

**MINUTES OF LAYTON CITY  
COUNCIL MEETING**

**FEBRUARY 4, 2016; 7:04 P.M.**

**MAYOR AND COUNCILMEMBERS  
PRESENT:**

**MAYOR BOB STEVENSON, JOYCE BROWN,  
BRUCE DAVIS, TOM DAY, SCOTT FREITAG AND  
JOY PETRO**

**STAFF PRESENT:**

**ALEX JENSEN, GARY CRANE, BILL WRIGHT,  
TERRY COBURN, PETER MATSON 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 Brown gave the invocation. Scouts and students were welcomed.

**MINUTES:**

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

**Layton City Council Work Meeting – January 7, 2016;  
Layton City Council Meeting – January 7, 2016; and  
Layton City Council Special Meeting – January 12, 2016.**

The vote was unanimous to approve the minutes as written.

**MUNICIPAL EVENT ANNOUNCEMENTS:**

Councilmember Brown indicated that the Family Recreation Valentine's Dance would be held on February 12th from 7 to 9 p.m. at the Central Davis Jr. High gym. She said there would be a live band, refreshments, and games. This was a fun family event.

Councilmember Brown said the March Family Recreation activity would be a night at the library and would include stories and activities.

**CITIZEN COMMENTS:**

Brandon Green, 495 West 300 South, thanked the Mayor and Council for doing an excellent job. He thanked Peter Matson for the time he put into the Envision Layton program, and he thanked the Public Works Department for the excellent job they did on snow removal.

Mr. Green said he had been trying to find information about UTOPIA, and had been told that it was coming, but his area didn't meet the demographics for it right now. His area didn't have Comcast; their only option was Century Link, which was slightly better than dial up. Mr. Green said he wanted to know what he could do to get UTOPIA into his neighborhood.

Mayor Stevenson said the City had been able to expand into three additional areas of the City. They looked at areas that were most likely to use the service. He said there was a limited amount of money to expand; UTOPIA was now exceeding expenses but not by enough to expand a whole lot. UTOPIA had been trying for a couple of years to create a public/private partnership to try and bring fiber to every residence. The City felt that the citizens should have a vote before the City created a utility fee to make that happen. Mayor Stevenson said during the current legislative session, there would be a bill that would allow this type of question to be put on a ballot. The City believed that for the future of the City, it was important to bring fiber to the entire community; light the City with wifi; and create opportunities for students and businesses. He

said the City hoped to be able to bring fiber to every home.

Alex Jensen, City Manager, said Mr. Green could call him directly and he would be happy to give him additional information. He said with the resources UTOPIA had, they looked at an area and what they felt the projected take rate would be, and the cost to get fiber into that area. Alex said neighborhoods were becoming champions of the network and getting neighborhoods to promote it. Some areas had changed the demographics because of commitments from the neighborhood.

Mr. Green said he could start a petition in his neighborhood and could get at least 50 neighbors to sign it. He thanked everyone for all they did.

Mayor Stevenson said if the UTOPIA question was put to a vote, and was successful, it could be a model and other cities could come into the network.

Brandon Johnson, 569 South 875 East, indicated that he was stationed at Hill Air Force Base. Mr. Johnson expressed concerns with child care and after school programs. He said there was no before or after school care in Davis County. Mr. Johnson said the majority of property tax went to the School District; why were programs cut.

Mayor Stevenson said the Davis School District was a separate entity from the cities. The School District had jurisdiction over those types of programs. Mayor Stevenson gave Mr. Johnson the local School District representative's name, Kathy Bone, and suggested that he contact Ms. Bone.

**CONSENT AGENDA:**

**SPONSORING LEGISLATION TO TAX AND REGULATE ELECTRONIC CIGARETTES – RESOLUTION 16-06**

Gary Crane, City Attorney, said at the last meeting a contingency of students from high schools in the area had presented information about a community effort to pass legislation for e-cigarettes to be under the same regulations as regular cigarettes, and limit access to and use by teens. Gary said the reason for the resolution was to show support of that effort. He said Staff recommended approval.

**BID AWARD – MECHAM BROTHERS, INC. – HARMONY PLACE REGIONAL DETENTION POND – APPROXIMATELY 2700 WEST 525 SOUTH – RESOLUTION 16-07**

Terry Coburn, Public Works Director, said Resolution 16-07 authorized the execution of an agreement with Mecham Brothers, Inc., for the Harmony Place Regional Detention Pond project. The project included the construction of a six acre-foot detention pond, installation of 816 linear feet of 18-inch and 192 linear feet of 8-inch perforated pipe, and 91 linear feet of 36-inch storm drain pipe, structures and other associated work items. Terry said the project would improve drainage and restrict the release of water into the County drainage canal from the surrounding developments. Two bids were received with Mecham Brothers submitting the lowest responsive, responsible bid in the amount of \$360,754; the engineer's estimate was \$245,000. Staff recommended approval.

**BETTERMENT AGREEMENT WITH UTAH DEPARTMENT OF TRANSPORTATION (UDOT) FOR THE NEW TRAFFIC SIGNAL AT MAIN STREET AND ANTELOPE DRIVE – RESOLUTION 16-05**

Terry Coburn said Resolution 16-05 authorized the execution of an agreement with UDOT for a new traffic signal at Main Street and Antelope Drive. UDOT would advertise and administer construction of the work. The costs shown in the agreement encompassed the additional work associated with the project. The City would, at no cost to UDOT, provide on-call support to correct or clarify issues during construction and perform the necessary inspection of the work installed. Terry said UDOT would install a new traffic signal at the intersection. The total reimbursement to UDOT by the City for the betterment items would be \$16,196.

He said Staff recommended approval.

**WATER EXCHANGE AGREEMENT BETWEEN LAYTON CITY AND DESTINATION HOMES, INC. – RESOLUTION 16-04**

Gary Crane said Resolution 16-04 provided for a water exchange agreement with Destination Homes. He said Destination Homes was developing a project in Kaysville on the southern border of the City. Gary said Destination Homes was in need of a certain type of water because of the development and the location of the point of access to that water. He said they were requesting the City trade shares of water with them for water the City might be able to use at another location. Gary said there were approximately nine acre feet of Davis Weber Canal Company shares that would be traded for Kays Creek shares. He said the trade would accommodate the development and be very complimentary to what the City was trying to accomplish. Gary said Staff recommended approval.

**AMENDED FINAL PLAT – WYNDOM SQUARE COMMERCIAL SUBDIVISION, PHASE 2 – 1290 EAST HIGHWAY 193**

Bill Wright, Community and Economic Development Director, said this was an amended final plat for the Wyndom Square Commercial Subdivision, Phase 2, located at 1290 East Highway 193. He said the development included the Neighborhood Walmart. Bill said the request was to create a condominium parcel within the plat; half of the Cutler’s building would be purchased by another owner. He said nothing on the plat would change; only the ownership was changing. Bill said Staff recommended approval.

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

**PUBLIC HEARINGS:**

**AMEND TITLE 3, (REVENUE & FINANCE), SECTION 3.15.10 (CONSOLIDATED FEE SCHEDULE); AND TITLE 19 (ZONING), SECTIONS 19.06.010, 19.21.020(8) AND 19.21.045 ESTABLISHING REGULATIONS FOR MOBILE FOOD VENDORS – ORDINANCE 16-06**

Mayor Stevenson said there had been some discussion on this in the earlier meeting. There were questions in the earlier meeting and this item would probably be tabled.

Peter Matson, City Planner, reviewed aspects of the ordinance. He said in the earlier work meeting there was discussion about food trucks operating in the public right of way, and there were several concerns brought up. Peter said Council should accept input from the public.

**Mayor Stevenson opened the meeting for public input.**

Rick Sherman, 87 South Main Street, Kaysville, asked about the fees associated with licensing. He said there was a mobile food vendor fee of \$120 and there was a mobile food event fee of \$85. Mr. Sherman said there was another item, a mobile food court permit. He asked if the mobile food event fee was being replaced by the mobile food court permit fee.

Peter said if they were going to operate as a vendor within the City, they could choose between the straight vendor fee, which allowed vendors to operate anywhere in the City, either at a single location or at an event, or if they wanted to only operate at an event, they could get the mobile food event permit, which had a lower base fee, but also had an annual inspection fee. There was no fee associated with the mobile foot court event itself, there was only an application process.

Mr. Sherman said if he was licensed as a mobile food vendor, he wouldn’t need to worry about the mobile food event fee.

Peter said that was correct.

Mr. Sherman said he was happy with that change.

Mayor Stevenson said the City was trying to do it right; they didn't want to keep having to bring this back to make changes. He said the Council wanted to look closer at impacts to traffic and pedestrians with allowing food trucks in street right of ways.

Mr. Sherman expressed appreciation to the City for taking input from the vendors.

**MOTION:** Councilmember Freitag moved to continue this item to the February 18, 2016, meeting, leaving the public hearing open. Councilmember Day seconded the motion, which passed unanimously.

**The meeting adjourned at 7:40 p.m.**

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Thieda Wellman, City Recorder