

**MINUTES OF LAYTON CITY
COUNCIL MEETING**

SEPTEMBER 17, 2015; 7:06 P.M.

**MAYOR AND COUNCILMEMBERS
PRESENT:**

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

ABSENT:

SCOTT FREITAG

STAFF PRESENT:

**ALEX JENSEN, STEVE GARSIDE, BILL WRIGHT,
TERRY COBURN, JAMES “WOODY”
WOODRUFF, KEM WEAVER, WESTON
APPLONIE, AND TORI CAMPBELL**

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 Francis seconded to approve the minutes of:

**Layton City Council Meeting – June 18, 2015;
Layton City Council Work Meeting – July 2, 2015;
Layton City Council Meeting – July 2, 2015;
Layton City Council Work Meeting – July 16, 2015; and
Layton City Council Meeting – July 16, 2015.**

The vote was unanimous to approve the minutes as written.

MUNICIPAL EVENT ANNOUNCEMENTS:

Councilmember Brown mentioned that in conjunction with the election, there would be two opportunities to meet the candidates; October 8th at 6:30 p.m. at Central Davis Jr. High School and on October 14th at the Layton City Council Chambers.

Councilmember Petro said Layton FEST was being held every Friday night until October 24th. She said there were a lot of vendors and food trucks, entertainment, etc.

Mayor Stevenson talked about education in the County. He indicated that the City didn't have time to do a resolution in support of the School District bond issue, but the City supported the bond. Mayor Stevenson said what the City would receive in return would really help citizens and families in the City.

PRESENTATIONS:

YOUTH COURT GRADUATION AND SWEARING IN

Mayor Stevenson turned the time over to Karlene Kidman, Youth Court Advisor.

Ms. Kidman welcomed everyone and explained Youth Court. She indicated that this year there were 23 youth who had been trained to serve on the Youth Court. Ms. Kidman introduced Youth Court members and graduates. The members came forward to shake hands with the Mayor and Council.

Tori Campbell, Deputy Recorder, administered the Oath of Office to the Youth Court members.

Councilmember Day thanked Ms. Kidman and the youth for all they did for the City.

Mayor Stevenson also thanked the parents and grandparents for their support.

PROCLAMATION – NATIONAL PREPAREDNESS MONTH

Mayor Stevenson read the National Preparedness Month proclamation.

Councilmember Brown mentioned a seminar she recently attended that outlined the risks of a disaster along the Wasatch Front. She said we need to be prepared.

Mayor Stevenson indicated that the Fire Department provided preparedness training at the schools to make the community aware.

CITIZEN COMMENTS:

Daniel Koon, 83 North Talbot Drive, asked about the Talbot Drive project. He asked if it would be mud all winter or would the asphalt be down soon.

Mayor Stevenson said they were about two weeks behind schedule. He said the City was putting as much pressure on the contractor as possible.

Mr. Koon asked if the water test passed.

James “Woody” Woodruff, City Engineer, said he would have the information on the water test back tomorrow and he would contact Mr. Koon with the information.

CONSENT AGENDA:

COOPERATIVE AGREEMENT WITH UDOT FOR PARTICIPATION IN THE COST OF LANDSCAPING IMPROVEMENTS – INTERSECTION OF HOBBS CREEK DRIVE AND SKY VIEW DRIVE – RESOLUTION 15-50

Terry Coburn, Public Works Director, presented the Cooperative Agreement with UDOT, Resolution 15-50. He indicated that UDOT had agreed to participate in the cost of additional landscaping improvements near the intersection of Hobbs Creek Drive and Sky View Drive along the new frontage road on Highway 89. Terry said the improvements include an electrical box to accommodate the irrigation system at the Park ‘n Ride lot. He said Staff recommended approval.

CONCEPTUAL PLAT – SHEPHERD’S RIDGE SUBDIVISION – APPROXIMATELY 2450 NORTH CHURCH STREET

Bill Wright, Community and Economic Development Director, presented the conceptual plat for Shepherd’s Ridge Subdivision located at approximately 2450 North Church Street. He indicated that the conceptual plat included 12 lots on 13.42 acres of property. Bill said the conceptual plat was before the Council because there had been an identification of sensitive lands issues on the property. He said there had been two geotechnical studies performed on the property. The most recent geotechnical study identified a setback requirement from the crest of the slope to the east. Bill displayed a map of the property and identified the setback location. He indicated that the homes would be oriented to Church Street and would be large lots with enough frontage to allow for circular or hammerhead driveways to accommodate forward access to the street. Bill said the Planning Commission unanimously recommended approval of the plat subject to meeting all Staff requirements, including an addendum report from the geotechnical consulting firm to study the

impact of irrigating future landscaped areas, and Staff supported that recommendation.

Councilmember Brown asked if this would come back as a rezone.

Bill said no; the property wouldn't need to be rezoned. All of the lots meet the requirements of the agricultural zone and R-1-8 zone currently on the property.

Councilmember Petro asked if it was necessary to have a geotechnical study done on the irrigation knowing that this property had been farmed and irrigated for many years.

Bill said yes; it was a good practice to have these studies completed. He said it wouldn't be a difficult item for the geotechnical engineer to address and their recommendation would be noted on the plat.

Matt Gertge, 2814 Deer Valley Drive, indicated that he was the developer involved with this project. He talked about the geotechnical study and compared the amount of water that was put on the property when it was irrigated as farm land. Mr. Gertge referred to a slide that happened many years ago but in a whole different area. He indicated that he would bring some items up when they meet with the Planning Commission again.

Bill said there were multiple ways to address the issue, but the concern was that future owners be made aware of the property's setback requirements. He said when the Planning Commission reviewed the preliminary plat they could work with the applicant to place the appropriate language on the plat.

Mayor Stevenson said the City and developer would need to have things in place to cover any problems in the future.

Councilmember Brown said she understood that there would be an HOA tied to this property. She said something could be noted in the HOA bylaws about watering of the land, which would stay with the property.

Mayor Stevenson said once it went back to the Planning Commission they could make those recommendations.

FINAL PLAT – EASTRIDGE PARK ESTATES PRUD, PHASES 1A, 1B, 1C, 2A, 2B, 2C AND 4 – APPROXIMATELY 1450 EAST ANTELOPE DRIVE

Bill Wright presented the final plat for Eastridge Park Estates PRUD, Phases 1A, 1B, 1C, 2A, 2B, 2C and 4. He indicated that these seven phases include approximately 11.28 acres and included cottage homes and town homes, and a few single family lots in Phase 4. Bill said there would be 7 single family lots, 28 cottage homes and 52 townhomes. He said the layout was consistent with the preliminary plat that was approved by the Council on May 7, 2015.

Bill discussed some of the things that had been required as a condition of the development, including the future parking area for the park that would be part of future phases. He said as part of the mass grading that was underway, the City required that monitoring devices be placed on areas that were within 100 feet of an existing residential property. Bill said through the monitoring, some issues were discovered that caused the contractor to change the way they were compacting the soil. He said the private drive access onto Antelope Drive would be widened to 50 feet and a landscaped island would be included. Bill said there was also a requirement that a notice be placed on the plat about the sensitive lands issues on the property and the studies that had been done. He said a notice of disclosure would be recorded on each unit or lot that would appear in a title report giving notice of the sensitive lands issues. Bill said there was a required restriction on rental units in the townhome area that was noted in the CC&Rs.

Bill displayed a map of the development and reviewed information about the various phases. He indicated that the sensitive lands ordinance required some additional reviews at the final plat stage. There was a

requirement for the average slope to be reviewed; if there had been slopes greater than 14%, the lot sizes would have had to be bigger, but all of the lots in the subdivision were less than 14% grade. Bill said another requirement was that a qualified geotechnical engineer be on site, and that had occurred and would continue to occur as development proceeded.

Bill said after these final plats were approved, construction of the roadways could begin and ultimately of the buildings. He said because this was a PRUD, the final plat was reviewed by the Design Review Committee (DRC). He said the DRC wanted the garage doors on the townhomes to be a complimentary color to the townhomes. Bill displayed conceptual drawings of the townhomes.

Bill said on August 25, 2015, the Planning Commission voted unanimously to recommend that the Council grant final plat approval, and Staff supported that recommendation. He said there were some comments from residents at the Planning Commission meeting, mostly focusing on the trail system and when it would be constructed. Bill said the trail construction would begin with these phases and would continue through additional phases.

Councilmember Francis asked about the fencing along Antelope Drive.

Bill said it would be a rock retaining wall with solid vinyl fencing.

Mayor Stevenson asked the developer, Mike Flood, to explain what the findings were with vibration in the area.

Mr. Flood indicated that they had received some calls and emails about vibration. He said there had been some instances where there had been spike readings above the target threshold, but those were usually for a short amount of time. Mr. Flood said very often those were because the vibration monitor had been located within 10 feet of where the compaction was taking place. He said they were monitoring any movement and had modified the way they were moving forward, as Mr. Wright indicated earlier. Mr. Flood said you could feel the vibration at the site but they were making sure they did not exceed national standard thresholds.

Mayor Stevenson asked about the Schaelling's; they felt that they had some damage of glass breaking in their home.

Mr. Flood said he had received an email from Mrs. Schaelling; the same email that went to the City. He said he responded back to the email and made a phone call to Mrs. Schaelling. Mr. Flood said their geotechnical engineer had been fairly resolute on the fact that he had never seen cracked glass as a result of this type of compaction; specifically with the vibration readings they were getting two doors down from the Schaellings, and during the timeframe Mrs. Schaelling indicated. He said that being said, he didn't discount the fact that it happened or the fact that they were feeling something, but there was no direct correlation they could attribute. Mr. Flood said the geotechnical engineer indicated that if that were the case, they would see broken glass all of the time in a lot of places. He said without discounting what the Schaellings experienced, it happened; but whether or not it happened as a direct result from the activities on the site, they couldn't attribute it to that. Mr. Flood said it could be coincidental, it could be circumstantial, but he didn't know how else to address it.

Councilmember Petro asked how much longer they would be compacting soil on the site.

Mr. Flood said rain was a factor and slowed them down, but it probably would be only two or three more weeks.

FINAL PLAT – EVERGREEN FARMS SUBDIVISION, PHASES 3A, 3B, AND 3C – APPROXIMATELY 1700 WEST LAYTON PARKWAY

Bill Wright indicated that this was final plat approval for the Evergreen Farms Subdivision, Phases 3A, 3B and 3C, located at approximately 1700 West Layton Parkway. He said the Council previously approved

Phase 3 of this subdivision, but it was determined to break that larger phase into three separate phases. Bill said all of the lots were the same; the street requirements were the same; the fencing requirement was the same; and the Layton Parkway wall was the same. The developer had basically identified three phases. Bill said this was not taken back to the Planning Commission because there were no substantive changes to the plat. He said this was reviewed by Staff to verify that each phase would stand alone appropriately for utilities access. Bill said Staff recommended approve.

FINAL PLAT – WILLOW RIDGE SUBDIVISION, PHASE 1 – APPROXIMATELY 3500 WEST HILL FIELD ROAD

Bill Wright said this was final plat approval for the Willow Ridge Subdivision, Phase 1, located at approximately 3500 West Hill Field Road. He said the Council approved this on June 4, 2015, but the plat was not recorded. A pre-construction meeting with the City had been held and the developer had been constructing improvements for the phase at his own risk. While that was happening, the developer was seeking approval from the abutting property owner to change a turn-around to the abutting property, but he was not able to reach an agreement with that property owner. Bill said the final plat was reconfigured by changing 3550 West from a stubbed road to a cul-de-sac. He said this plat contained the same number of lots and the requirement for intersecting streets was met. Bill said the Planning Commission recommended approval and Staff supported that recommendation.

MOTION: Councilmember Francis moved to approve the Consent Agenda as presented. Councilmember Brown seconded the motion, which passed unanimously.

PUBLIC HEARINGS:

REZONE AND PARCEL SPLIT REQUEST – FLINT/ASHBY – A (AGRICULTURE) TO R-S (RESIDENTIAL SUBURBAN) – APPROXIMATELY 2202 WEST GENTILE STREET – ORDINANCE 15-27

Bill Wright presented information for the rezone and parcel split request for property located at approximately 2202 West Gentile Street. The request for the rezone was to change the property from A to R-S. The property proposed for rezoning contained ½ acre. Bill said this would place the proper lot size on the existing home located on the corner of 2200 West and Gentile Street for the purpose of selling the property. He said the house was non-complying relative to setbacks from 2200 West and Gentile Street. That occurred when the intersection was reconstructed. Bill said an accommodation was made by putting a circular drive on the property to help with access. He said the home would continue to have the non-conforming rights. The only thing that would change would be if the home was demolished or removed from the site. Bill said the Planning Commission recommended approval and Staff supported that recommendation.

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

MOTION: Councilmember Brown moved to close the public hearing and approve the parcel split request and rezone, Ordinance 15-27. Councilmember Day seconded the motion, which passed unanimously.

ZONING ORDINANCE AMENDMENT – TITLE 19, SECTIONS 19.02.020, 19.06.010 (TABLE 6-1, 6-2) AND 19.06.080(3) “BEEKEEPING” – ORDINANCE 15-17

Bill Wright said Ordinance 15-17 had to do with beekeeping. He said the Planning Commission and Staff had spent approximately five months researching beekeeping and how it should be regulated in the community. Currently beekeeping was only permitted in agricultural zones in the City, but there were no regulations for beekeeping in the agricultural zones.

Bill said the proposal was that beekeeping would be allowed in single family residential zones throughout the community. He reviewed the proposed general guidelines of the beekeeping ordinance, including maintaining a license and registering with the Utah Department of Agriculture and Food. Bill said the

guidelines required that a water source be provided for the beehives from March 1st to October 31st. Hives would be restricted to rear yards; flight patterns must be directed to avoid contact with humans and domesticated animals; and hives could be ordered to be removed if they were determined to become a nuisance.

Bill said the zones that were being recommended to allow for hives were the R-1-10, R-1-8, R-1-6, R-S and A zones. He said there were setback requirements from property lines and public ways. Bill said it was determined that different lot sizes should have different provisions for the number of hives; as the lot size increased the number of permitted hives increased. He said the proposed ordinance did not include a fencing requirement.

Bill said after a fairly extensive study, the Planning Commission unanimously voted to put these regulations into place. He said on July 14, 2015, the Planning Commission recommended approval and Staff supported that recommendation.

Councilmember Day asked if shrubbery and trees could be a flyaway source.

Bill said yes; vegetation could act as a flyaway.

Councilmember Francis said with fencing not being in the ordinance, if the City saw issues with children being stung, could that be added at a later date.

Bill said yes, the ordinance could be changed at anytime.

Councilmember Brown said she would like the owners to place a sign on the property to inform others if bees were on the property; parents could inform highly allergic children not to play with the white boxes.

Bill said that was something that could be put in place if the Council decided to do that.

Mayor Stevenson asked if anyone at the meeting knew of residents in the community having experienced more stings.

Weston Applonie, City Planner, said that there were a few more but not too many.

Councilmember Day asked if these were hives that were already in place or new hives.

Weston said it was some of both.

Mayor Stevenson opened the meeting for public input.

Richard Homer, 1261 East 300 North, indicated that he was the President of the Beekeepers Association. He passed out a packet to the Council of information on beekeeping. Mr. Homer reviewed the information. He indicated that there were currently 41 registered beekeepers in the City and there hadn't been a problem.

Mayor Stevenson asked why there weren't as many beekeepers as there used to be.

Mr. Homer said we received honey from outside the country that was high in fructose and it was cheaper. Beekeepers couldn't make any money because of the expense. He explained about the mites that the bees got that kill off the hive.

Mayor Stevenson asked if Councilmember Day had seen the effect of not having enough bees for his farm.

Councilmember Day said that they haven't noticed a need, but he indicated that if they had an orchard they would feel the effect.

Councilmember Brown asked if he would be opposed to putting a sign in the yard to notify neighbors that he had bees.

Mr. Homer said he didn't think it was necessary to clutter his yard with a sign; he didn't see the value of doing that.

Councilmember Brown said it wouldn't be a huge sign, just a sign to notify others that there were bee hives on the property, similar to a "Beware of Dog" sign.

Mr. Homer said he didn't think it was necessary.

Kirk Middaugh, 938 West Gentile Street, said he had lived in Layton for many years and had signed up for a beekeeping course and was interested in this. He said becoming informed helped them to realize that they would like bees. Mr. Middaugh expressed appreciation to Staff and the Planning Commission for their help in this.

MOTION: Councilmember Day moved to close the public hearing and approve the amendments to Title 19 relative to beekeeping as written, Ordinance 15-17. Councilmember Petro seconded the motion, which passed unanimously.

The meeting adjourned at 8:53 p.m.

Thieda Wellman, City Recorder