

**MINUTES OF LAYTON CITY
COUNCIL WORK MEETING**

APRIL 21, 2016; 5:30 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, TERRY COBURN,
JAMES "WOODY" WOODRUFF, WES ADAMS,
BILL WRIGHT, DAVID PRICE, KENT
ANDERSEN, STEVE JACKSON, WES ADAMS,
RYAN PICKUP, PAUL APPLONIE 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 Staff.

AGENDA:

**CONTRACT AWARD – BIG T RECREATION – ELLISON PARK PLAYGROUND
REPLACEMENT – 700 NORTH 2200 WEST – RESOLUTION 16-28**

David Price, Parks and Recreation Director, said Resolution 16-28 authorized an agreement with Big T Recreation for replacement of the play structure at Ellison Park. He said Staff was excited about the proposed play structure. David showed a video of what the playground would entail. He indicated that it was a very tall, large structure that provided shelter and shading, and provided for adaptive play. David said the structure allowed kids with disabilities to integrate in the play area. He said it provided a wonderful play environment and made a statement, and was visually pleasing. David said the new structure would replace the older, larger structure at Ellison Park. He indicated that it would include a rubberized flooring area that would be funded with a RAMP tax grant.

Mayor Stevenson asked what would happen with the old system.

David said hopefully it would be auctioned and a smaller city would purchase it.

Councilmember Davis asked what the life expectancy was of the new system.

David said 15 years.

Councilmember Freitag asked what the cost would be.

David said just under \$150,000.

Councilmember Brown asked if heat would be a problem on the slides.

David said the old metal ones were bad, but that material wasn't used any longer. These were dual walled and maintained a cooler surface, which was much better.

ANNEXATION – DAVIS SCHOOL DISTRICT – APPROXIMATELY 1100 SOUTH WESTSIDE DRIVE – ORDINANCE 16-16

Bill Wright, Community and Economic Development Director, said this was an annexation of 24.34 acres of property in the southwestern area of the City where a new junior high school would be constructed. He indicated that there was a memorandum of understanding (MOU) attached to the annexation that outlined construction of the utilities needed to service the property. The MOU indicated that the School District and the City would agree to enter into negotiations on a separate agreement for construction of a joint use gymnasium at the school. The City and School District had similar joint use agreements for other school gymnasiums, which had worked well for both entities. Bill said the School District was in support of the annexation.

Bill said the School District was planning to begin construction of the junior high school in the fall of 2017 with occupancy in the fall of 2019.

Councilmember Petro asked what the process was in determining what the joint use gymnasium would entail.

David Price said Staff had been meeting with the School District and they were working out the details. He said a big part of it was for a trail. The gym would be similar to Legacy Jr. High.

Councilmember Freitag suggested a sound system being installed in the gym and scaffolding for lighting for productions.

Councilmember Petro suggested an additional room that could be used for a theatre prep area or a community center area for things such as art classes.

David said anything was possible; it would come down to cost.

Bryan Turner with the School District said they could look at those recommendations.

David said security of additional areas would be an issue.

Councilmember Freitag asked about the future of the existing structures on Westside Drive and Weaver Lane.

Bill said those homes were part of the School District property; they had purchased that property and the structure would be taken down.

REVIEW OF PROPOSED ZONING ORDINANCE LANGUAGE FOR WASTE TRANSFER STATION

Bill Wright reviewed information about a proposed zoning ordinance change to allow for a waste transfer station in the City. He said the ordinance indicated that a waste transfer station would only be allowed in an M-1 or M-2 zone; would need to be contiguous to the burn plant property; and would have to be operated by a public entity.

Bill said Staff had been having discussions with Nathan Rich with Wasatch Integrated Waste Management and at some point in the future, when the landfill had reached capacity, a waste transfer station would be needed. He said Wasatch Integrated felt that it was important to have an ordinance in place going forward into the future. Bill said Staff wanted to start with feedback from the Council.

Bill said the City didn't desire to have private companies running waste transfer stations in the City. With the requirement that they be contiguous to burn plant property, it would eliminate a waste transfer being

located in any other area of the City. Bill explained that the burn plant was located on County property, but the property located adjacent to the burn plant where a waste transfer station could be located was in the City.

Councilmember Freitag suggested only allowing one facility in the City within the zone. He asked Gary Crane, City Attorney, if that could be part of the ordinance.

Gary said yes.

Mayor Stevenson said with only allowing a public entity to operate a waste transfer station, that would pretty much limit it to one entity.

Councilmember Freitag said his concern with a public entity was that the City might not be the majority voice.

Bill said Staff could research that; the City did limit other types of uses.

Councilmember Brown asked if the transfer station would be for other cities or only for Layton residents.

Mayor Stevenson said it would be for other cities. He said Wasatch Integrated figured that there was about 20 years useful life at the landfill and burn plant. A number of years ago they purchased ground in Box Elder County for a landfill; but Box Elder County nixed that. He said there was a future dump site on the west side of Utah Lake. Mayor Stevenson said 20 years would go by very fast.

Councilmember Brown said she could see a tipping station for Layton; why wouldn't other cities have tipping stations.

Mayor Stevenson said it came down to cost and convenience.

Councilmember Brown said these sites were not pretty.

Mayor Stevenson said the ones in Utah were enclosed; you really couldn't tell they were a waste transfer station.

Councilmember Petro asked what the benefits were to having it in Layton.

Mayor Stevenson said it would be centrally located; it wasn't a bad thing. He explained how the burn plant functioned.

Councilmember Brown said the City recently put in a new road to the land fill; with the location of the transfer station they would not use that road.

Councilmember Freitag asked why not locate it near the rail line.

Bill said the trash wasn't hauled very far any longer, and trucks were less expensive than trains.

Bill said the idea was to make this an allowed use in the zone, which would be very tightly regulated. It had to be contiguous to the burn plant property.

Council and Staff discussed advantages to annexing the burn plant property into the City.

Alex Jensen, City Manager, said Staff had had that discussion in the past; Mr. Rich was pretty astute. He said Wasatch Integrated knew that they had more flexibility in the County; there was no downside for the City to annex the property into the City.

Mayor Stevenson said he would approach Mr. Rich about annexing the property.

Bill said Staff would add only allowing one transfer station to the draft ordinance.

REZONE REQUEST – WIGGILL ESTATES PRUD – A (AGRICULTURE) TO R-1-6 PRUD (SINGLE FAMILY RESIDENTIAL PLANNED RESIDENTIAL UNIT DEVELOPMENT) – APPROXIMATELY 255 SOUTH FAIRFIELD ROAD – ORDINANCE 16-12

Bill Wright said this evening he would focus on the new concept plan that accompanied this rezone request. He said the developer had submitted a revised concept plan with the R-1-6 PRUD zone; all of the units would be single family detached units. Bill displayed a copy of the conceptual site plan. He indicated that a private drive would provide access to four of the units. Bill said Staff felt this was an excellent outcome.

Councilmember Freitag said in the motion he made at the previous meeting, he suggested that the developer work with the residents; had that happened.

Bill said yes.

Councilmember Freitag asked what the outcome to that was.

Bill said some residents had stated that they would like to see separate lots without common ground, but overall they were pleased.

Councilmember Brown asked if the homes would have basements.

Bill said he wasn't sure, but there were no restrictions on basements.

Councilmember Freitag said, in the notes, it would have been helpful to know when the meeting with the residents occurred and that the developer had followed up on that.

Bill said that information was included on the cover sheet; the developer met with the residents on March 17th to review and discuss design options for the rezone area.

Councilmember Freitag thanked Staff; he had missed that information.

Mayor Stevenson said he understood that the residents and the developer were getting along very well.

Councilmember Day said the owners of the homes would own the pad that the house was located on. Could they fence their yards?

Bill said that would be outlined in the CC&Rs. Often some fencing was allowed for privacy or patios.

Council and Staff discussed the landscaping along Fairfield Road and maintenance of the landscaping. They discussed fencing along agricultural property.

Bill said the HOA would be responsible for maintaining the landscaping. He said those details would be outlined during final approval of the subdivision.

Councilmember Freitag asked who attended the meetings with the residents.

Mr. Jerry Preston, developer, said the citizens put together a committee of 6. He said the meetings were very positive.

DISCUSSION – SECONDARY WATER

Alex said as a follow up to the discussion in the last Strategic Planning meeting, Staff wanted to bring this back to the Council for discussion. He said earlier in the week, Staff had a good discussion with Councilmembers Petro and Day, and the Mayor, about secondary water. Alex said one of the things that came out of that meeting was to try and address a reasonable number of issues this evening instead of jumping back into the whole discussion of secondary water; approach the discussion incrementally.

Alex said tonight there were three basic things Staff would like to address. He said in the last meeting one of the issues that was mentioned by Staff, which caused some interest and several questions, was the potential of an interlocal operating agreement between the City and Weber Basin Water; not to take ownership of their secondary system but rather to operate it. Alex said there was discussion about Weber Basin trying to enter into those types of agreements all through their service areas; they were getting out of the operation of those systems. He said Staff had copies of agreements Weber Basin had with other areas, and Staff had had discussions with Weber Basin, but it was not in any kind of final form to bring to the Council. Staff wanted to share the framework this evening, and if the Council was comfortable Staff would move forward and try to consummate that.

Alex said the second item was to seek direction from the Council with regard to the question of should the City look at doing solely a culinary system or did they want to take advantage of secondary water opportunities and assets in the community and do some kind of a hybrid system. He said there were a variety of different hybrid possibilities, but tonight Staff would like to focus on the main decision point of all culinary or a combined system.

Alex said the last item had to do with a question that came up about the ability of the City to require dry lines to be installed in subdivisions. He said Staff had information about that. Alex said all of this was part of a Water Master Plan, which would eventually be brought back to the Council.

Councilmember Day asked what other areas had taken over operation of a Weber Basin Water system.

Steve Jackson, Staff Engineer, said Roy Water Conservancy District had taken over a big part of that. He said Bountiful Irrigation and Benchland Irrigation were all part of Weber Basin.

Steve Jackson reviewed information that would be included in an interlocal operating agreement with Weber Basin, which was based on the Benchland Irrigation agreement with Weber Basin. He reviewed information about Weber Basin's obligations and Layton City's obligations. Weber Basin would retain the assets and be responsible for costs paid for improvements, replacements, construction and installation; provide financial and engineering technical support; manage new connection requests and existing contracts; handle all billing and collecting of water service fees; maintain capital improvements; provide personnel and training for Layton City during initial irrigation season; and payment for all services, costs, and expenses provided and incurred by the City. Weber Basin would essentially be hiring Layton City to be an operator of their system.

The City would act as operator and agent of the system; provide general administration; provide management, operation, maintenance and delivery of secondary water; and maintain a record of all time spend, costs and expenses. Steve said Staff anticipated that it would take 1 or 2 additional fulltime equivalent employees to maintain the system.

Terry Coburn, Public Works Director, said the earliest this could happen would be next year.

Mayor Stevenson asked how soon the City needed to make the decision.

Steve said they hoped for a decision by November.

Councilmember Brown said Weber Basin mentioned that they might want to meter their connections; would they cover that cost.

Steve said yes.

Councilmember Day asked if the City would have to install those meters.

Steve said that would be a capital improvement project and Weber Basin would do that; the City would have to maintain those meters after they were installed.

Councilmember Brown asked what the new fulltime employees would be doing during the winter months.

Steve said they would be doing other things for the City; and a lot of maintenance on the water system was done in the winter months.

Woody Woodruff, City Engineer, said the agreement would be negotiable; from entity to entity they were a little different. He said the City could request changes if needed.

Councilmember Petro asked how Staff felt about the agreement.

Woody said he thought Weber Basin had an open mind and they were trying to present something to the City that the City would be willing to do. He said it would provide an opportunity for the City to negotiate with Weber Basin on some of the needs of the City.

Mayor Stevenson asked if a similar setup could work with the other irrigation companies.

Woody said possibly.

Alex said Weber Basin's intent was not to save money by doing this; they wanted to get rid of the headache. They would adjust the contract based on actual costs to the City.

Council and Staff discussed possible needs for additional Staff or not.

Alex said at the last meeting Staff felt that there was a general nod from the Council to go with a hybrid system. He said that was one of the important decisions that had to be made to allow the water study to move forward. The sizing of the culinary water infrastructure would be much different if the City utilized secondary water sources as opposed to everything being culinary. Alex said Staff felt that costs for a total culinary system would probably be a little bit more expensive into the future when you considered the cost of water; cost of infrastructure for a culinary system or a secondary water system would be pretty much the same.

Councilmember Freitag asked what the cost difference was of culinary water and secondary water.

Woody said right now the City was paying Weber Basin \$195 an acre foot for treated water. He said Staff didn't have a good cost for untreated water because there were several different providers and the costs varied. Woody said the consultant would be able to provide that information.

Councilmember Freitag said relative to a hybrid system, what would the City do going forward relative to existing parks and large outdoor water users such as schools.

Alex said it would have to be addressed. In the past the City hadn't imposed things retroactively to force people to connect. He said there had been a lot of discussion, and there was an ordinance in place to force new development to connect to secondary water; not only the installation of dry lines but the requirement of citizens to pay for that. Similarly, citizens couldn't opt out of garbage service. Alex said one issue that would be important from a financial perspective was that forcing people to secondary water could cut

revenues in the culinary system; it would cost a certain amount of money to maintain the culinary system. He said if customers were pushed to secondary water, the City might find that the culinary rates were not generating the amount of money needed in order to maintain the culinary system.

Council and Staff discussed issues with having enough revenue to maintain a system. They discussed the benefits of using secondary water on lawns and they discussed the impact on revenues from conservation efforts. They discussed water rates on high water users.

Woody discussed the City's water rates. He said they were very low compared to other areas.

Terry said with the Water Master Plan, they would be reviewing rates; rates would be going up.

Councilmember Freitag asked if it was because of costs.

Terry said yes; particularly maintenance costs.

Councilmember Day said as population grew, there would be issues. Water wasn't going to grow; residents had been spoiled in the past.

Alex said the City had been able to keep rates low because of the City's deep water wells; most cities had to purchase water. He said the City had about 50% of its own water; the City had acquired water rights that were worth a lot of money.

Councilmember Freitag said with the 6 wells, did the capacity stay about the same.

Terry said over the last few years the City had rehabbed several wells. With the rehab process, every well had seen a significant increase in the amount of water it produced.

Alex asked if the aquifer was staying healthy.

Wes Adams, Water Supervisor, said there was a little fluctuation from year to year in the aquifer. There was a worry about maintaining the aquifer.

Terry said the State wasn't allowing additional deep wells into the aquifer; the City had a permit for 1 additional deep well.

Councilmember Davis asked if the level of the aquifer was becoming an issue.

Wes said there had been a little bit of a decline; from year to year it fluctuated about 10 feet. Weber Basin was recharging the aquifer, but they could draw that back out. It was helping the aquifer.

Alex mentioned several options the City had in the future to provide water.

Mayor Stevenson said Staff needed to know if the Council wanted to study the hybrid system.

Consensus from the Council was to go with a hybrid system.

Alex said Staff would move forward in that direction with the consultant. He said Staff would bring back options within a hybrid system.

Alex said the City had an ordinance in place that required contractors to install dry lines; in some cases the City was installing those lines. In the past, some lines were put in but no water was available. He said over time that had changed a little in that if water was available the lines were required, but if it wasn't, no lines were required. Alex said if the City was going to be in the secondary water business, Staff felt that those lines should be required, and felt that the ordinance was sufficient to require that.

Councilmember Davis asked what the average cost was to install dry lines.

Mayor Stevenson said it wasn't too expensive; probably \$2,000 per home.

Councilmember Day said if it had been in the ordinance, why were there newer subdivisions where it wasn't required.

Gary said these were exactions and exactions had to be roughly proportional to the impact that the individual subdivision was causing. The idea of an exaction was that it would address the needs of that subdivision. He said the City couldn't do that in some of the remote locations in the City. Gary said there were a couple of instances where the developers put in the improvements and the City was not able to deliver the water, and the City ended up having to reimburse a lot of those costs. He said the idea of an exaction is to be able to serve the subdivision right away, or at least within a reasonable period of time.

Councilmember Day said he was talking about the recent past; such as the Flint property.

Gary said he wasn't sure about specific properties, but not all areas could be serviced. He said the City looked at each subdivision individually to determine if the City could reasonably serve the area.

Woody said the more recent subdivisions that were close to Layton Parkway and 2200 West had a higher probability of having secondary water. Anything north of Gentile Street did not have a high probability of having secondary water. If secondary water was three to five years away, the City had not been requesting that the secondary lines be installed because of the exaction policy. Woody said the Council's decision tonight would help Staff in the process of master planning to know where those systems could go.

Mayor Stevenson asked about an Ed Green development on Gentile Street. With this decision, realistically the City could provide them with secondary water. Could the City go back and require that secondary line be installed?

Woody said Staff could look at that.

Councilmember Petro asked if the ordinance addressed fiber lines.

Gary said yes; it would allow the City to require fiber lines, but UTOPIA had not required that of jurisdictions. He said UTOPIA had selected to install conduit in open trenches; they paid for the conduit if they could use the open trenches. Gary said it amounted to a very small investment on the part of UTOPIA. He said the City tried to coordinate that with UTOPIA to take advantage of open trenches.

Alex said UTOPIA couldn't require cities to do that; the question was if the City had the right to do that. He said it was a different type of utility because you were dealing with multiple, private providers.

The meeting adjourned at 6:58 p.m.

Thieda Wellman, City Recorder