

**REVISED**  
**REGULAR MEETING AGENDA OF THE**  
**CITY COUNCIL OF LAYTON, UTAH**

PUBLIC NOTICE is hereby given that the City Council of Layton, Utah, will hold a regular public meeting in the Council Chambers in the City Center Building, 437 North Wasatch Drive, Layton, Utah, commencing at **7:00 PM on November 19, 2015.**

**AGENDA ITEMS:**

**1. CALL TO ORDER, PLEDGE, OPENING CEREMONY, RECOGNITION, APPROVAL OF MINUTES:**

- A. Minutes of Layton City Council Meeting - September 17, 2015
- B. Minutes of Layton City Council Meeting - September 24, 2015
- C. Minutes of Layton City Council Work Meeting - October 15, 2015

**2. MUNICIPAL EVENT ANNOUNCEMENTS:**

**3. VERBAL PETITIONS AND PRESENTATIONS:**

- A. Presentation - Red Ribbon Week

**4. CITIZEN COMMENTS:**

**5. CONSENT ITEMS:**(These items are considered by the City Council to be routine and will be enacted by a single motion. If discussion is desired on any particular consent item, that item may be removed from the consent agenda and considered separately.)

- A. Real Estate Purchase Agreement between Wasatch Integrated Waste Management District and Layton City - Resolution 15-62
- B. Recreation, Arts, Museum and Parks (RAMP) Tax in Layton City - Ordinance 15-37
- C. Final Approval Extension Request – Jensen Homestead Subdivision – Approximately 2700 East Gentile Street

**6. PUBLIC HEARINGS:**

**7. PLANNING COMMISSION RECOMMENDATIONS:**

**8. NEW BUSINESS:**

**9. UNFINISHED BUSINESS:**

**10. SPECIAL REPORTS:**

**ADJOURN:**

Notice is hereby given that:

- A Joint City Council and Planning Commission Meeting will be held at 5:30 p.m. to discuss miscellaneous matters.
- In the event of an absence of a full quorum, agenda items will be continued to the next regularly scheduled meeting.
- This meeting may involve the use of electronic communications for some of the members of this public body. The anchor location for the meeting shall be the Layton City Council Chambers, 437 North Wasatch Drive, Layton City. Members at remote locations may be connected to the meeting telephonically.
- By motion of the Layton City Council, pursuant to Title 52, Chapter 4 of the Utah Code, the City Council may vote to hold a closed meeting for any of the purposes identified in that chapter.

**Date:** \_\_\_\_\_ **By:** \_\_\_\_\_  
**Thieda Wellman, City Recorder**

LAYTON CITY does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in the employment or the provision of services. If you are planning to attend this public meeting and, due to a disability, need assistance in understanding or participating in the meeting, please notify Layton City eight or more hours in advance of the meeting. Please contact Kiley Day at 437 North Wasatch Drive, Layton, Utah 84041, 801.336.3825 or 801.336.3820.

# ***D R A F T***

**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.

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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.

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## **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

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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.

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## **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

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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.

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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.



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## **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

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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.

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**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

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relative to beekeeping as written, Ordinance 15-17. Councilmember Petro seconded the motion, which passed unanimously.

**The meeting adjourned at 8:53 p.m.**

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Thieda Wellman, City Recorder

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**MINUTES OF LAYTON CITY  
COUNCIL MEETING**

**SEPTEMBER 24, 2015; 5:45 P.M.**

**MAYOR AND COUNCILMEMBERS  
PRESENT:**

**MAYOR BOB STEVENSON, TOM DAY, SCOTT  
FREITAG AND JOY PETRO**

**ABSENT:**

**JOYCE BROWN AND JORY FRANCIS**

**STAFF PRESENT:**

**ALEX JENSEN, GARY CRANE, BILL WRIGHT,  
PETER MATSON, AND TORI CAMPBELL**

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

Mayor Stevenson opened the meeting.

## **CITIZEN COMMENTS:**

Gerald Gilbert, 3117 East 1300 North, commented on a UTOPIA letter he received and the work that had been going on in his neighborhood. He indicated that he had called UTOPIA and found out some information. He was pleased with what UTOPIA had to offer for the cost, and the type of service that he would have. Mr. Gilbert encouraged the Council to continue to move forward with UTOPIA for the best interests of the citizens.

Mayor Stevenson commented that the UTOPIA cities were in the process of putting together language, and they had met with the Attorney General, on trying to take this to a vote of the people.

Mr. Gilbert said he didn't agree that it should go to the public for a vote. He said the Council was elected to make decisions on behalf of the public and they were much more informed about this.

Mayor Stevenson said the concern was that the current service providers had very deep pockets and would do everything they could, including a referendum, to overturn a decision by the Council. He said by taking it to the people for a vote, it would provide an educational opportunity, and it would stop the opportunity for a referendum.

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## **CONSENT AGENDA:**

### **FINAL PLAT – COTTAGES AT VALLEY VIEW SUBDIVISION, PHASE 1 – APPROXIMATELY 2150 EAST OAKRIDGE DRIVE**

Bill Wright, Community and Economic Development Director, said this was a final plat approval for the Cottages at Valley View Drive located at approximately 2150 East Oakridge Drive. He said this item was before the Council earlier this year with a rezone request and a development agreement.

Bill said the area to the south of this Phase 1, in a general master plan of the entire property, contained an assisted living land use. He said adjacent to the south of this would be the future extension of Gordon Avenue. Bill said there were some proposals for detached single family housing to the east and to the south and there had been a proposal for some attached single family housing, but it was in an area that was quite steep and had issues with utilities being brought out of that area. Bill said that was currently under a much more detailed study.

Bill said this plat contained 18 single family lots similar in configuration to other developments in the community by Ovation Homes. He said there would be a public road that would connect from Oakridge Drive down to the future Gordon Avenue; there would be a temporary turnaround at the south end. Bill said there would be a private drive that would run to the east that would provide access to 6 units. He said there were some pipelines associated with the property that were located on the east side of the main road coming into the development, which caused some large setbacks on the lots on the east side.

Bill said the Planning Commission recommended that the Council grant final plat approval, subject to meeting all the requirements as listed in the Staff memorandums, and Staff supported that recommendation.

Bill said there was one item that came up at the Planning Commission meeting relative to street lighting. He said the Planning Commission recommended that an additional street light be placed at the eastern end of Valley View Court, which was the private drive. Bill said the developer indicated that they would be willing to do that. He said that recommendation had been changed in the engineering memorandum and would be required before the plat could be recorded, if the Council agreed with that recommendation.

Councilmember Freitag asked if there were any issues with landscaping requirements.

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Bill said no. He said there was not a bonus density associated with this development. Bill said the front yards would be maintained in common and the rear yards were maintained individually by the homeowner.

Councilmember Day said he remembered that there was a discussion about the entrance to the subdivision at the Planning Commission meeting, and complications with the pipeline relative to trees.

Bill said that was correct. He said along the frontage of Oakridge Drive there would be a requirement for a fence and some landscaping. Bill said in the area where the easement for the pipeline existed, the company would not allow any deep-root vegetation, including low shrubs. He said landscaping would probably be clustered at the entry.

**MOTION:** Councilmember Freitag moved to approve the Consent Agenda as presented. Councilmember Day seconded the motion, which passed unanimously.

## **MISCELLANEOUS:**

Mayor Stevenson gave the Council a brief update on the WinCo development; everything was proceeding.

**The meeting adjourned at 6:01: p.m.**

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Thieda Wellman, City Recorder

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**MINUTES OF LAYTON CITY  
COUNCIL WORK MEETING**

**OCTOBER 15, 2015; 5:31 P.M.**

**MAYOR AND COUNCILMEMBERS**

**PRESENT:**

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

**ABSENT:**

**JORY FRANCIS AND SCOTT FREITAG**

**STAFF PRESENT:**

**ALEX JENSEN, GARY CRANE, JIM MASON,  
SCOTT CARTER, BILL WRIGHT, PETER  
MATSON, JAMES (WOODY) WOODRUFF, KEVIN  
WARD, DAVID PRICE AND THIEDA WELLMAN**

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

Mayor Stevenson opened the meeting and turned the time over to Barbara Riddle, Channel 17.

**AGENDA:**

## **PRESENTATION – CHANNEL 17**

Ms. Riddle introduced Mr. Bill Francis. She presented information on the Imagination Company and what they could do for communities. Ms. Riddle reviewed Mr. Francis' background and expertise.

Ms. Riddle reviewed cost information relative to services they could provide to Layton City. She gave examples of the ads and shows that could be created and broadcast. Ms. Riddle presented information about the benefits to Layton City.

Mr. Francis showed sample videos of things they could do for Layton City.

Ms. Riddle said they would like to entertain a relationship with Layton City in getting their message out.

There was discussion about the costs of providing the service to Layton, and how that would compare to what Ogden City was doing. There was discussion about a possible \$.10 monthly fee through Comcast connections that could help offset costs. There was discussion about viewer numbers on Channel 17.

Mayor Stevenson asked Staff how they felt about using this service.



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Bill Wright, Community and Economic Development Director, said it would give the City an avenue to get information out to the public.

David Price, Parks and Recreation Director, said Staff had a lot of content that could be put out, but it could be very labor intensive for Staff.

There was discussion about the services that could be provided through a contract.

Scott Carter, Special Projects Manager, said it was a great way to get information out to the public.

Jim Mason, Assistant City Manager, said the City did need to do a better job of getting information out.

Alex Jensen, City Manager, said he would agree.

Mayor Stevenson asked what the City would need to do to get this in place.

Mr. Francis said he could start tomorrow.

Mayor Stevenson said he would like feedback from all the Councilmembers. He said the City would get back with them.

Ms. Riddle thanked the Mayor and Council for their time.

## **DOGS ON-LEASH IN PARK STUDY RESULTS AND DISCUSSION**

David Price introduced JoEllen Grandy, the Parks Planner. He explained some of the things a Parks Planner took care of.

JoEllen reviewed information from the dogs on-leash surveys that were recently conducted. She reviewed cost information to place signage and waste stations in other parks. JoEllen indicated that Staff would not recommend allowing dogs in Ellison Park and the southern portion of Commons Park.

JoEllen reviewed information about off-leash dog parks. She reviewed information relative to things that would be needed for a dog park. JoEllen indicated that the total cost for a dog park would be

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approximately \$750,000 without the cost of the land.

Councilmember Petro asked if there had been any study with Astroturf.

JoEllen said it didn't work well; keeping it clean was problematic.

JoEllen said most people responding to the surveys would prefer allowing dogs on-leash in normal parks over a separate dog park. Because of cost, Staff would recommend continuing the course of developing trails and allowing dogs on-leash in additional parks.

Councilmember Brown asked how they would police dogs being off-leash.

David said Staff found that people were better at keeping their dogs on-leash when they were allowed in the parks.

Mayor Stevenson questioned if dogs should be allowed at all in any areas of Commons Park.

**Mayor Stevenson left the meeting at 6:30 p.m.**

Council and Staff discussed some of the comments provided in the survey.

Discussion suggested coming back with a draft ordinance.

## **DISCUSSION – MEMORIAL PARK**

JoEllen Grady reviewed information about developing a larger Memorial Park. She indicated that after review, Staff would recommend the northern area of Commons Park. JoEllen reviewed conceptual drawings of the layout of the park area with possible expansion areas.

Council and Staff discussed the conceptual drawings.

JoEllen indicated that Staff would recommend re-purposing Commons Park north of Commons Circle, providing for dedication of trees, etc, additional monument areas around the pavilion and rededication of the pavilion as Veteran's Hall or something like that.

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Consensus was to move forward with the idea of using the northern end of Commons Park as a Veteran's Park.

## **DISCUSSION REGARDING ESTABLISHING APPROVED TREES FOR PARK STRIPS AND FRONTAGES**

Alex Jensen said Staff wanted to talk to Council about their feeling on citizens that planted trees in public rights of way. He explained issues with citizens being responsible for trees that cause problems with sidewalks.

Jim Mason explained that from 2004 to 2015 the City had spent approximately \$1,000,000 repairing sidewalks. He explained how case law had changed and the City would need to change the way they were currently handling sidewalk repairs. Jim presented diagrams of the City and sidewalks that were in need of repair, and the areas of the City where work was taking place this year and those areas scheduled for repair work next year. Jim said the cost to repair all of the sidewalks would be \$9,000,000. He said the draft ordinance would make homeowners responsible for any damage the individual homeowner caused.

Alex said most of the sidewalk issues were caused by trees; it wasn't about the money but the responsible party bearing the cost, not the taxpayer.

Councilmember Day said it shouldn't be much different than other code violations.

Councilmember Brown asked about ownership of sidewalks in an HOA.

Gary Crane, City Attorney, said the HOA would be responsible.

Alex said the City had a fairly aggressive sidewalk repair program. He said sidewalks were not very glamorous; when a community was looking at scarce resources, sidewalks didn't immediately jump to the forefront. Alex said for the City to fund the \$9,000,000 needed to repair all of the sidewalks, it would take the entire capital improvement budget for two or three years to do that. He said this was a real issue across the entire State.

Discussion suggested moving forward with the ordinance.

# ***D R A F T***

**REZONE REQUEST – ADAMS-LAYTON-PERKINS/CRAYTHORNE DEVELOPMENT – A TO R-1-8 – APPROXIMATELY 608 WEST WEAVER LANE – ORDINANCE 15-33**

This item was not discussed.

**PRELIMINARY PLAT – HARMONY PLACE PLANNED RESIDENTIAL UNIT DEVELOPMENT (PRUD) – APPROXIMATELY 2375 WEST GENTILE STREET**

This item was not discussed.

**The meeting adjourned at 7:00 p.m.**

---

Thieda Wellman, City Recorder

**LAYTON CITY COUNCIL MEETING  
AGENDA ITEM COVER SHEET**

**Item Number:** 3.A.

**Subject:**

Presentation - Red Ribbon Week

**Background:**

Kohl Gill, Vice-President of the Mountain View Elementary Student Council, has asked for time on the agenda to make a presentation to the Council regarding Red Ribbon Week.

**Alternatives:**

N/A

**Recommendation:**

N/A

**LAYTON CITY COUNCIL MEETING  
AGENDA ITEM COVER SHEET**

**Item Number:** 5.A.

**Subject:**

Real Estate Purchase Agreement between Wasatch Integrated Waste Management District and Layton City - Resolution 15-62

**Background:**

Wasatch Integrated Waste Management District (District) owns and operates a nonhazardous municipal solid waste landfill on certain tracts of land located in Layton City. The District owns approximately 0.2164 acres of land to the east of their facility located within and surrounded by another parcel of property which the City owns and intends to develop as a City park. The District and the City have agreed to the terms and conditions for this purchase as outlined in the Real Estate Purchase Agreement.

**Alternatives:**

Alternatives are to 1) Adopt Resolution 15-62 approving the Real Estate Purchase Agreement between Wasatch Integrated Waste Management District and Layton City; 2) Adopt Resolution 15-62 with any amendments the Council deems appropriate; or 3) Not adopt Resolution 15-62 and remand to Staff with directions.

**Recommendation:**

Staff recommends the Council adopt Resolution 15-62 approving the Real Estate Purchase Agreement between Wasatch Integrated Waste Management District and Layton City and authorize the Mayor to sign the necessary documents.

**RESOLUTION 15-62**

**A RESOLUTION ADOPTING AND APPROVING A REAL ESTATE PURCHASE AGREEMENT BETWEEN WASATCH INTEGRATED WASTE MANAGEMENT DISTRICT AND LAYTON CITY FOR THE PURCHASE OF PROPERTY FOR A CITY PARK.**

**WHEREAS**, Wasatch Integrated Waste Management District (hereinafter "District") owns and operates a nonhazardous municipal solid waste landfill on certain tracts of land located in Layton City; and

**WHEREAS**, the District owns approximately 0.2164 acres of land (hereinafter the "Property") to the east of their facility located within and surrounded by another parcel of property the City owns and intends to develop as a City park; and

**WHEREAS**, the City desires to purchase and develop the Property as a City park; and

**WHEREAS**, the District is willing to sell the Property to the City for the terms and conditions in the Real Estate Purchase Agreement; and

**WHEREAS**, it is deemed to be in the best interest of the citizens of Layton City to enter into the Real Estate Purchase Agreement with the District for the purchase of Property for a City park.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF LAYTON, UTAH:**

1. That the agreement entitled Real Estate Purchase Agreement between Wasatch Integrated Waste Management District and Layton City, which is attached hereto and incorporated herein by this reference, be adopted and approved.

2. That the Mayor be authorized to execute the necessary documents.

**PASSED AND ADOPTED by the City Council of Layton, Utah, this 19<sup>th</sup> day of November, 2015.**

\_\_\_\_\_  
ROBERT J STEVENSON, Mayor

ATTEST:

\_\_\_\_\_  
THIEDA WELLMAN, City Recorder

APPROVED AS TO FORM:

*for* \_\_\_\_\_  
GARY R. CRANE, City Attorney



DOCUMENT WAS  
RECEIVED FROM  
OUTSIDE SOURCE

## REAL ESTATE PURCHASE AGREEMENT

This Real Estate Purchase Agreement (“Agreement”) is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2015 between Wasatch Integrated Waste Management District, a special service district created pursuant to Utah law (the “District”), and the City of Layton, Davis County, State of Utah, a Utah political subdivision (the “City”).

### RECITALS

- A. The District owns and operates a nonhazardous municipal solid waste landfill (the “Landfill”) on certain tracts of land located near the City.
- B. The District owns approximately 0.2164 acres of land (the “Property”) to the east of the Facility located within and surrounded by another parcel of property the City owns and intends to develop as a city park.
- C. The City desires to purchase and develop the Property.
- D. The District is willing to sell the Property to the City on the terms and conditions set forth herein.

NOW, THEREFORE, in exchange for good and valuable consideration, the receipt of which is acknowledged hereby, the parties agree as follows:

1. Land District Agrees to Sell. In consideration for the receipt of the Purchase Price set forth below, the District agrees that it will transfer the Property by Special Warranty Deed to the City. The Property is a tract of land more particularly described in Exhibit A hereto.



2. Purchase Price. The City shall pay the District \$15,000.00 for the Property. The City shall pay this price within 30 days of the execution of this Agreement.

3. No Restrictions on Property. The District reserves no easements or restrictions on the Property. The City may use the Property for any lawful purpose it chooses.

4. Time for Exchange. The exchange contemplated by this Agreement shall occur no later than 30 days after the date this Agreement is executed.

5. Physical Condition. The City agrees to take the Property “as is” with respect to its physical condition without reliance upon any opinion or statement of the District. The District does not make any covenant or warranty regarding the condition of the soil or subsoil or any other condition of the Property.

6. Retention of Risk. The District retains the risk of all suits, actions, claims, proceedings, or investigations brought by the former lessee of the Property, Great Western Communications, LLC (“Lessee”). District agrees to defend and hold the City harmless for any adverse action taken, concerning the property, brought by the Lessee, their successors or assigns.

7. Lessee’s Personal Property. The City assumes the responsibility of removing from the Property any of the Lessee’s personal property, as that term is defined in that certain Ground Lease Agreement between the District and Lessee dated April 1, 2011. The City may bring legal action against the Lessee to recover any and all costs associated with removal.

8. Waivers. No waiver of any default shall constitute a waiver of any other breach or default, whether of the same or any other covenant or condition. No waiver, benefit, privilege or service voluntarily given or performed by either party shall give the other any contractual right by custom, estoppel, or otherwise.

9. Entire Agreement. This Agreement contains the entire agreement between the parties. No promise, representation, warranty or covenant not included in this Agreement has been or is relied on by either party. No subsequent amendment or addition to this Agreement shall be binding upon the parties unless reduced to writing and signed by each party.

10. Captions. The captions of the various paragraphs of this Agreement are for convenience and ease of reference only and do not define, limit, augment or describe the scope, content, or intent of this Agreement or of any part of this Agreement.

11. Partial Invalidity. If any term of this Agreement or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this Agreement, or the application of such term to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and each term, covenant or condition of this Agreement shall be valid and be enforced to the fullest extent permitted by law.

12. Warranty of Authority. The individuals signing this Agreement for the District and for the City each warrants, by his signature, he has full authority to enter into this Agreement in behalf of the party for whom he signs.

13. Time of Essence. Time is of the essence in the performance of all covenants and conditions in this Agreement for which time is a factor.

14. IN WITNESS WHEREOF, the District and the City have signed this Agreement as of the day and year first above written.

WASATCH INTEGRATED WASTE  
MANAGEMENT DISTRICT

ATTEST:

By: \_\_\_\_\_  
Nathan B. Rich

Title: Executive Director

\_\_\_\_\_  
Secretary

CITY OF LAYTON, DAVIS COUNTY  
STATE OF UTAH


ATTEST:

By: \_\_\_\_\_  
Name: ROBERT J STEVENSON

Title: Mayor

\_\_\_\_\_  
THIEDA WELLMAN  
City Recorder

APPROVED AS TO FORM:

  
\_\_\_\_\_  
GARY R. CRANE  
City Attorney

**EXHIBIT "A"**

Parcel 6 Description

**Parcel 6 (Communication Tower Parcel)**

A parcel of land located in the Northwest Quarter of Section 2, Township 4 North, Range 1 West, Salt Lake Base and Meridian, said parcel contains 0.2164 Acres.

Beginning at the West 1/16 corner of said Section 2, said point being N89°29'28"E 1321.41 feet along the quarter section line from a brass cap monument at the West Quarter Corner of said Section 2, said brass cap monument bears S89°29'28"W 2642.83 feet from a brass cap monument at the Center of said Section 2; thence S89°29'28"W 107.11 feet along said quarter section line; thence N0°14'08"E 88.02 feet; thence N89°29'28"E 107.11 feet to the West 1/16 line; thence S0°14'09"E 88.02 feet along said 1/16 line to the point of beginning.

**LAYTON CITY COUNCIL MEETING  
AGENDA ITEM COVER SHEET**

**Item Number:** 5.B.

**Subject:**

Recreation, Arts, Museum and Parks (RAMP) Tax in Layton City - Ordinance 15-37

**Background:**

The voters of Layton City in the recent General Election, approved imposing a RAMP tax in the City by an overwhelming margin of 63 to 37 percent. The Council must now adopt an Ordinance to enact the RAMP tax. After adoption of the Ordinance, notice must then be sent to the Utah State Tax Commission (Commission) informing them of the vote of the people and the passage of the Ordinance enacting the RAMP tax. The Commission may begin charging the tax at the beginning of the first quarter after at least 90 days prior notice. Thus, notice must be given prior to January 1, 2016, to begin implementation of the tax on April 1, 2016. The RAMP tax will be effective for a period of ten years but potentially could be extended by a vote of the people.

**Alternatives:**

Alternatives are to 1) Adopt Ordinance 15-37 approving the enactment of the RAMP tax in Layton City and begin implementation on April 1, 2016; or 2) Not adopt Ordinance 15-37.

**Recommendation:**

Staff recommends the Council adopt Ordinance 15-37 approving the enactment of the RAMP tax in Layton City and begin implementation on April 1, 2016.

**ORDINANCE 15-37**

**AN ORDINANCE ENACTING A RECREATION, ARTS, MUSEUM AND PARKS (RAMP) SALES TAX OF ONE-TENTH OF ONE PERCENT ON TAXABLE SALES WITHIN LAYTON CITY BEGINNING APRIL 1, 2016 AND RUNNING FOR TEN (10) YEARS UNLESS RENEWED BY THE VOTERS OF LAYTON.**

**WHEREAS**, the City Council placed before the voters of Layton City the opportunity to vote for or against the imposition of a sales tax of one-tenth of one percent (0.01%) to fund Recreation, Arts, Museum and Parks (RAMP) facilities, operations and organizations; and

**WHEREAS**, the voters of Layton City in a General Election held November 3, 2015 approved the imposition of the sales tax with 63 to 37 percent margin; and

**WHEREAS**, the City Council is desirous to move forward with the imposition of the RAMP tax as the voters have directed beginning April 1, 2016; and

**WHEREAS**, the City Council, with the advice of a citizens committee, will see that the RAMP funds are put to the best use possible to improve the Recreation, Arts, Museum and Parks opportunities for the citizens of Layton along with those who visit the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF LAYTON, UTAH:**

SECTION I: That the City Council of Layton City, Davis County, State of Utah, does hereby impose a sales tax of one-tenth of one percent (0.01%) sales tax on all taxable sales beginning April 1, 2016 and running for ten (10) years with the potential to be renewed by the voters of the City.

SECTION II: That the City Council of Layton City, pursuant to 59-12-1402(5)(b)(i) through (5)(b)(ii) will notify the Utah State Tax Commission (Commission) that the voters of Layton City have voted in favor of a RAMP tax and that the Commission is to add the RAMP tax to their records and the Commission will collect the taxes and disperse those funds to Layton City beginning April 1, 2016.


**PASSED AND ADOPTED** by the City Council of Layton, Utah, this **19th day of November, 2015**.

ATTEST:

\_\_\_\_\_  
ROBERT J STEVENSON, Mayor

\_\_\_\_\_  
THIEDA WELLMAN, City Recorder

APPROVED AS TO FORM:

  
\_\_\_\_\_  
GARY CRANE, City Attorney

SUBMITTING DEPARTMENT:

  
\_\_\_\_\_  
J. SCOTT CARTER, Special Project Manager

**LAYTON CITY COUNCIL MEETING  
AGENDA ITEM COVER SHEET**

**Item Number:** 5.C.

**Subject:**

Final Approval Extension Request – Jensen Homestead Subdivision – Approximately 2700 East Gentile Street

**Background:**

On November 25, 2013, the Zoning Administrator granted a one-year final approval extension to December 6, 2014, for the Jensen Homestead Subdivision. In December 2014, the Council granted another extension to December 5, 2015, for good cause.

During this past year, Ms Gwen Anderson, owner of Lot 1, has been attempting to require Mr. Jack Jensen to record the Plat and construct the improvements. She has sought legal remedies and recently the advice of the State Property Rights Ombudsman, Brent Bateman.

Staff is working with Ms Anderson on an alternative to formulate a Special Improvement District (SID) comprised of multiple property owners in the area that could also benefit from an SID. In order to explore this option, Ms Anderson has requested another one year extension of the approval of the Final Plat.

**Alternatives:**

Alternatives are to 1) Grant final approval extension request for the Jensen Homestead Subdivision to December 6, 2016, for good cause; or 2) Deny final approval extension request for the Jensen Homestead Subdivision.

**Recommendation:**

Staff recommends the Council grant final approval extension request for the Jensen Homestead Subdivision to December 6, 2016, for good cause.

# Gwen Anderson



441 South 940 West, Orem, Utah 84058 • Phone:801-368-8597  
E-Mail: andersgw@uvm.edu

September 19, 2015

Mr. William T Wright, AICP  
Community and Economic Development Director  
Layton City  
437 N. Wasatch Drive, Layton, Utah 84041

Dear Mr. Wright:

I appreciate immensely Layton City's willingness to help me to solve an extremely difficult personal, financial and retirement investment challenge. After meeting with Layton City planners in late August, 2015, a possible solution ("a special improvements project") to complete the required improvements for the ill-fated Jack Jensen subdivision lot - was a welcomed suggestion, but it will require much additional time to organize contractor bids, obtain appraisals, and hold meetings with neighbors needing to complete these same requirements. I am working as an international/national recruiter for UVU and am out of the country most of the Fall 2015 semester. It's difficult especially when promised contractor names have never been emailed to me. Please help by reminding "Woody" that contractor names need to be emailed to me? It's been three weeks and I can't seem to get a response. I could pick contractors at random, but I'm sure the suggested names familiar with Layton City projects would be far better choices.

I respectfully request a one-year extension for good cause. The present extension expires on December 5<sup>th</sup>, 2015, I believe. It would be next to impossible to complete all the detailed actions required to organize neighbors, obtain bids (and contractor names?) appraisals and work toward achieving a unified group of landowners who need to, but may not feel an immediate need complete these requirements.

Please accept this letter requesting the extension for submission to be added to the Layton City December 3 City Council Agenda?

Thank you for your help and time,

Gwen Anderson









# CITY COUNCIL

November 19, 2015

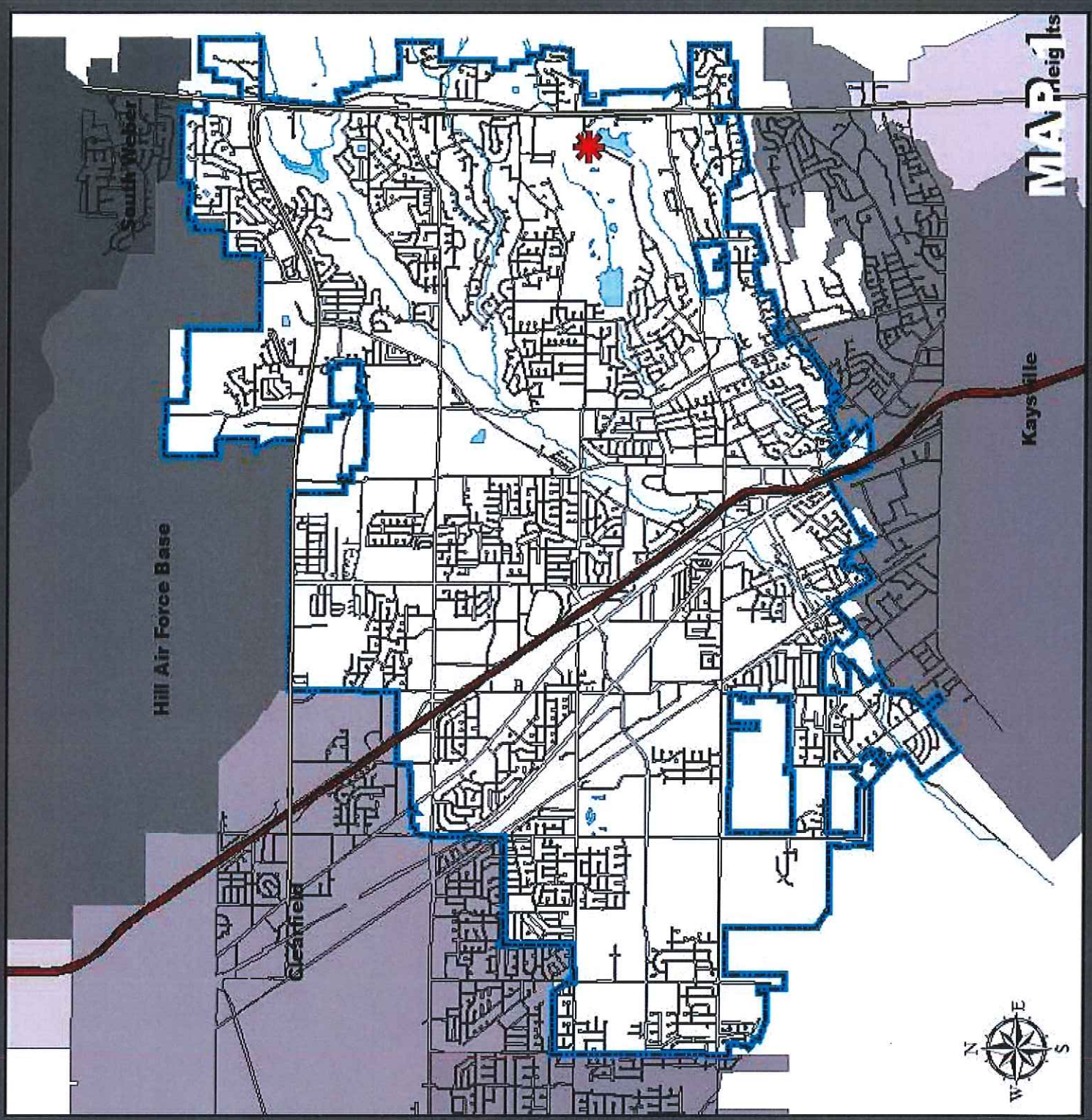
## Jensen Homestead Final Plat Extension

### Legend

-  City Boundary
-  Interstate 15
-  Highways
-  Lakes
-  Streams

 - Project Site

1 inch = 5,000 feet







# CITY COUNCIL

November 19, 2015

## Jensen Homestead Final Plat Extension

### Legend

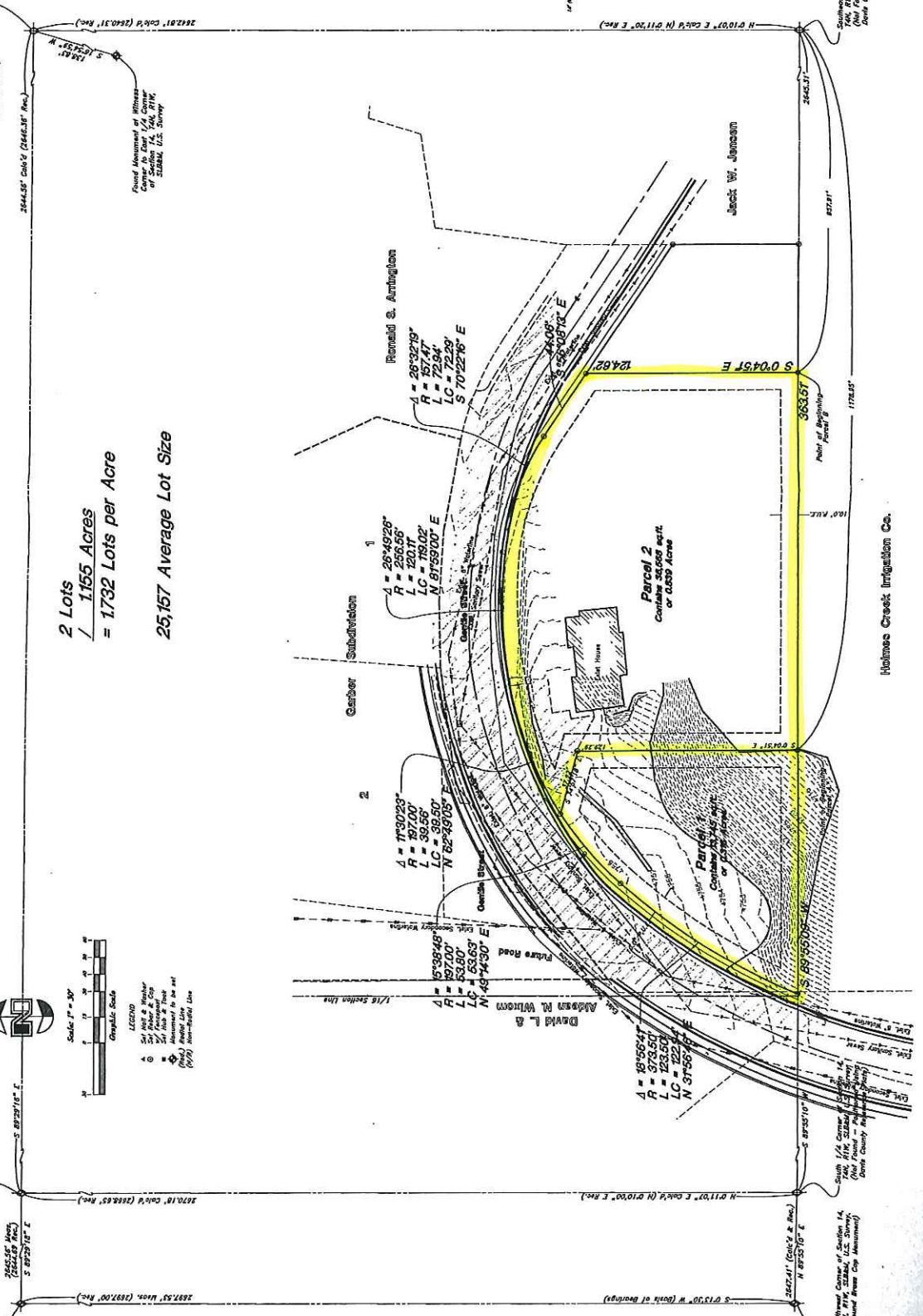
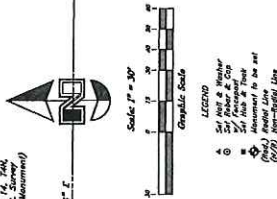
-  City Boundary
-  Interstate 15
-  Highways
-  Streams

1 inch = 161 feet



Preliminary Plan for  
**Jensen Homestead**  
 A part of the Southeast 1/4 of Section 14, T4N, R1W, SLB&M, U.S. Survey  
 Layton City, Davis County, Utah

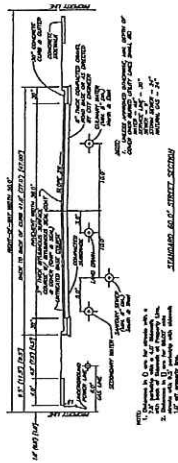
2 Lots  
 /  
 1,155 Acres  
 = 1,732 Lots per Acre  
 25,157 Average Lot Size



**NARRATIVE**  
 This survey was run to establish the overall boundary and interior boundaries of these parcels. Brass Cap Monument was found at the Southwest Corner, the West 1/4 Corner, and the Center of the East 1/4 of Section 14, Township 4 North, Range 1 West, South 89°29'16\"/>

**BOUNDARY DESCRIPTION**  
 A part of the Southwest Quarter of Section 14, Township 4 North, Range 1 West, South 89°29'16\"/>

Containing 60,218 square feet  
 or 1.394 acres.



RECEIVED

JUL 10 2012

LAYTON CITY  
 COMMUNITY DEVELOPMENT

Southwest Corner of Section 14,  
 T4N, R1W, SLB&M, U.S. Survey  
 (Old Point - Established from  
 Davis County Reference Plat)