

**MINUTES OF LAYTON CITY
COUNCIL MEETING**

APRIL 21, 2016; 7:02 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, DAVID PRICE, 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 Freitag gave the invocation. Scouts and students were welcomed.

MINUTES:

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

**Layton City Council Work Meeting – March 3, 2016;
Layton City Council Budget Work Meeting – March 8, 2016; and
Layton City Council Special Meeting – March 31, 2016.**

The vote was unanimous to approve the minutes as written.

MUNICIPAL EVENT ANNOUNCEMENTS:

Councilmember Brown mentioned that the Layton City Recreation Department had discount vouchers for Bee's games.

Councilmember Brown indicated that Davis Arts Council tickets would go on sale the first part of May. She said they had a great lineup of concerts for the season.

Mayor Stevenson mentioned some of the performers that would be here this year.

Councilmember Davis mentioned the free Sunday concerts.

PRESENTATIONS:

WEBER STATE UNIVERSITY – WEBER SPEAKS PROGRAM

Alex Lancaster, Assistant Professor of the Department of Communications at Weber State, thanked the City for being a participant in the Weber Speaks Program. He gave a background of the program. Mr. Lancaster introduced Collin Devino and Marissa Hinrichs, two students whose speeches were selected by their instructors to be presented this evening. He said the speeches were related to Layton City's plan regarding land development and some associated projects.

Mr. Collin Devino presented his speech on student involvement in the community and the City reaching out to students to be more involved in their community, and planning for the future. He mentioned programs in South Ogden and Roy where students became involved in volunteer programs.

Mayor Stevenson asked Mr. Devino if he had looked at the Envision Layton Study.

Mr. Devino said yes; it was a very detailed program.

Mayor Stevenson said it was a little disappointing that there were not more students involved in the process.

Mr. Devino said it would be important to start a program with the University.

Councilmember Petro suggested that students could get involved with helping to raise funds for the Vietnam Wall project.

Ms. Marissa Hinrichs presented her speech on east Layton land development and issues with the landslide area. She mentioned additional development in the area.

Mayor Stevenson asked Ms. Hinrichs if in her research she found anything disturbing.

Ms. Hinrichs said she understood that land couldn't be cut more than 10 feet; the property she referenced was being cut 40 feet.

Mayor Stevenson asked Ms. Hinrichs if she had talked with any Staff during her research process.

Ms. Hinrichs indicated that she had not.

Mayor Stevenson suggested that Ms. Hinrichs reach out to Staff for information; things changed and regulations had tightened up. He said no one wanted to see these types of land use issues.

Mayor Stevenson thanked the students for their presentations.

UTAH RECREATION AND PARKS ASSOCIATION (URPA) – 2016 PROFESSIONAL AWARD AND ACHIEVEMENT

David Price, Parks and Recreation Director, introduced Dan Harrison, Past President of the URPA. He indicated that Mr. Harrison was here to recognize some Recreation Department Staff for outstanding achievements in their field.

Mr. Dan Harrison introduced his organization. He said the URPA made sure professionals in the Parks and Recreation industry were well trained. Mr. Harrison recognized Chris Floyd for graduating from their leadership academy. He indicated that training paid dividends to cities. Mr. Harrison mentioned that Michelle Howard and Ben Frye were recently accepted into the academy, and Michelle was recently voted to the URPA Board of Directors; Layton had a lot of talented employees.

Mr. Harrison said there were over 1,000 members in URPA and they represented 78 agencies. He recognized Dave Thomas for receiving the Outstanding Professional-Recreation Award for 2016. Mr. Harrison said Dave had a great sense of humor and did a wonderful job for the City. He said this was a very prestigious award.

Mayor Stevenson said Dave was very humble about things that had been accomplished at the City. He said Dave ran the amphitheater without any complaints; he had a great ability to work with people; and he was a great friend and wonderful asset for the City.

Dave said usually when someone received an award as prestigious as this the Council gave them a raise. He said Layton was a great place to work.

Councilmember Brown said the people that had been spoken about tonight were great people. She mentioned some of the things they were involved with and services they provided to the citizens of Layton.

Mr. Harrison said all of these people were A+ employees.

CITIZEN COMMENTS:

Chris Anderson, 898 North 2550 West, indicated that he had moved to Layton 40 years ago; his was the first home in the LaDonna Mesa Subdivision. Mr. Anderson mentioned the major roads in the City and how they had become very congested and dangerous over the years. Mr. Anderson indicated that he was a bus driver for the Davis School District and was very concerned with children's safety getting on and off the bus. He indicated that drivers were more distracted and were running school bus stop lights.

Mr. Anderson gave the Council a list of all the times in the last few months where motorists were ignoring his stop signs. He indicated that 54 cars had run the red lights on his bus since January. Mr. Anderson said there were over 300 buses in the District; this would be thousands of incidents. He said there were four violators today alone on Gordon Avenue.

Mr. Anderson indicated that he had spoken with the Police Department, and he understood that officers couldn't be everywhere. Mr. Anderson asked that there be more police presence in the hot spots and that the City help to educate people about the dangers of running school bus stop signs. He suggested putting something in the City's newsletter. Mr. Anderson thanked the Mayor and Council for their time.

Mayor Stevenson asked Mr. Anderson where his biggest concern was.

Mr. Anderson indicated that it was at 3500 West and Gordon Avenue. He said cars were coming from the west heading east.

Mayor Stevenson asked Mr. Anderson for suggestions; this was a very wide road.

Mr. Anderson said it was frustrating to see it continually happen; people were always in a hurry, especially in the morning.

Mayor Stevenson asked if there were a lot of cars stopping.

Mr. Anderson said yes; most people were very good.

Mayor Stevenson said this information would be passed on to law enforcement. Staff would see what could be done.

Councilmember Freitag said 3500 West and Gordon Avenue was a midblock stop; was that the safest place to stop the bus.

Mr. Anderson said the stops came from the route coordinator; that was where the majority of the kids were located. He said he didn't want kids walking a longer distance down that busy road.

Councilmember Brown said the City published a quarterly newsletter; Staff could schedule to have an article in the newsletter. She said the Police Department had a Facebook page and could post something about this.

Councilmember Davis thanked Mr. Anderson for the data. He said 86% of the incidents were happening in the morning; was that because of traffic.

Mr. Anderson said yes; this was morning rush hour with everyone trying to access the freeway.

CONSENT AGENDA:

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

David Price said Resolution 16-28 authorized the execution of an agreement with Big T Recreation for the Ellison Park playground replacement project. He said this would replace the existing playground at Ellison Park. David said this would provide a wonderful play environment for children and would be very safe. He said the City received two bids with Big T receiving the highest score after evaluation of the proposals. David said \$119,627 would come from the general fund and \$41,200 would come from RAMP tax funds to cover the cost of the project. He said Staff recommended approval.

Mayor Stevenson said the play area also allowed for more handicapped access.

David said that was correct; the trend was to allow those in wheelchairs to access many of the features from the ground.

Councilmember Petro mentioned a park in St. George that the Council visited during the ULCT Conference that allowed all children to interact.

2016 REVISED DEVELOPMENT GUIDELINES & DESIGN STANDARDS – RESOLUTION 16-27

Terry Coburn, Public Works Director, said Resolution 16-27 would adopt the 2016 Revised Development Guidelines and Design Standards for the City. He said the Engineering Division currently maintained a set of guidelines and standards for the purpose of informing developers of the guidelines and standards and to assist them in meeting those standards. Some of these guidelines and standards require updates or revisions. Terry said Section 19.01.240 of the Layton Municipal Code allowed for the City Engineer to draft, approve, adopt, interpret and amend the guidelines from time to time as determined necessary. He said the City Engineer and Staff had re-written the current guidelines; none of the changes were of a major magnitude. He said Staff recommended approval.

Councilmember Freitag said whenever the International Fire Code was changed, usually the State of Utah and municipalities adopted those and could make amendments. He asked if there were national standards for development standards.

Terry said these were based on standards set by the State and the City.

BID AWARD – STAKER & PARSON COMPANIES – 2016-2017 STREET MAINTENANCE – RESOLUTION 16-23

Terry Coburn said Resolution 16-23 authorized the execution of an agreement with Staker & Parson Companies for the 2016-2017 street maintenance project. The project included the installation of 13,000 tons of asphalt overlay material; 112,000 square yards of roto-milling; adjustment of manhole box and valve covers; raising to grade existing covers that were covered with asphalt; and other associated work items. Terry said the project would improve the condition, safety, and life of various roads throughout the City. He said six bids were received with Staker & Parson Companies submitting the lowest responsive, responsible bid in the amount of \$1,039,319.25; the engineer's estimate was \$1,100,000. Terry said Staff recommended approval.

Councilmember Freitag asked how many miles of road this covered.

Terry said 20 to 30 miles. He said there were 280 to 300 miles of road in the City.

Mayor Stevenson mentioned the condition of Cherry Lane near Fairfield Road.

Terry said he would check to see if that was one of the areas on the repair list.

PAYBACK AGREEMENT EXTENSION REQUEST WITH ISLAND VIEW RIDGE DEVELOPMENT INC FOR STORM SEWER IMPROVEMENTS – APPROXIMATELY 3700 WEST GENTILE STREET – RESOLUTION 16-20

Terry Coburn said Resolution 16-20 was an extension of the Island View Ridge storm sewer improvement payback agreement. The payback area was located at approximately 3700 West Gentile Street. Prior to development of the Island View Ridge Subdivision, Island View Ridge Development constructed and installed storm sewer improvements that also benefitted adjacent properties. On November 2, 2006, Layton City entered into a 10-year payback agreement with the developer by Resolution 06-71, which proportioned obligations relating to costs for the construction of the improvements between the developer, the City, and other development that may benefit from the construction and dedication of the improvements. Terry said that agreement would expire on November 2, 2016. City payback agreement standards allowed for the extension of payback agreements under certain circumstances out of the control of the developer, such as a complete downturn in the market. Due to such circumstances, the developer had petitioned for an extension of the payback agreement. The extension request was for a five year extension of the payback agreement to November 2, 2021. Terry said Staff recommended approval.

FINAL PAYBACK AGREEMENT EXTENSION REQUEST WITH EDWARD AND L. DALE GREEN – WHISPERING WILLOWS AND WILLOW COVE ESTATES SUBDIVISION FOR STORM SEWER IMPROVEMENTS – APPROXIMATELY 575 SOUTH FLINT STREET – RESOLUTION 16-25

Terry Coburn said Resolution 16-25 was an extension of the Whispering Willows and Willow Cove Estates storm sewer improvements payback agreement. The payback area was located at approximately 575 South Flint Street. Prior to developing the Whispering Willows and Willow Cove Estates Subdivisions, Edward Green and L. Dale Green constructed and installed storm sewer improvements, which also benefitted adjacent properties. On July 15, 1999, Layton City entered into a 10-year payback agreement with the developer, which proportioned obligations relating to costs for the construction of the improvements between the developer, the City, and other development that may benefit from the construction and dedication of the improvements. This agreement expired on July 15, 2009, and was extended to July 15, 2011. It was extended a second time to July 15, 2016. This final extension request was for a two year extension of the payback agreement to July 15, 2018. Terry said Staff recommended approval.

PIPELINE AGREEMENT WITH JORDAN VALLEY WATER CONSERVANCY DISTRICT FOR CONSTRUCTION OF STORM DRAIN FACILITIES – SOUTHEASTERLY FROM 2200 WEST TO GORDON AVENUE ADJACENT TO THE DENVER AND RIO GRANDE WESTERN RAIL CORRIDOR – RESOLUTION 16-22

Terry Coburn said Resolution 16-22 was a pipeline agreement with Jordan Valley Water Conservancy District for construction of storm drain facilities located southeasterly from 2200 West to Gordon Avenue, adjacent to the D&RG rail corridor. He said the City desired to install a storm drain pipeline, associated storm drain system equipment, and facilities, on property owned by Jordan Valley. In order to install said pipeline it was necessary for the City to acquire a non-exclusive perpetual pipeline easement and a temporary easement. The City had determined the value of the proposed easement to be \$74,590 and agreed to pay Jordan Valley this amount. The terms and conditions contained in the pipeline agreement had been agreed upon by both parties. Terry said Staff recommended approval.

Councilmember Petro asked if this was located on the east side of the trail.

Terry said he thought that it would be on the west side of the trail.

Councilmember Day said it was on the east side of the trail.

Councilmember Petro said the City should let the adjacent property owners know that there would be activity in that area.

MEMORANDUM OF UNDERSTANDING WITH DAVIS SCHOOL DISTRICT – APPROXIMATELY 1100 SOUTH WESTSIDE DRIVE – RESOLUTION 16-26

Bill Wright, Community and Economic Development Director, said Resolution 16-26 concerned a Memorandum of Understanding (MOU) with the Davis School District relative to the annexation of property for a new junior high school in the City. He said the following public hearing would deal with that annexation.

Bill said the MOU outlined the responsibilities of the School District and the City relating to utilities; some additional traffic studies that would be done by the School District to help determine the best traffic pattern for pickup and drop off locations, and circulation patterns; and a provision where the School District and the City would agree to enter into negotiations for a separate agreement concerning the construction of a joint use gymnasium in conjunction with construction of the new junior high school. He said this partnership had been very successful in the past. Bill said Staff recommended approval.

Councilmember Petro said in light of the ongoing study of water, should the City be identifying who would be servicing secondary water to this property.

Bill said it was identified as Kays Creek Irrigation.

Gary Crane, City Attorney, said Kays Creek Irrigation was the secondary water company that was able to service the property; unless another pipe was brought to the area.

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

PUBLIC HEARINGS:

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

Bill Wright said Ordinance 16-16 provide for the annexation of Davis School District property located at approximately 1100 South Westside Drive. He identified the property on a map. Bill said the annexation area contained 24.34 acres of property zoned agriculture; schools were allowed in the agriculture zone.

Bill said construction was expected to begin in the fall of 2017 with an expected date to open in the fall of 2019. He said Staff recommended approval of the annexation based on consistency with the City's Annexation Plan.

Mayor Stevenson opened the meeting for public input.

Braun Bennett, 1695 West 1100 South, said he was a homeowner across the street from the property. He asked what the traffic plans were for this area and what the impacts would be. Mr. Bennett said they had a private road across the street and they were concerned with impacts to their street.

Bill Wright said part of the agreement required a traffic study. He said the study would look at all of the traffic patterns, and there may be some additional road connections required. He said Staff anticipated the widening of Westside Drive and Weaver Lane. Bill said the study would also determine the best access point to the property. He said the usual recommendation was to align with existing roads. He said Staff didn't have that information at this time but they would let Mr. Bennett know when it was available.

Bryan Turner, Davis School District, said they were just getting started on this project. He said it would begin with preliminary layout of the building; they wanted everything to be as safe as possible. Mr. Turner said after the site design was completed they would begin a traffic study, which would probably be in 5 or 6 months.

MOTION: Councilmember Freitag moved to close the public hearing and approve the Davis School District annexation as presented, Ordinance 16-16. Councilmember Davis seconded the motion, which passed unanimously.

AMENDED FINAL PLAT – GREYHAWK TOWNHOMES SOUTH PRUD – 3100 NORTH 1700 EAST

Bill Wright said this was an amended final plat for the Greyhawk Townhomes South PRUD submitted by the developer, Ed Green. He said the development was getting close to completion and the request was to reduce a three-plex townhome building to a two-plex townhome building to create more open space area between building structures. Bill said this would be the final building constructed in the development. He said the reduction of the single unit did not conflict with density or other PRUD ordinance requirements. Bill said the Planning Commission recommended approval and Staff supported that recommendation.

Mayor Stevenson opened the meeting for public input.

Tara Voch, 1859 East Whitetail Way, expressed concerns with not have enough time to research when these buildings were approved. She said several homeowners didn't remember these buildings being on the original plat. Ms. Voch said the homeowners were concerned that other adjustments had been made to the plat that they were not aware of. She expressed concerns with parking in the area. Ms. Voch asked the Council to hold off on this decision until the homeowners in the area had time to review the proposal.

Bill said this was the first time the plat had been amended; no other changes had been made from the original plat. He said the three-unit building was on the original plat; this would reduce that building to two units and provide a little more open space.

Mayor Stevenson said if this was originally platted as three units, cutting it back to two would be better for the neighborhood.

MOTION: Councilmember Freitag moved to close the public hearing and approve the amended final plat for Greyhawk Townhomes South PRUD. Councilmember Davis seconded the motion, which passed unanimously.

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 on March 3, 2016, the Council opened a public hearing for a rezone request for this property. He identified the property on a map. The request was to rezone the property to R-1-6 PRUD. Bill said the Council received many comments about the proposed rezone and at the March 3rd meeting the Council moved to table the rezone, and requested and instructed the applicant to meet with members of the neighborhood, and indicated that some of the units should be single family detached units; the original plan had a number of attached units.

Bill said the applicant had brought forward a new plan that had all single family detached units under the PRUD zone, which would allow for common open space. Homeowners would purchase the footprint of the homes and the landscape areas would be common area; driveways were limited open space. He indicated that there would be fencing and landscaping along Fairfield Road similar to the development to the south, and Fairfield Road would be widened with sidewalk, curb and gutter along the subject property. Bill said the streets would be public streets and connect into stub streets to the north and south. He said 4 units would

access from a private drive. The layout would be similar to subdivisions to the north and south. Bill said this plan addressed issues raised by residents and the Council, and it was consistent with the General Plan. He said Staff recommended approval. Bill indicated from this point forward there would be a subdivision review process that would outline the specifics of the subdivision.

Councilmember Day asked how utilities were being accommodated for property east of this property, near the pond.

Bill said there was a provision for utilities to come along the Muddy Lane alignment.

Mayor Stevenson opened the meeting for public input.

Jerry Preston, Developer, said since the last meeting he had met with a citizens committee many times; this concept would work for all concerned. He said it had been a great opportunity to work with the citizens.

Kim DeMoux, 202 Indian Springs Drive, thanked the Mayor and Council for allowing this process to take place. She said they met as a community on March 8th and elected 6 representatives to meet with Mr. Preston. Ms. DeMoux said Mr. Preston was amazing. She said they met on March 17th to review the previous plans; they met again on April 7th with this new plan. Ms. DeMoux said the neighborhood was thrilled and looked forward to having the two existing neighborhoods connected. She expressed concerns that this new plan would be the plan going forward and that changes couldn't be made. Ms. DeMoux said they appreciated everyone involved.

Peter Morgan, Salt Lake City, indicated that he owned property immediately to the east. Mr. Morgan said, for clarification, there was a permanent easement granted to the City for utilities that ran along the Muddy Lane alignment all the way to Maple Lane.

Gary Crane, City Attorney, said it was an easement to the City for utilities, but not for a street. He said currently there was a right of way granted to the property owner for access to his property.

Mr. Morgan asked who the prior owner was of Muddy Lane; what was the legal status of Muddy Lane previously. It appeared that this new development encompassed Muddy Lane.

Gary said he didn't know who the previous owner of Muddy Lane had been.

Someone in the audience indicated that it was a shared farm access by the Morgans and the Wiggills.

Gary said before the final plat was approved for this development, a title report would be required showing whether or not they had a right to that parcel.

Mr. Morgan said irrigation water coming off of his property to the east had historically crossed Muddy Lane and the agricultural user on the west had continued to use that water to irrigate their pasture. He said he would trust that the development would include some drainage arrangements if that water continued to flow west of his property; he was concerned with the water going into a homeowner's basement.

Gary said as he recalled, there were a number of improvements put in with the previous subdivision approval along the other side of Muddy Lane. The same type of arrangement would have to take place with this development. The storm drainage would have to be detained.

Councilmember Freitag said this was the way it was supposed to work. He thanked the citizens and developer for making this work for everyone.

MOTION: Councilmember Freitag moved to close the public hearing and approve the rezone request for the Wiggill Estates PRUD as presented, Ordinance 16-12. Councilmember Petro seconded the motion, which passed unanimously.

Mayor Stevenson expressed appreciation to everyone. He said the City tried to bring people together; the Council and Staff tried to make the City a better place.

CLOSED DOOR:

MOTION: Councilmember Freitag moved to close the meeting at 7:35 p.m. to discuss the character, and professional competence of an individual. Councilmember Davis seconded the motion, which passed unanimously.

MOTION: Councilmember Freitag moved to open the meeting at 10:30 p.m. Councilmember Brown seconded the motion, which passed unanimously.

The meeting adjourned at 10:30 p.m.

Thieda Wellman, City Recorder

SWORN STATEMENT

The undersigned hereby swears and affirms, pursuant to Section 52-4-205(1) of the Utah Code Annotated, that the sole purpose for the closed meeting of the Layton City Council on the **21st day of April, 2016**, was to discuss the character and professional competence of an individual.

Dated this 19th day of May, 2016.

ATTEST:

ROBERT J STEVENSON, Mayor

THIEDA WELLMAN, City Recorder