 zoning in this area.

Ms. Sides said she was mixed on it; they would prefer R-1-10 zoning.

Mayor Stevenson asked if there was a property swap, could the property be rezoned back to agriculture.

Steve Garside said there would be no legal or planning issues with doing that.

Mayor Stevenson expressed appreciation to the developers and the Layton Family for working to come to an agreement that would be amenable to all parties.

Ms. Sides said there had been some issues in the recent past with negativity and with conflicts of interest. She said a few months ago the Mayor met with her parents. Ms. Sides said she felt that there was a conflict of interest because he was the Mayor, but had indicated that he was acting on behalf of the Adams Family. She said she felt that the Mayor should also recuse himself.

Mayor Stevenson said he was not acting on behalf of the Adams Family. He said he talked to her father, as a citizen of Layton, about the possibly of purchasing his property. Mayor Stevenson said her father indicated that he had no interest in what was being proposed and he hadn't talked to her father since that time. Mayor Stevenson asked Steve Garside if that created a conflict for him.

Steve Garside said he didn't see where the Mayor had any financial gain or detriment, regardless of whether this happened or not.

Ms. Sides said it was communicated to her that the Mayor was acting on behalf of the Adams Family.

Mayor Stevenson said that was not the case.

Jean Clemment, 733 West Gentile Street, identified her home on the map. She indicated that a 200 year old Sequoia tree, which sat on her property, would be destroyed when this development went in. Ms. Clemment expressed concerns with the safety of children walking along the sidewalk on Gentile Street. She counted 583 cars in ½ hour on Gentile Street. This development would put more traffic onto Gentile Street. Ms. Clemment said she didn't believe developers; they didn't always do what they said they would do. The only difference in an R-1-8 zone and an R-1-10 zone was money. If this developed with R-1-8 zoning, the surrounding property would also develop R-1-8, which would put more cars on an already overcrowded street. Ms. Clemment said she was concerned for her property; developers would be on her property digging up trees and constructing roads for months. She asked that this be tabled until an agreement could be reached with surrounding property owners; was there a reason why it couldn't be tabled again tonight.

Mayor Stevenson said there was no rule on how many times it could be tabled. The developer and property owner wanted to develop this property and they had property rights, just like Ms. Clemment talked about her property rights. He said all comments were being considered.

Ms. Clemment suggested that a traffic study be completed. She asked about a notice she received on her door indicating that there would be no more digging on Gentile Street because the City was going to seal and redo the street; anybody that wanted to dig on Gentile Street would have needed to do it before mid July.

Alex Jensen, City Manager, said that was not an atypical notice. When the City had plans to overlay roads, as a courtesy, the City sent out notices to abutting property owners indicating that if they had any intention of making utility connections or upgrades, it would be well to do it before the overlay project. Once the overlay project was completed, there was not a flat prohibition of cutting into the street, but there were penalties associated with it. When the road was cut, it diminished the life of the road.

Delanie Nalder, 600 West Gentile Street, said she had been involved in the Envision Layton project. Her particular group wanted to preserve farmland and be able to have local food. Ms. Nalder said this was one of the last pieces of farmland in this area. She said Mr. Layton had generously allowed her to farm on his land for about five years; this was very emotional to them. Ms. Nalder said she was also concerned with safety of children walking to school. She said if the bottom portion of the property wasn't developed, it would become very weedy. Ms. Nalder asked how much the homes would sell for and how long would the temporary sewer line be in place.

Mayor Stevenson said the temporary line would be in place until the bottom portion of the property developed; if that took 100 years it would be temporary for 100 years. He said the City Engineer would make sure that the line functioned appropriately.

Ms. Nalder requested that a traffic study be done.

Mayor Stevenson said a traffic study had been done that was completely separate from this issue. He said the City was in the process of updating the Transportation Master Plan and a traffic study had been done in conjunction with that. The information could be made available.

Mike Schultz, Castle Creek Homes, said he was working with Mr. Craythorne. He said relative to the R-1-8 versus the R-1-10 issue; they were requesting R-1-8 because it was consistent with the Master Plan. Mr. Schultz said they would be willing to sign a development agreement because they respected the neighbors and understood their concerns. The lots would average more than 10,000 square feet; they wanted this to be a nice development. Mr. Schultz said when Ms. Clemment stated that she didn't trust developers, they wanted her to say that she had a good experience with Castle Creek Homes. He said they understood that it was not ideal, but they would not dig on Ms. Clemment's property.

Mr. Schultz said their homes included two-story homes that didn't require a lot of frontage and a rambler that required a significant amount of frontage. If they were stuck with an R-1-10 zone, they wouldn't have flexibility with lot sizes. If the frontage could be shortened on some lots and widened on others, it allowed for a larger rambler on a lot next door to a two-story home. Mr. Schultz said their plan was to have the homes priced between \$325,000 and \$500,000. He said they would be a similar product to what they were building to the west off the Layton Parkway. Mr. Schultz said they had very nice developments in the City.

Mr. Schultz said they had been trying to work out an agreement with the Layton Family for three months. Every proposal that they had presented hadn't been acceptable to the Layton Family. The Layton Family brought a proposal forward today at 1:00 p.m. and asked that they look at it, and they would. He said the proposal did have some issues that would have to be addressed. Mr. Schultz said they would love to work something out with the Layton Family; they would love to be able to develop 17 acres instead of 9 acres, and not have problems with the neighbors. They knew that a row of homes in the middle of the Layton Farm was not what the Layton Family wanted; both parties were interested in working something out, but they had been trying to work something out for three months. In an earlier meeting today they were threatened with attorneys and that meeting didn't go very well. Mr. Schultz expressed appreciation to Dana and her sister Pat; the last meeting went much better. He said in order to keep their commitments with the Adams Family, they were asking that the process continue to move forward while they continue to negotiate with the Layton Family in good faith.

Mayor Stevenson asked if a deal could be worked out, would developing the southern part meet their needs.

Mr. Schultz said they had a couple of concerns. He said the Jordan Valley Water Conservancy District line would take up about 1 ½ to 2 acres of property, and there had been no discussions with the Conservancy District if that could be worked out. Mr. Schultz said they would also have to explore the possibility of the City allowing them to tie into Weaver Lane without lining up with the intersection.

Councilmember Day asked Steve Garside, relative to the Jordan Valley Water Conservancy District, since

they had not officially done anything with that easement, what was the status of the easement in conjunction to this property.

Steve said where they were the easement holder, whether they had done anything with it or not, they still had a say in what happened.

Councilmember Day said he understood that the easement had never been purchased on this property.

Mr. Schultz said that was correct; there was no official easement. He said to his knowledge, Jordan Valley Water Conservancy District had eminent domain rights. Mr. Schultz said that was hearsay, but they had not had any negotiations with the Conservancy District. He said everyone knew that the waterline was going in.

Councilmember Day said it was proposed, but no one knew for sure that the line was going in.

Mr. Schultz said the Conservancy District had purchased millions of dollars of ground for the waterline. Discussion at the State level was that the line was moving forward.

Mr. Schultz discussed the location of the tie in at Weaver Lane; if it was located at the intersection of the existing street it would involve another land owner. He said recent discussion with the City indicated that they would want the tie in at that intersection. Mr. Schultz said the stub roads to the east had holding strips and they could not tie into those streets without agreements being worked out with the abutting property owners. In discussions with some of the property owners, they were not interested in allowing them to tie into those streets. Mr. Schultz said they were motivated to work something out with the Layton Family, but to date had not been able to do that. They would continue to try to work something out in good faith; it was in everyone's best interests to try and work something out.

Ms. Sides said for clarification, there had been problems in the three months with negotiations, but a lot of that spoke to misunderstandings. She said there had been some suspicions on their side. Ms. Sides said she felt that there could be a working relationship. She said relative to being threatened with a lawyer; they would rather spend their money on a trip than on a lawyer. That would be a very last resort and wasn't even on the table.

Bryce Thurgood said he and Eric Craythorne had been involved with the negotiations since the middle of March. He asked how you negotiated in good faith with the threat of a lawsuit. Mr. Thurgood said they had presented multiple options for a land trade and nothing had been accepted. Today the Layton Family came to the meeting with an option that was supposed to be the end all, but it had to be mutually beneficial for both parties. He said the option presented today would take two acres of possible ground for an easement that they would lose, and require taking a road ½ mile to the south.

Mr. Craythorne said there were 7 siblings involved with the Layton Family, and there were many opinions. The proposal presented today involved four more landowners to the equation; there were a lot of different opinions. Mr. Craythorne said they were hopeful that something could be worked out.

Mayor Stevenson asked if part of the handicap they had with the long strip of ground was that with 17 acres they could only develop part of it. The process of working with the Layton Family was that it would allow for all of the acreage to be developed.

Mr. Craythorne said that was correct. They were trying to work something out that would be beneficial to both parties. Mr. Craythorne said they were dealing with multiple family members; he met with two today that he had never met before. The proposals brought forward today involved more property acquisition and more opinions. Mr. Craythorne said when the Adams Family first approached them to develop the property, they knew that there would be some hurdles, but with the Adams Family's situation and their time of life, they felt that it was better to do a little than nothing at all.

Councilmember Freitag said one of his concerns was that a development agreement usually entered the

process at the time of the rezone. He asked how long it would take to put together a development agreement.

Mr. Craythorne said the basis of the development agreement would be that they could agree to average over 10,000 square foot lots. He said because this was at the rezone process, they hadn't had engineers look at the property to this point. Mr. Craythorne said they didn't know what other items might be involved with development of the property that would need to be addressed in a development agreement.

Mayor Stevenson said another issue that had been discussed was the temporary sewer line.

Mr. Craythorne said in discussions with the City Engineer, he understood that the temporary sewer line would be abandoned once the lower portion of the property was developed. He explained the location and depth of the sewer line west of the trail and how tying into the line would not be impactful to surrounding homes.

Pat Weber, 9503 North Timpanogos Cove, Cedar Hills, indicated that she was a Layton Family member. She said she felt that the developers had portrayed them as a family that was very negative and combative, and that was not the case. Ms. Weber said there were seven siblings and most meetings had been with two of the siblings that couldn't be here today. She said this was a complicated and confusing situation; she didn't think three months of negotiating something this important was out of line. Ms. Weber said all of the proposals presented by the developer had been more to the advantage of the developer. She said they wanted to negotiate with the developers but they wanted it to be a win, win situation for the Adams Family and the Layton Family.

Ms. Weber said these families went back many, many years; it was not the Hatfields and McCoys. They were trying to figure out how to keep a beautiful farm intact. Ms. Weber asked the Council to table the rezone to allow them a little more time to work with the developers.

Mayor Stevenson asked Ms. Weber if she had a problem with the R-1-8 zone given that the developer would agree to average 10,000 square feet on the lots.

Ms. Weber said it would allow for more homes and more cars.

Mayor Stevenson said this was still the Adams property and if they wanted to develop their property within the guidelines of the Master Plan they were allowed to do that. He said relative to preserving farmland; the City couldn't stop property owners from selling their farms for development. The only ones that could control that were the property owners. Mayor Stevenson said tonight they were only considering the rezone of the property.

Ms. Weber said they should spend the time to make it right.

Councilmember Day asked how long that would be.

Ms. Weber said she didn't know; another month or two wasn't asking for a lot. She said this was their father's farm and they would do what he wanted; they were trying to support him and help him see that change was coming. Ms. Weber said they felt that an agreement was very close.

Mayor Stevenson asked Mr. Dan Layton if he had talked to the property owners to the east about access across the strip of land to the stub streets.

Mr. Layton said they wanted to keep the land together. He mentioned the Conservancy District easement. Mr. Layton said the City could use eminent domain for access to the east if they wanted.

Mr. Craythorne said one of the abutting property owners told him that she wanted to see this property as a field for the rest of her life. He said they didn't approach her but she was not happy with them even parking on the stub road looking at the property.

Councilmember Day said he didn't see how that would be a killer for the deal because those roads could be connected later if needed.

Ms. Diana Adams, 77 East Gentile Street, said they were at a point in their life where they wanted to sell their property. Ms. Adams said years ago Dan Layton had indicated that he wanted first option on the property if they ever decided to sell. They approached Mr. Layton in August or September.

Ms. Adams said relative to the tree that was mentioned earlier; her father in law planted that tree and it wasn't 200 years old. She said they had two trees just like it. Ms. Adams said it was not their intent to cause problems. They owned the property; if someone wanted to purchase the property and keep it as farmland they would be happy to sell it for that. Ms. Adams said the homes would be nice homes; tabling it would just postpone it longer and longer. She said the Layton Family had known their intention to sell the property since September of last year.

Ed Green said he talked to Gary Crane earlier today about the strips of land to the east buffering the stub streets. He said Gary indicated that the City recorded an ordinance stopping the use of holding strips about 20 years ago; Brookhurst subdivision recorded those holding strips in 1978; those six-foot strips could not be breached through eminent domain by a developer. Mr. Green asked if the City had ever used eminent domain for a private development.

Steve Garside said it had not been the City's practice. The City had always considered that development needed to take care of itself.

Mr. Green said he would think that the Engineering Division would like to see those streets connected.

Steve said obviously the City had the authority to do that, but it had never been the practice of the City to exercise eminent domain in that situation.

Mr. Green said that was why the City passed an ordinance to get rid of holding strips.

Councilmember Brown said she had never heard of holding strips. She asked Steve to explain what that meant.

Steve said generally, when someone built a road that others would benefit from, they would keep a portion of land and not build the road all the way to the end of the land, or if it was on the side of a road they would keep a few feet on the side of the road so that when someone came in to develop and take advantage of what they had already put in, they could make sure they would get their value for what they had invested. Steve said now the City took care of that through payback agreements.

Councilmember Brown said those stub roads didn't go all the way to the property line.

Steve said that was correct.

Councilmember Brown said she understood that there were two families involved; one that wanted to sell property and one that wanted to continue to farm property. She said several had expressed concerns with traffic on Gentile Street. Councilmember Brown said if a deal was worked out between the families, there would still be traffic from the development; it would just shift to another area and those residents would be impacted by the traffic. She said whether it connected to Weaver Lane or Flint Street, people would be complaining about the traffic in their area.

Ken Clemment, 733 West Gentile Street, asked if the property was zoned R-1-10, was there an opportunity for the developer to get a variance on some of the lots to allow for those to be less than 10,000 square feet.

Steve Garside said a variance wouldn't be applicable in this situation.

Mr. Clemment said he was a proponent of the R-1-10 zone. All of the land around this property, which would eventually be sold, would probably be R-1-8; this rezone would set the precedence. This would mean more homes and more traffic on Gentile Street.

Mayor Stevenson said looking at the map, there was a lot of R-1-8 zoning in the area; this wasn't setting a precedent. He said the difference between the two zones on this property would probably only be 2 homes, which was a minimal difference.

Councilmember Francis said one of the comments was that you should never trust a developer. He said he had known Ed Green for a while and he didn't go back on his word; the City was lucky to have Ed involved on this project. Councilmember Francis said at the same time, the Layton Family had more than earned their right to have dramatic input on this project through the years of work they had put into the land.

MOTION: Councilmember Francis moved to close the public hearing and table the rezone to July 2, 2015, at which time he would have very little desire to table it again. Councilmember Day seconded the motion. Councilmembers Francis, Day and Brown voted yea. Councilmember Freitag voted nay. The motion carried.

Councilmember Freitag said he had a telephone conversation with Mr. Layton Sunday night. He said he appreciated that conversation because Mr. Layton had so much to share and a lot of personal information and history to share. Councilmember Freitag said during that conversation it was made clear to him that the land that his home was located on was at one time farmland. He said Mr. Layton's comments were kind, clear and helpful. Councilmember Freitag said he also very much appreciated what Ms. Adams had to say this evening. He said the Council was making a zoning decision on a piece of property that was owned by a family, surrounded by property owned by another family. Councilmember Freitag said there had been a comment that this was a very difficult decision for the Council to make, but it was really a fairly simple decision; what made it difficult was the degree of respect the Council had for both families and the concerns that both families had raised. Councilmember Freitag said the reason he voted not to table the rezone was because he gave a little more to the one that owned the land and was legally requesting a rezone of the property. He said he didn't say it with any happiness or satisfaction because it was unfortunate that there hadn't been some arrangement made.

Councilmember Freitag said the decision was made to table the rezone. He asked the parties to please make every effort to come to an agreement. Councilmember Freitag said in the next couple of weeks a development agreement needed to be put together. He said the City had worked with all of these developers; these were good men and he appreciated the work they did. Councilmember Freitag said he would hope that the two families could come to an agreement.

Councilmember Francis said he would reiterate that; this couldn't drag on forever. Two weeks was enough time to reach an agreement; Ms. Adams had the right to have her land taken care of.

Mayor Stevenson expressed appreciation to everyone. He said a decision would be made on this rezone in two weeks.

Councilmember Day said multiple times there had been discussion about the need to maybe make it a policy to hold the public hearing and then make the decision at the following meeting. He would like the Council to discuss the possibility of doing that.

Councilmember Francis said he agreed.

Mayor Stevenson recognized Gerald Gilbert for serving on the Planning Commission for a number of years. He said Gerald had been involved with what was going on in the City for a long time. Mayor Stevenson expressed the Council's appreciation for his service.

The meeting adjourned at 9:34 p.m.

Thieda Wellman, City Recorder