

**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 May 1, 2014.**

AGENDA ITEMS:

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

- A. Minutes of Layton City Council Budget Work Meeting - March 27, 2014
- B. Minutes of Layton City Council Work Meeting - April 3, 2014
- C. Minutes of Layton City Council Meeting - April 3, 2014
- D. Minutes of Layton City Council Work Meeting - April 17, 2014

2. MUNICIPAL EVENT ANNOUNCEMENTS:

3. CITIZEN COMMENTS:

4. VERBAL PETITIONS AND PRESENTATIONS:

- A. Recognition of Layton Citizen Corps Council Volunteers Earning the 2013 President's Volunteer Service Awards
- B. Recognition of Community Emergency Response Team (CERT) Graduates

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. Adopt Tentative Budget for Fiscal Year 2014-2015 - Resolution 14-20
- B. Employment and Housing Discrimination - Resolution 14-26
- C. Conveyance of the Layton Train Station and Attendant Property From Layton City to the Redevelopment Agency of Layton City - Resolution 14-25
- D. Bid Award - Geneva Rock Products Inc.- Project 14-51 - 2014 Chip Seal - Resolution 14-22 - Various Locations throughout the City
- E. Betterment Agreement between Layton City and Utah Department of Transportation for the US-89 Antelope Drive Intersection Improvements - Project S-0089(340)402 - Resolution 14-23
- F. Betterment Agreement between Layton City and Utah Department of Transportation for the SR-108 Antelope Intersection Modification Construction - Project S-0108(31)0 - Resolution 14-24

6. PUBLIC HEARINGS:

7. PLANNING COMMISSION RECOMMENDATIONS:

8. NEW BUSINESS:

9. UNFINISHED BUSINESS:

10. SPECIAL REPORTS:

ADJOURN:

Notice is hereby given that:

- A Redevelopment Agency (RDA) Meeting and a Work Meeting will be held at 5:30 p.m. to discuss miscellaneous items.
- 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

D R A F T

**MINUTES OF LAYTON CITY
COUNCIL BUDGET WORK MEETING**

MARCH 27, 2014; 5:32 P.M.

MAYOR AND COUNCILMEMBERS

PRESENT:

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

STAFF PRESENT:

**ALEX JENSEN, GARY CRANE, JAMES (WOODY)
WOODRUFF, TRACY PROBERT AND THIEDA
WELLMAN**

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

Mayor Stevenson opened the meeting and thanked James (Woody) Woodruff, City Engineer, for the great job he did last evening at the FEMA meeting.

Woody said updated models of the flood plain maps would be done in two weeks. He said there would be a meeting on the 9th to present the information to the Council and public.

Mayor Stevenson turned the time over to Staff.

BUDGET DISCUSSION

Tracy Probert, Finance Director, gave a brief sales tax update. He said sales tax revenue for January was up \$18,000 from the previous year and up \$46,912 from what was budgeted. Tracy said sales tax revenue for the year was up about \$380,000.

Tracy said at the last meeting a question had been raised about how B and C Road funds were calculated. He indicated that the funds were distributed by the State to the City based on population and lane miles. Tracy said Layton City received about \$1,600 per lane mile and the County received \$7,200 per lane mile.

Alex Jensen, City Manager, said the distribution was way out of whack between what the County and the City received. He said the urban cities were not receiving a fair share of the funds.

Councilmember Brown asked what the County did with their money.

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Alex said they bought really nice equipment.

Tracy provided information about the Ellison Park bond that was raised at the last meeting. He said the balance on the bond debt was \$3,690,000.

Mayor Stevenson asked what the long term plans were when the property was purchased.

Alex said there was not a specific plan. He said when the property became available the idea was to have extra ground to eventually expand Ellison Park to meet the City's growing needs.

Mayor Stevenson asked if someone wanted to buy that property, could the City sell it or would there be issues because of impact fees used to pay for the property.

Tracy said it could impact that; impact fees had been used to pay the debt.

Alex said the money could be paid back to the impact fee fund and used for other park projects.

Tracy reviewed enterprise fund project information.

Alex said most of the projects in the street lighting fund were associated with UDOT projects, with the exception of the extension of Layton Parkway.

Woody explained some of the projects in the street lighting fund.

Councilmember Freitag arrived at 5:56 p.m.

Tracy reviewed projects in the water fund and indicated that many of these projects were also included in the street lighting fund and street fund because new waterlines were installed with street projects.

Woody explained that Weber Basin Water would be paying for the Fernwood booster station replacement because of the impacts to their lines. He gave detailed information about some of the other proposed projects in the water fund.

Tracy presented information on projects in the sewer fund and storm sewer fund.

D R A F T

Councilmember Brown asked if the North Davis Sewer District was done with the Gordon Avenue project; would there be similar problems with the Antelope Drive project.

Woody said the Gordon Avenue project was not finished yet; there had been some delays. He said the Sewer District had coordinated their Antelope Drive project with the UDOT project and there shouldn't be any problems.

Councilmember Francis arrived at 6:09 p.m.

Tracy indicated that in the pool fund there was a lobby remodel project proposed and in the EMS fund there was an ambulance remount proposed.

Tracy reviewed revenue and expenditure information for the capital projects fund.

Tracy reviewed operations information for the general fund.

Council and Staff discussed the pros and cons of a fuel management system proposed by Maverik.

Alex said a lot of operation costs were driven by technology. He said service agreements were always going up, which was a huge impact to operational costs.

Tracy reviewed non-departmental information.

Councilmember Freitag said at the caucus meeting, he received several questions from residents; where was the City at with UTOPIA; what could the City do to get a Costco; and what was the status of Winco. He said he received a lot of negative comments about the thru-u-turns proposed as part of the Hill Field interchange project. Councilmember Freitag said he received several comments about the street lighting fee and people wanted to know what was happening with the West Layton Village property and the Adams property.

Mayor Stevenson said Winco was coming along fairly good and the information on Costco was that they were still 2 to 3 years away. He said he was in a meeting in St. George last week and the City should know something about the interchange in the next 30 days, but he felt that it was very positive. Mayor Stevenson said there had been some discussion about development in west Layton.

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Tracy reviewed revenue and expenditure information in the debt service fund.

Alex said the Council had asked earlier about the peg channel fee from Comcast. He said Comcast indicated that they had approximately 7,500 subscribers in Layton, which would generate about \$9,000 a year that could be put toward programming.

Councilmember Day said there had been a question about other providers assessing that fee as well.

Gary Crane, City Attorney, said anyone that received a tax on telecommunication services could collect it.

Alex said the City would be asking only Comcast to impose the fee. He said in order to implement the fee they would need a formal request from the City, and it would take about 60 days to implement. Alex said they would do quarterly distributions to the City.

Mayor Stevenson asked Alex what his opinion was of imposing the fee.

Alex said it could be an important piece of a broader marketing effort or strategy. He said the City wouldn't want to rely totally on a peg channel to try and disseminate information, but it could provide some very good opportunities.

Councilmember Francis said a group of residents impacted by the new flood plain maps came unglued at him at a recent soccer game. He said they thought the City was behind the changes to the maps. Councilmember Francis said it reinforced to him that the City had to get the City's messages out more quickly.

Councilmember Brown asked if Comcast could determine how many people would view the channel. If only 2% of the 7,500 Comcast subscribers watched the channel that wasn't reaching very many people.

Mayor Stevenson said that was true, but if the City sent newsletters to every household in the City probably only 40% would even look at it. He said you needed a number of different advertising sources and hopefully with many different sources people would get the information.

Council and Staff discussed the importance of using different advertising tools.

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MISCELLANEOUS:

UTOPIA UPDATE

The Council and Staff discussed the Macquarie proposal and the advantages to the City. They discussed ways to get the message to the residents and different marketing strategies.

The meeting adjourned at 8:25 p.m.

Thieda Wellman, City Recorder

D R A F T

MINUTES OF LAYTON CITY COUNCIL WORK MEETING

APRIL 3, 2014; 5:34 P.M.

MAYOR AND COUNCILMEMBERS

PRESENT:

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

STAFF PRESENT:

**ALEX JENSEN, GARY CRANE, KAREN ARROYO,
BILL WRIGHT, PETER MATSON, STEVE
JACKSON 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:

PRESENTATION – VICTIM SERVICES

Karen Arroyo, Victims Advocate, presented information to the Mayor and Council about her background and the Victim Services program. She said the program was primarily funded by the Federal VOCA grant. Karen said last year the City received \$44,687.37 in grant funding and this year they applied for \$49,156.

Karen said the grant required that she present program information to the governing body once each year. She explained the services they provided to citizens. She said in the 2012-2013 year, 1,193 victims were provided service. Karen said most of the services had to do with domestic violence and stalking injunctions. Karen introduced Vicki, an individual helped by the program.

Vicki explained her situation and how the program was able to help her get out of an abusive relationship.

Councilmember Freitag arrived at 5:43 p.m.

Mayor Stevenson said obviously Vicki's situation ended in a good way. He asked Karen if there were examples of situations that didn't end so well.

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Karen said they often saw the same people over and over again. People often went back into violent situations.

Mayor Stevenson asked why people continued to go back to bad situations.

Karen said often it was because of financial ties or emotional ties. She said very often they came from abusive families and this level of dysfunction was normal.

Mayor Stevenson asked Vicki if she saw things differently now.

Vicki said yes, but it took her 12 years to get out. She said she grew up in an abusive home as well.

Karen said abusers were very good at manipulating situations. Most often outsiders didn't realize they were abusive.

Alex Jensen, City Manager, said victims of crimes were also helped through the court system by the Victims Advocate. He said Karen was wonderful in working with victims to understand the system. Alex said the program was a huge benefit to the City.

Gary Crane, City Attorney, said the City would need an additional full time attorney if it wasn't for Karen. He said Karen helped guide victims through the process. Gary said the legal process took a lot of time and it took time to get the victims through the entire process.

Mayor Stevenson asked if they did anything to help the offenders.

Karen said the VOCA grant did not allow them to assist the offender while helping the victim. She said they would refer the offender to another agency. Karen explained the follow-up process.

Councilmember Petro asked if they kept track of various statistics.

Karen said yes; the vast majority of abuse involved some type of substance abuse.

Vicki explained how Karen kept her informed throughout the two-year legal process.

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Councilmember Francis asked how they dealt with the children.

Karen said very often the victims stayed with the abuser to protect the children. She said there were domestic violence classes for children. Karen said Davis Behavioral Health and Safe Harbor provided classes for children.

Vicki said her children completed eight weeks of classes at Safe Harbor.

The Mayor and Council expressed their appreciation to Karen.

Mayor Stevenson thanked Vicki and wished her well.

PRESENTATION – HILL AIR FORCE BASE ANNUAL ENVIRONMENTAL RESTORATION PROGRAM UPDATE

Jared Case with Hill Air Force Base introduced Jerry Everett and recognized him for serving on the Restoration Advisory Board (RAB).

Mr. Everett expressed his appreciation.

Dr. B Hall gave a brief overview of the Base restoration program. She said the Air Force was responsible for restoration of any contamination of ground water in Layton. She displayed a map and identified the contamination plumb. She reviewed statistical information that was included in the Council packet.

Mayor Stevenson asked if they could be doing more with more funding.

Dr. Hall said they couldn't make the plumb of contaminants go away faster. She said if they had more money they could certainly use it.

Mayor Stevenson asked if this was a common problem on bases.

Dr. Hall said yes; particularly where there were maintenance units that had used solvents in the past.

Councilmember Petro asked how often they did sampling.

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Dr. Hall said some wells were sampled 4 times a year and some were sampled once every few years.

Councilmember Francis asked about the impacts to people.

Dr. Hall said there was a cancer component attributed to the contaminants.

Councilmember Francis asked when they assumed it would be gone.

Dr. Hall said they thought the plumb would be contained to the Base boundary in 20 to 30 years.

Alex said he understood that the concentrations were way below what was considered hazardous.

Dr. Hall said that was correct, and it was important to understand that the contamination was in the shallow aquifer. The City's drinking water came from a much deeper aquifer. She said they were able to identify the bottom of the plumbs and they were limited to shallow ground water.

Alex said it was commendable that even though there was not a significant risk, the Base had been very aggressive in dealing with the issues.

Jared Case reviewed information about the air sampling program. He said they had been sampling air in homes for over 10 years. Mr. Case said vapor removal systems were installed in at least 50 homes in Layton. Mr. Case said this was an important part of the process because this was how people could come into contact with the contaminants. He explained some of the health risks of the contaminants. Mr. Case explained how the vapor removal systems worked. He said Arizona State University purchased one of the homes in the contamination area to monitor and study the data.

Mayor Stevenson said the Council could tour the Arizona State house. He expressed appreciation to the Base personnel for their presentation

STUDY REGARDING MULTI-FAMILY RESIDENTIAL DEVELOPMENT WITHIN THE CITY **- RESOLUTION 14-07**

Gary Crane said when the Mayor came into office, he indicated that he wanted to examine multi-family housing in the City. He said there were a couple of different ways of doing that. Gary said there was a land use moratorium that was regulated by State law that allowed a 6 month period of time to come up

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with another ordinance, which would make whatever changes the Council wanted to make to existing land use laws. Gary said that would essentially affect anything that was currently in place, and that had not vested. He said that would include a zone change, an apartment complex application for conditional use, or a subdivision.

Gary said the other method of doing that, which was not so drastic, came about as a result of a case called *Western Land Equities*. He said this was a legal case where the court defined when a person vested and what they vested in. Gary said vesting meant what they had a right to as a result of the zoning ordinance. He said in this case the court determined that if a city had begun the process of changing its ordinance, or studied the possibility of changing its ordinance, when it came to a decision on a zone change, principally that would be the thing that would be stopped. Gary said it would be stopped for an interim period of time. He said if a person was not vested, even if the General Plan indicated that an area was an appropriate area for multi-family housing, if a resolution like this was in place, the person would not be able to receive a rezone until such time as the City finished studying the issue. Gary said Resolution 14-07 would do that; it allowed the Planning Staff, Planning Commission and Council to look at the various issues and determine what changes to the General Plan they wanted to make. He said any application for a zone change would be held up for that period of time, even if it was consistent with the General Plan.

Councilmember Brown said this would only apply to multi-family zoning.

Gary said that was correct. He said Staff expressly excluded the MU-TOD zone because that was recently studied. He said the MU-TOD zone was focused on one area of the City and was recently put into place.

Councilmember Brown said last year there was a situation where the zone was already in place. She asked if this would have stopped them from developing that property.

Gary said no; they were already vested in the zone.

Councilmember Brown asked if there was a time limit on this.

Gary said no, but it needed to be reasonable. He said the City had to continue to move forward.

Councilmember Francis asked how multi-family was defined.

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Gary said it was what was included in the current Code. He said he thought that it was a 4-plex or above.

Councilmember Brown asked if it would include twin homes.

Gary said it would not include twin homes or townhouses, unless they were more than 4 in number. He said the intent was not to exclude small projects; the intent was to address large multi-family projects.

Peter Matson, City Planner, said multi-family was defined as a building containing three or more dwelling units.

Mayor Stevenson said there were not a lot of areas in the City left that could accommodate large projects.

Alex asked if the Mayor or Council needed additional information or data in this effort.

Councilmember Day said he would like to know the percentages of different types of housing, including lot sizes.

Councilmember Petro asked if this included trailer parks.

Peter said no; they were a separate zone. He said trailer parks were similar to a PRUD with a homeowners association and they were typically eight units to the acre.

Councilmember Francis asked if the City had reached out to the development community; would this be a big shock to them.

Mayor Stevenson said he thought that most developers were aware of it; he didn't think there would be a problem. He said the Home Builders Association could send out the information in their newsletter.

Alex said Staff could put something together to give to developers.

Peter said the application that was submitted to the Wasatch Front Regional Council for their local Planning Resource Assistance Program was based on a lot of the information that was presented in previous strategic planning meetings. He said the funding would be used for consulting assistance in build-out scenarios. Peter said there was a public outreach process where the bulk of the funds would be

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spent. He said the City should know about the funding by April 9th. Peter said the City requested \$40,000 for consultant assistance and the City would contribute \$20,000. Peter said it would be a solid opportunity to address this issue, but do it in the framework of understanding if the percentages of certain housing types were adjusted or left the same, how that would impact the economic stability of the City, the cost of infrastructure, or what the impact on parks and open space would be.

Mayor Stevenson asked if this resolution would affect the senior housing project on Adamswood Road.

Bill said no; that was already vested.

Councilmember Brown asked about any future senior housing that came in.

Peter said unless it was in the MU-TOD zone, it would require a multi-family zoning designation.

Councilmember Brown asked about assisted living or nursing homes.

Peter said those typically fell under the B-RP zone and would not be affected. He said it would depend on where the property was located.

MISCELLANEOUS:

Alex said the follow-up FEMA meeting the City was going to host was scheduled and advertised for April 9th, but the Mayor and Council would be attending the ULCT conference that day. He said Staff could still make the presentation to the public or the date could be changed if the Council wanted.

Councilmember Francis said he would like to be a part of the meeting; he would like the date changed.

Mayor Stevenson asked how many cards with the April 9th date went out to residents.

Alex said in excess of 300.

Mayor Stevenson said it might be best if the Council was there to show support to the citizens.

Alex said the Community Development Department had made an application to the Eccles Foundation for assistance on the train station.

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Bill said the application appeared positive. He said the City requested \$100,000.

The meeting adjourned at 6:57 p.m.

Thieda Wellman

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**MINUTES OF LAYTON CITY
COUNCIL MEETING**

APRIL 3, 2014; 7:00 P.M.

**MAYOR AND COUNCILMEMBERS
PRESENT:**

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

STAFF PRESENT:

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

MINUTES:

MOTION: Councilmember Francis moved and Councilmember Brown seconded to approve the minutes of:

**Layton City Council Work Meeting – March 6, 2014;
Layton City Council Work Meeting – March 20, 2014; and
Layton City Council Meeting – March 20, 2014.**

The vote was unanimous to approve the minutes as written.

MUNICIPAL EVENT ANNOUNCEMENTS:

Councilmember Brown said on April 18th the Family Recreation Program would sponsor Flap Jack Friday and Bingo. She said this was a free event that would be held at Central Davis Jr. High. Participants could play bingo for prizes and eat flap jacks.

Councilmember Brown said UDOT would be involved in the South Davis Improvement Project on I-15. She said the project included 10.5 miles and would include express lanes in both directions. Councilmember

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Brown said the project would run through the summer of 2015.

Mayor Stevenson said it was nice to see UDOT doing work in this area.

Mayor Stevenson said on April 14th UTA would begin bus service into Hill Air Force Base.

Councilmember Petro asked if the pickup point would be the Frontrunner Station.

Mayor Stevenson said the main pickup point would be the Frontrunner Station in Clearfield.

PRESENTATIONS:

PROCLAMATION – NATIONAL FAIR HOUSING MONTH

Mayor Stevenson read a proclamation proclaiming the month of April as National Fair Housing month.

CONSENT AGENDA:

BID AWARD – TWIN D ENVIRONMENTAL SERVICES, INC. – 2013 CLEANING AND TELEVISIONING OF STORM DRAIN SYSTEM LINES – RESOLUTION 14-12

Terry Coburn, Public Works Director, said Resolution 14-12 authorized the execution of an agreement with Twin D Environmental Services for the 2013 Cleaning and Televisioning of Storm Drain System Lines Project. Terry said the project included the televising and cleaning of an estimated 50,000 lineal feet of storm drain lines varying in size from 12 to 48 inches. He said the project would extend the life and improve the performance of the City's storm drain system, enabling Staff to evaluate where repairs were needed. Terry said three bids were received, with Twin D Environmental Services submitting the lowest responsive, responsible bid of \$64,199.80; the engineers estimate was \$60,000. He said Staff recommended approval.

Mayor Stevenson asked if the City would ever look at relining the pipes similar to what the Sewer District was doing.

Terry said that it was a possibility.

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BID AWARD – GREAT BASIN DEVELOPMENT & CONSTRUCTION, INC. – 2013 STORM DRAIN SMALL REPAIRS – RESOLUTION 14-13

Terry Coburn said Resolution 14-13 authorized the execution of an agreement with Great Basin Development & Construction for the 2013 Storm Drain Small Repairs Project. Terry said the project included replacement of approximately 700 lineal feet of 15 inch to 24 inch storm drain pipe and other associated work items in five separate locations throughout the City. He said the project would improve storm drainage and provide minor roadway improvements for enhanced traffic safety and flow. Terry said six bids were received with Great Basin Development & Construction submitting the lowest responsive, responsible bid of \$145,467.50; the engineer's estimate was \$175,000. He said Staff recommended approval.

ON-PREMISE RESTAURANT LIQUOR LICENSE – TASTE OF INDIA – 1664 NORTH WOODLAND PARK DRIVE, SUITE 401

Bill Wright, Community Development Director, said this was an on-premise restaurant liquor license request for Taste of India, located at 1664 North Woodland Park Drive. Bill said the location met all buffer requirements and background checks had been approved by the Police Department. He said Staff recommended approval.

OFF-PREMISE BEER RETAILER LICENSE – LAYTON II, LLC/HOSPITALITY INVESTORS III, LLC DBA HAMPTON INN – 1700 NORTH WOODLAND PARK DRIVE

Bill Wright said this was an off-premise beer retailer license for the Hampton Inn located at 1700 North Woodland Park Drive. Bill said this was an off-premise license request because they placed beer in containers in the lobby of the hotel for sell and the beer was taken from the lobby and consumed. He said the location met all buffer requirements and background checks had been approved by the Police Department. Bill said Staff recommended approval.

Mayor Stevenson asked if other hotels were selling beer in a similar manner.

Bill said most of them did.

Councilmember Brown said they usually saw off-premise licenses at a convenience store; could the beer be consumed in a hotel room.

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Bill said yes; it would operate very similarly to a convenience store.

FINAL PLAT APPROVAL – GARN SUBDIVISION – 11 SOUTH BOYNTON ROAD

Bill Wright said this was final plat approval for the Garn Subdivision located at 11 South Boynton Road. He said the request was for a 1 lot subdivision to accommodate a single family home. Bill said the property contained 2.3 acres and had 300 feet of frontage on Boynton road. He said property would be dedicated for a public road. Bill gave a brief history of the property. He said the Planning Commission recommended approval and Staff supported that recommendation.

Councilmember Petro asked if this was located where the pavement ended on Boynton Road.

Bill said yes. He said the eight acres of park property was located to the west of this property.

Councilmember Brown asked about the property to the east being landlocked.

Bill explained opportunities to access the property. He said the property was owned by Mr. Garn as well.

REAPPOINTMENTS TO THE BOARD OF ADJUSTMENT – LANCE D. SHIELDS, DAVID ELIASON AND MICHAEL J. OSTERMILLER – RESOLUTION 14-15

Bill Wright said this was reappointment of members to the Board of Adjustment. He said it had become necessary to reappoint some existing members to the Board of Adjustment that had served on the Board in the past. Bill said an application for review had been filed and it was important to take care of this action this evening. He said the members the Mayor was recommending were Lance Shields and David Eliason as full members, and Michael Ostermiller would be appointed from an alternate to a full member. Bill said Staff recommended support of the Mayor's recommendations.

Councilmember Brown said this Board didn't meet very often.

Bill said they hadn't met for over 2 years, which was a positive statement about the City's zoning Code. He said most development complied with the standards of the Code. It was important to be able to review appropriate cases for variances under the Code.

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Mayor Stevenson asked Bill to explain the background the City looked for in the members.

Bill explained that it was good to have a range from the community, both in their professional backgrounds and geographically. He said it was good to have members with land use or legal backgrounds, because much of what the Board did was very much constrained to the law that was stated in State Code and City Code. Bill said Mr. Ostermiller had a background in both land use development and law, and was a very good candidate to have. He said Mr. Ostermiller did not live within the boundaries of the City, but there was not a residency requirement. Bill said there was a lot of support for Mr. Ostermiller because he often operated within the City in his professional business.

Mayor Stevenson asked Bill to explain what some cities were doing in moving away from a Board of Adjustment.

Bill said there had been a change in State Code allowing a provision for a community to move to an administrative law judge. He said it would be a single person instead of a board. Bill said it had some good applicability in the City's situation because the City was not getting very many cases filed. He said because of the infrequency of cases that option was appealing; had the current case not been filed the City would probably be moving in that direction. Bill said information about changing the City's process would be brought to the Council for consideration in the near future.

Councilmember Brown asked how many members were on the Board.

Bill said five.

Councilmember Brown said she assumed members of the Board would have to recuse themselves if they were involved in something that was before the Board.

Bill said that was correct.

STUDY REGARDING MULTI-FAMILY RESIDENTIAL DEVELOPMENT WITHIN THE CITY – RESOLUTION 14-07

Gary Crane, City Attorney, said the Mayor and Council had committed to look at the multi-family housing situation in the City. He said there had been a lot of growth in that area and it was a concern to the Council, Planning Commission and Planning Staff. Gary said Resolution 14-07 provided the initiation of a process

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that would allow the City to look at and gather information for the Planning Commission and Council to consider relative to the location of multi-family areas, and to be able to do that without the urgency of feeling that people would come in to apply for zone changes under the current General Plan.

Gary said from tonight until the time the Council made a final decision, any new application to change a zone to multi-family would be held up until the process was completed. He said anyone that was already vested in the multi-family zone could move forward with the review of their plan. Gary said Staff recommended approval.

Councilmember Francis said the General Plan advised updating every five years; would this include looking at everything in the General Plan or just multi-family zoning.

Bill said the grant that the Council was briefed on earlier would study more than just multi-family housing. He said it was focused on housing in the General Plan. Bill said there was a Transportation General Plan review that was already underway, but that was a separate process.

Councilmember Francis said the Council expressed an interest in mitigating business activity on the Layton Parkway. He asked if that issue could be tackled at the same time.

Bill said absolutely.

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

The meeting adjourned at 7:30 p.m.

Thieda Wellman, City Recorder

D R A F T

MINUTES OF LAYTON CITY COUNCIL WORK MEETING

APRIL 17, 2014; 5:30 P.M.

MAYOR AND COUNCILMEMBERS

PRESENT:

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

STAFF PRESENT:

**ALEX JENSEN, GARY CRANE, BILL WRIGHT,
PETER MATSON, KENT ANDERSEN 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 Alex Jensen, City Manager.

AGENDA:

PRESENTATION – LAYTON COMMUNITY ACTION COUNCIL

Val Stratford representing the Layton Community Action Council (LCAC) presented budget information to the Council relative to the LCAC. He explained some of the programs sponsored by the LCAC. Mr. Stratford reviewed information about the LCAC Board. He said the LCAC would take back responsibility of the Neighborhood Watch Program. Mr. Stratford said they had about 150 volunteers that worked in the various programs that donated over 8,000 volunteer hours a year to the youth and community.

Mr. Stratford said they received \$25,000 in funding from the City last year and an additional \$8,000 from the CDBG fund. He said they would be asking for an increase to \$33,000 from the City this year.

Councilmember Day said the Youth Council and Youth Court did a wonderful job.

Mayor Stevenson said the \$33,000 that was being requested was included in the budget this year.

Councilmember Freitag arrived at 5:38 p.m.

Mr. Stratford thanked the City for their continued support.

D R A F T

Councilmember Brown suggested that the youth involved in the various programs participate in supporting the programs in some monetary way, such as helping purchase uniforms.

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) APPLICATIONS FOR FUNDING FOR FISCAL YEAR 2014-2015

Kent Andersen, Economic Development Specialist, said as part of the budgeting process for the CDBG grant he wanted to present information to the Council about where the funding for public services would be allocated. He said the grant amount was \$307,476 for 2014-2015; the public service portion was capped at 15% or \$46,100. Kent indicated that \$80,000 would go toward the Davis School District home program; \$50,000 would be used in the historic downtown area for rehabilitation loans; \$30,074 would be used for infrastructure in the downtown area; and \$40,000 would be used for the homebuyer assistance program.

Councilmember Brown asked if the \$80,000 used for the School District home would be paid back to the City when the home sold.

Kent said the house would be sold for what the School District had in the home. He said the City put a silent second note on the property to keep the homeowner from immediately selling the home. Kent said after 5 years 10% was credited against that amount each year for 10 years; after the homeowner was in the home for 15 years the silent note was considered paid back and the silent second note was removed from the home.

Council and Staff discussed the lot on the northwest corner of Layton Parkway and Angel Street.

Kent indicated that construction would begin this year on the Angel Street lot.

Councilmember Day asked about the historic downtown rehabilitation loan fund.

Kent said some of those funds had been used to expand UTOPIA lines along Main Street to provide access to the Kays Crossing development. He said it didn't necessarily need to go to one business, it could be used to help benefit the area as a whole.

Councilmember Petro asked about the infrastructure funds.

D R A F T

Kent said there was no specific activity planned for the funds. He said the City liked to have the funds available as needs arose. Kent said the funds could be used for things such as sidewalk repairs or if a new development was coming into the area that had large infrastructure costs. He said it allowed the City some flexibility to improve the downtown area. Kent said the City looked to raise the values and raise the opportunities for people with lower income in that area.

Council and Staff discussed the homebuyer assistance program.

Kent explained that eight homebuyers were assisted with the funds in \$5,000 allotments.

Councilmember Freitag asked how many people the \$80,000 to the Davis School District affected.

Kent said if you considered the students that were allowed to work on the homes in affected several.

Council and Staff discussed the program.

Kent said he had received 6 applications from public service entities for funding. He said last year the following received funding:

Family Connection Center - \$25,000

Safe Harbor - \$10,000

Layton Community Action Council - \$8,000

The Road Home - \$3,100

Kent indicated that new applicants this year came from Big Brothers Big Sisters for \$3,500 and Jesus Fields for \$4,000. He said money would have to be taken from existing allocations since the amount was capped at \$46,100.

Council discussed the allocations.

Discussion suggested that the funding should be the same as last year and not fund the new applications.

D R A F T

Councilmember Francis said he would like to see more detailed information about the Road Home, specifically how many Layton residents they assisted.

APPOINTMENTS TO THE PLANNING COMMISSION – C. BRETT NILSSON AND L.T. WEESE – RESOLUTION 14-17

Mayor Stevenson said the Planning Commission was being dropped back to seven regular members and two alternates. He said the interview process was held and he recommended Brett Nilsson and L.T. Weese as alternate members to the Planning Commission.

Council and Staff discussed the change from seven to nine members that took place in 2012 and the reason for the change back to seven regular members with two alternate members.

Councilmember Brown said the alternates would not automatically move to full members if there was an opening. She asked if having seven members made it easier to have a quorum.

Bill Wright, Community and Economic Development Director, said it didn't change that too much; a quorum went from five to four.

Councilmember Petro said those applicants that were not selected should be notified.

Mayor Stevenson said that would happen. He said another opening would be coming up this summer.

Alex said the City had done a comparison of what other cities were paying their Planning Commission members. He said the City was paying below the standard. Alex said the City had been paying \$25 per meeting; Staff would be proposing that that be increased to \$40 a meeting, and commissioners would have to be at the meeting to receive the pay.

Mayor Stevenson said the alternates were expected to be at the meetings as well.

Councilmember Freitag said he felt that the appointments should be voted on separately from the other consent agenda items in the regular meeting.

D R A F T

DEVELOPMENT AGREEMENT AND REZONE REQUEST – CHRISTENSEN ENERGY SAVERS – R-1-10 (SINGLE FAMILY RESIDENTIAL) TO M-1 (LIGHT MANUFACTURING INDUSTRIAL) – APPROXIMATELY 201 EAST 2150 NORTH – RESOLUTION 14-10 AND ORDINANCE 14-03

Bill Wright said this property was a landlocked parcel located just north of Antelope Drive and west of Fort Lane. He said the property to the west was developed as the Ridgeline Warehouse, and Got Storage was to the south. Bill said the applicant would like to join this property to the property that fronted onto 2150 North and develop the entire parcel. He said the property was also in the Accident Potential Zone (APZ) of Hill Air Force Base, which had limited use, and could not be developed as residential. Bill said the development agreement addressed restrictions on the property, architectural elements and landscaping issues, and it addressed development in the APZ zone. He said the Planning Commission recommended approval and Staff supported that recommendation.

Councilmember Freitag asked if there were any comments from residents at the Planning Commission meeting.

Peter Matson, City Planner, said there were no comments in the meeting but he spoke with a resident to the north. He said the resident wanted to make sure that there would be consistency with the rest of the property.

Councilmember Freitag said when Got Storage was developed, additional buffer requirements were added to the development agreement.

Bill said this would be similar; a landscape buffer was required, and slope of the building and architectural components of the structure were addressed in the development agreement.

Councilmember Brown asked about the development agreement addressing a buffer between this property and the residential homes to the east.

Bill said the homeowner directly to the east also owned this property. He said there would be buffer and fencing requirements adjacent to the residential areas.

D R A F T

Peter said between the M-1 zone and a residential zone at least a 20-foot buffer and a solid fence was required.

Council and Staff discussed other businesses in the area.

Councilmember Petro asked if it was typical for Hill Air Force Base to approve development in the APZ zone.

Alex said anything that was built in the APZ required their approved.

Peter explained the history of the APZ.

CLOSED DOOR:

MOTION: Councilmember Brown moved to close the meeting at 6:24 p.m. to discuss acquisition of real property. Councilmember Freitag seconded the motion, which passed unanimously.

MOTION: Councilmember Petro moved to open the meeting at 7:00 p.m. Councilmember Day seconded the motion, which passed unanimously.

The meeting adjourned at 7:00 p.m.

Thieda Wellman, City Recorder

D R A F T

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 **17th day of April, 2014**, was to discuss the acquisition of real property.

Dated this 1st day of May, 2014.

ATTEST:

ROBERT J STEVENSON, Mayor

THIEDA WELLMAN, City Recorder

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

Item Number: 4.A.

Subject:

Recognition of Layton Citizen Corps Council Volunteers Earning the 2013 President's Volunteer Service Awards

Background:

The President's Council on Service and Civic Participation created the President's Volunteer Service Award program as a way to thank and honor Americans who, by their demonstrated commitment and example, inspire others to engage in volunteer service.

Recognizing and honoring volunteers sets a standard for service to others. It encourages a sustained commitment to civic participation and inspires others to make volunteering a central part of their lives. The President's Volunteer Service Award recognizes individuals, families, and groups that have demonstrated outstanding volunteer service and civic participation over the course of a 12-month period.

Annual awards are as follows:

Bronze Level – 100 to 249 hours

Silver Level – 250 to 499 hours

Gold Level – 500 hours or more

Recipients receive:

- An official President's Volunteer Service Award lapel pin
- A personalized certificate of achievement
- A congratulatory letter from the President of the United States
- A letter from the President's Council on Service and Civic Participation

Alternatives:

N/A

Recommendation:

N/A

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

Item Number: 4.B.

Subject:

Recognition of Community Emergency Response Team (CERT) Graduates

Background:

The Layton Citizen Corps CERT Outreach program teaches CERT classes several times a year for citizens interested in learning basic skills regarding how to take care of themselves, their families, and their neighbors after a disaster situation. The course has been developed by FEMA, and is overseen locally by the Fire Department. It includes instruction on potential hazards, fire suppression, disaster first-aid, urban search and rescue, disaster psychology, terrorism and a mock disaster exercise to practice newly acquired skills. These students have completed all of the required training sessions, a mock disaster and a final exam.

Alternatives:

N/A

Recommendation:

N/A

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

Item Number: 5.A.

Subject:

Adopt Tentative Budget for Fiscal Year 2014-2015 - Resolution 14-20

Background:

Utah State Code Section 10-6-111 requires the Governing Body to adopt a tentative budget on or before the first regularly scheduled meeting in May.

The Governing Body must set a public hearing on the tentative budget and adopt a final budget on or before June 22, 2014. The tentative budget must be available for public inspection at least ten days before the public hearing and adoption of the final budget.

Staff has met with the Mayor and Council in several budget work meetings and has prepared the tentative budget document for adoption.

A copy of the tentative budget will be provided to the Council dropbox prior to the meeting.

Alternatives:

1) Adopt Resolution 14-20 approving the tentative budget and setting a public hearing for June 5, 2014; 2) Adopt Resolution 14-20 with changes to the tentative budget and/or the public hearing date; or 3) Remand to Staff with directions.

Recommendation:

Staff recommends the Council adopt Resolution 14-20 approving the tentative budget and setting a public hearing for June 5, 2014, at 7:00 p.m.

RESOLUTION 14-20

ADOPTING A TENTATIVE BUDGET FOR LAYTON CITY FOR THE FISCAL YEAR BEGINNING JULY 1, 2014, AND ENDING JUNE 30, 2015, AND SETTING A PUBLIC HEARING TO HEAR INTERESTED PERSONS PRIOR TO ADOPTING A FINAL BUDGET.

WHEREAS, according to Utah Code Section 10-6-111, a tentative budget should be adopted at the first City Council meeting in May, and be made available for public inspection at least ten days prior to a public hearing on the budget; and

WHEREAS, a public hearing must be held in order to hear all interested persons on the matter and must be prior to adopting a final budget.

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

SECTION I. That the City Council of Layton City, Davis County, State of Utah, does hereby approve and adopt a tentative budget for the fiscal year beginning July 1, 2014, and ending June 30, 2015, in form and amounts set forth in the written budget document attached hereto and made a part of this resolution as though set forth in full herein.

SECTION II. That a public hearing is hereby set for Thursday, June 5, 2014, at 7:00 p.m. to hear all interested persons on the matter of the budget and adoption of a final budget.

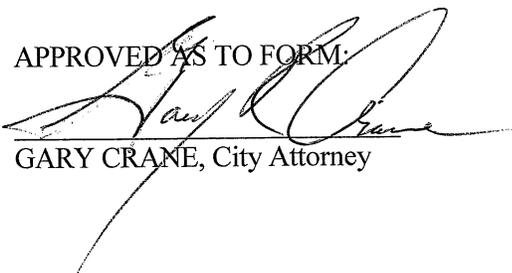
PASSED AND ADOPTED by the City Council of Layton, Utah, this **1st day of May, 2014.**

ROBERT J STEVENSON, Mayor

ATTEST:

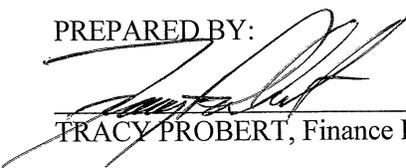
THIEDA WELLMAN, City Recorder

APPROVED AS TO FORM:



GARY CRANE, City Attorney

PREPARED BY:



TRACY PROBERT, Finance Director

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

Item Number: 5.B.

Subject:

Employment and Housing Discrimination - Resolution 14-26

Background:

The Utah Antidiscrimination Act, Utah Code Sections 34A-5-101 et seq., addresses employment discrimination on the basis of race; color; sex; pregnancy, childbirth, or pregnancy-related conditions; religion; national origin; age (if the person is 40 years of age or older); and disability, but does not address discrimination on the basis of sexual orientation. The Utah Fair Housing Act, Utah Code Sections 57-21-1 et seq., addresses housing-related discrimination on the basis of race; color; religion; sex; disability; familial status; source of income or national origin, but does not address discrimination on the basis of sexual orientation. The City supports and encourages the efforts of the Utah State Legislature in the development and passage of a uniform standard that would prohibit all types of discrimination in employment and housing, while at the same time protecting the constitutional rights of all its citizens. The City has determined that discriminatory housing and employment practices are detrimental to the health, safety, and welfare of the City because it deprives individuals of the ability to fully contribute to, and participate in the cultural, social, and commercial life of the community, which is essential to the growth and vitality of the City's neighborhoods and businesses. The City desires to, in the strongest terms possible, declare that any type of discrimination in housing or employment, that would take away a person's ability to contribute to and participate in the activities identified above, based upon their race, color, sex, pregnancy, childbirth, or pregnancy-related condition, religion, national origin, age (if the person is 40 years of age or older), disability, or sexual orientation, are opposed by the City. The City feels that the constitutional rights provided to all persons under the State and Federal Constitution, need to be balanced, observed and exhibited in considering appropriate prohibitions.

Alternatives:

Alternatives are to 1) Adopt Resolution 14-26 setting forth the City's opposition to any type of discrimination in employment and housing and encouraging the State Legislature to develop a uniform standard applicable to all types of unconstitutional discrimination; 2) Adopt Resolution 14-26 with any amendments the Council deems appropriate; or 3) Not adopt Resolution 14-26 and remand to Staff with directions.

Recommendation:

Staff recommends the Council adopt Resolution 14-26 setting forth the City's opposition to any type of discrimination in employment and housing and encouraging the State Legislature to develop a uniform standard applicable to all types of unconstitutional discrimination.

RESOLUTION 14-26

A RESOLUTION SETTING FORTH THE CITY'S OPPOSITION TO ANY TYPE OF DISCRIMINATION IN EMPLOYMENT AND HOUSING AND ENCOURAGING THE STATE LEGISLATURE TO DEVELOP A UNIFORM STANDARD APPLICABLE TO ALL TYPES OF UNCONSTITUTIONAL DISCRIMINATION.

WHEREAS, the Utah Antidiscrimination Act, Utah Code §§ 34A-5-101 et seq., addresses employment discrimination on the basis of race; color; sex; pregnancy, childbirth, or pregnancy-related conditions; religion; national origin; age (if the person is 40 years of age or older); and disability, but does not address discrimination on the basis of sexual orientation; and

WHEREAS, the Utah Fair Housing Act, Utah Code §§ 57-21-1 et seq., addresses housing-related discrimination on the basis of race; color; religion; sex; disability; familial status; source of income or national origin, but does not address discrimination on the basis of sexual orientation;

WHEREAS, the City supports and encourages the efforts of the Utah State Legislature in the development and passage of a uniform standard that would prohibit all types of discrimination in employment and housing, while at the same time protecting the constitutional rights of all its citizens; and

WHEREAS, the City has determined that discriminatory housing and employment practices are detrimental to the health, safety, and welfare of the City because it deprives individuals of the ability to fully contribute to, and participate in the cultural, social, and commercial life of the community, which is essential to the growth and vitality of the City's neighborhoods and businesses; and

WHEREAS, the City deems it to be in the best interest of its citizens to, in the strongest terms possible, declare that any type of discrimination in housing or employment, that would take away a person's ability to contribute to and participate in the activities identified above, based upon their race, color, sex, pregnancy, childbirth, or pregnancy-related condition, religion, national origin, age (if the person is 40 years of age or older), disability, or sexual orientation, are opposed by the City; and

WHEREAS, the constitutional rights provided to all persons under the State and Federal constitution, need to be balanced, observed and exhibited in considering appropriate prohibitions.

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

1. That Layton City lends its strong support to the efforts of the Utah State Legislature in developing and passing a uniform standard that would prohibit all types of discrimination in employment and housing, including, but not limited to discrimination on the basis of race; color; religion; sex; disability; familial status; source of income, national origin or sexual orientation, while at the same time protecting the constitutional rights of all of its citizens.

2. That the City strongly condemns any practice that would discriminate against any person or persons in housing and employment on the basis of any of the above regardless of whether such discrimination is expressly prohibited by law.

3. That Layton City strongly encourages its citizens and local businesses to refrain from discrimination in housing and employment decisions on the basis of any of the above.

4. That the City strongly supports State Legislative efforts to balance through appropriate legislation, the rights of all its citizens under both the State and Federal Constitution.

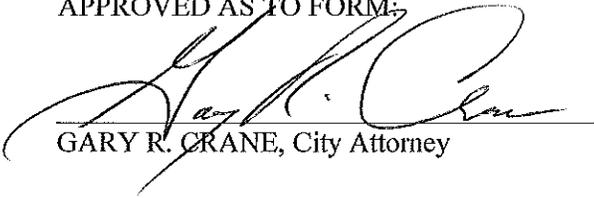
PASSED AND ADOPTED by the City Council of Layton, Utah, this **1st day of May, 2014.**

ROBERT J STEVENSON, Mayor

ATTEST:

THIEDA WELLMAN, City Recorder

APPROVED AS TO FORM:



GARY R. CRANE, City Attorney

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

Item Number: 5.C.

Subject:

Conveyance of the Layton Train Station and Attendant Property From Layton City to the Redevelopment Agency of Layton City - Resolution 14-25

Background:

The Utah Department of Transportation (UDOT) agreed to transfer the Layton Train Station and its property to the Redevelopment Agency of Layton City (RDA) in 2013. However, UDOT erroneously deeded the property to Layton City Corporation and recorded the deed. The RDA is presently working with Layton Station LLC to rehabilitate and revitalize the historic Train Station and its property, but at this time the RDA cannot transfer the property to Layton Station LLC because the RDA does not hold any interest in the property.

Alternatives:

Alternatives are to 1) Adopt Resolution 14-25 approving the conveyance and Quit-Claim Deed of the Layton Train Station and its property to the RDA; or 2) Not adopt Resolution 14-25 and remand to Staff with directions.

Recommendation:

Staff recommends the Council adopt Resolution 14-25 approving the conveyance and Quit-Claim Deed of the Layton Train Station and its property to the RDA.

RESOLUTION 14-25

**A RESOLUTION CONVEYING THE LAYTON TRAIN STATION AND ITS
PROPERTY TO THE REDEVELOPMENT AGENCY OF LAYTON CITY**

WHEREAS, the Redevelopment Agency of Layton City entered into a cooperative agreement with Utah Department of Transportation (UDOT) on April 24, 2013, whereunder UDOT was to convey the Layton Train Station and its property to the Redevelopment Agency of Layton City (RDA); and

WHEREAS, UDOT incorrectly conveyed the Layton Train Station and its property to Layton City Corporation and recorded the Quit-Claim Deed, making Layton City the record owner of the property; and

WHEREAS, the City Council determines it to be in the best interest of the City to convey the Train Station and its property to the RDA, to accomplish the original intent of the conveyance of the property from UDOT to the RDA.

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

1. That Layton City hereby grants to the Redevelopment Agency of Layton City, by Quit-Claim Deed, the property described as the Layton Train Station property, including the structures and improvements thereon.
2. That the Mayor is hereby authorized to execute that Quit-Claim Deed.

PASSED AND ADOPTED by the City Council of Layton, Utah, this **1st day of May, 2014**.

ROBERT J STEVENSON, Mayor

ATTEST:

THIEDA WELLMAN, City Recorder

APPROVED AS TO FORM:



F20 GARY R. CRANE, City Attorney

Mail filed copy to:

Redevelopment Agency of Layton City
437 North Wasatch Drive
Layton, Utah 84041

QUIT-CLAIM DEED

LAYTON CITY CORPORATION, by its duly appointed City Council, GRANTOR, of 437 North Wasatch Drive, Layton, County of Davis, State of Utah, hereby **QUIT-CLAIMS** to the **REDEVELOPMENT AGENCY OF LAYTON CITY**, GRANTEE, of 437 North Wasatch Drive, Layton, County of Davis, State of Utah, the following described tract of land in Davis County, State of Utah:

Any interest in the following described property:

A tract of land located in the NW1/4NW1/4, SW1/4NW1/4 and the SE1/4NW1/4 of Section 28, T. 4 N., R. 1 W., SLB&M, the boundary lines of said tract of land are further described as follows:

Beginning at the northeast corner of said tract which is 638.29 ft. S. 89°20'50" E. along the section line to the westerly right of way line of the original Utah Central Railroad, which is now the westerly right of way line of State Highway 126, and 1,246.07 ft. S. 25°12'24" E. along said westerly right of way line from the Northwest corner of said Section 28 and running thence N. 89°31'25" W. 50.16 ft.; thence S. 65°52'51" W. 47.69 ft.; thence S. 12°40'57" W. 3.68 ft.; thence S. 40°29'23" E. 168.62 ft.; thence N. 49°29'03" E. 10.25 ft.; thence S. 40°30'57" E. 37.12 ft.; thence S. 49°30'51" W. 17.24 ft. to the easterly right of way line of the Oregon Short Line Railroad; thence Southeasterly 270.06 ft. along the arc of a curve to the right with a radius of 6495.80 feet, the chord bears S. 38°11'12" E. 270.04 ft. along said easterly right of way line, being the westerly line of said tract; thence N. 25°06'29" E. 1.72 ft. to said westerly right of way line; thence along said westerly right of way line the following three (3) courses: 1) N. 34°27'02" W. 147.53 ft.; 2) N. 63°51'15" E. 10.00 ft.; 3) N. 25°19'52" W. 296.85 ft. to the point of beginning. The above described tract of land contains 17,700 square feet or .0406 acre.

The above-described parcel is subject to any and all easements, rights of way, interests, and restrictions appearing of record or enforceable in law and equity, including but not limited to the following:

A perpetual access easement owned by Utah Department of Transportation for the maintenance of the retaining wall and roadway facilities, the boundary lines of said easement further described as follows:

APPROVED AS TO FORM

BY

 4/23/2014

Beginning at the northeast corner of said tract of land which is 638.29 ft. S. 89°20'50" E. along the section line to the westerly right of way line of the original Utah Central Railroad, which is now the westerly right of way line of State Highway 126, and 1246.07 ft. S. 25°12'24" E. along said westerly right of way line from the Northwest corner of said Section 28 and running thence N. 89°31'25" W. 11.75 ft.; thence S. 31°23'28" E. 100.24 ft.; thence N. 25°19'52" W. 94.54 ft. to the point of beginning. The above described easement contains 500 square feet in area or 0.011 acre.

PARCEL NO.: 11-061-0203

Signs billboards, outdoor advertising structures, or advertising of any kind as defined in Title 23 United States Code, Section 131, shall not be erected, displayed, placed, or maintained upon or within this tract, EXCEPT signs to advertise the sale, hire, or lease of this tract or the principal activities conducted on this land.

Utah Department of Transportation has the right to use the abutting state property for highway purposes, even if such uses interfere with air, light, view, and visibility over and across the abutting state property. The Grantee is hereby advised that due to present or future construction on the adjacent highway including but not limited to excavation, embankment, structures, poles, signs, walls, fences, and all other activities related to highway construction or which may be permitted within the Highway Right of Way that air, light, view, and visibility may be restricted or obstructed on the above property.

Junkyards, as defined in Title 23 United States Code, Section 136, shall not be established or maintained on the above described tracts of land.

WITNESS the hand of said Grantor(s), this _____ day of May, 2014.

GRANTOR

ROBERT J STEVENSON, Mayor

STATE OF UTAH)
 : ss.
COUNTY OF DAVIS)

On the _____ day of May, 2014, personally appeared before me ROBERT J STEVENSON, who duly acknowledged to me that he is the MAYOR of LAYTON CITY, and that the document was signed by him in behalf of said corporation, and ROBERT J STEVENSON acknowledged to me that said corporation executed the same.

NOTARY PUBLIC

ATTEST:

THIEDA WELLMAN, City Recorder

ACCEPTANCE

The Quit-Claim Deed signed by ROBERT J STEVENSON, Mayor, dated the _____ day of May, 2014, has been accepted by the Redevelopment Agency of Layton City on the _____ day of May, 2014.

ROBERT J STEVENSON, Board Chair

STATE OF UTAH)
 : ss.
COUNTY OF DAVIS)

On the _____ day of May, 2014, personally appeared before me ROBERT J STEVENSON, who duly acknowledged to me that he is the Board Chair of the Redevelopment Agency of Layton City, and that the document was signed by him in behalf of said agency, and ROBERT J STEVENSON acknowledged to me that said Redevelopment Agency of Layton City executed the same.

NOTARY PUBLIC

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

Item Number: 5.D.

Subject:

Bid Award - Geneva Rock Products Inc. - Project 14-51 - 2014 Chip Seal - Resolution 14-22 - Various Locations throughout City

Background:

Resolution 14-22 authorizes the execution of an agreement between Layton City and Geneva Rock Products Inc. for the 2014 Chip Seal, Project 14-51. This project includes the installation of 85,000± square yards of chip seal and associated work items. This project will help extend the life of recently constructed roads. The project will begin July 1, 2014.

Five bids were received, with Geneva Rock Products Inc. submitting the lowest responsive, responsible bid in the amount of \$145,350. The engineer's estimate was \$175,000.

Alternatives:

Alternatives are to 1) Adopt Resolution 14-22 awarding the bid to Geneva Rock Products Inc. for the 2014 Chip Seal, Project 14-51; 2) Adopt Resolution 14-22 with any amendments the Council deems appropriate; or 3) Reject all bids and remand to Staff with directions.

Recommendation:

Staff recommends the Council adopt Resolution 14-22 awarding the bid to Geneva Rock Products Inc. for the 2014 Chip Seal, Project 14-51 and authorize the City Manager to execute the agreement between Layton City and Geneva Rock Products Inc.

RESOLUTION 14-22

**AUTHORIZING AN AGREEMENT WITH GENEVA ROCK PRODUCTS, INC.
FOR THE 2014 CHIP SEAL, PROJECT 14-51**

WHEREAS, Layton City has elected to conduct street improvements to be known as the 2014 Chip Seal, Project 14-51; and

WHEREAS, the City received bids for the construction of the referenced project on April 22, 2014, with the results of these bids attached hereto for the Council's review; and

WHEREAS, City Staff has reviewed and evaluated each response to the Advertisement for Bids and has found it to be in the best interest of the City and citizens of Layton City to conditionally select Geneva Rock Products, Inc. as the contractor for the 2014 Chip Seal, Project 14-51.

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

1. Geneva Rock Products, Inc. (hereafter referred to as Geneva) is conditionally selected as the lowest responsive and responsible bidder with whom the City Manager should conduct negotiations for the 2014 Chip Seal, Project 14-51.

2. The City Manager is directed to conduct negotiations for an agreement (herein the "Agreement") with Geneva for the 2014 Chip Seal, Project 14-51. The terms of the Agreement shall address the terms and conditions of the Advertisement for Bids as well as the price and other responses to the Advertisement for Bids contained in the proposal submitted by Geneva that are consistent with the intent of the Advertisement for Bids. The Agreement shall include such other provisions as are deemed necessary to accomplish the purposes of the City in entering an Agreement for the 2014 Chip Seal, Project 14-51.

3. At such time as the Agreement is in a form acceptable to the City Manager and City Attorney and after Geneva has properly executed said Agreement, the City Manager is authorized to execute the Agreement on behalf of the City. Execution of the Agreement by Geneva shall constitute Geneva's offer for the 2014 Chip Seal, Project 14-51, pursuant to the terms and conditions of the Agreement. Execution of the Agreement by the City Manager shall constitute the City's acceptance of Geneva's offer and the formal award of the contract to Geneva Rock Products, Inc. for the 2014 Chip Seal, Project 14-51, pursuant to the terms and conditions of the Agreement.

PASSED AND ADOPTED by the City Council of Layton, Utah, this 1st day of May, 2014.

ATTEST:

THIEDA WELLMAN, City Recorder

ROBERT J STEVENSON, Mayor

APPROVED AS TO FORM:

SUBMITTING DEPARTMENT:



GARY CRANE, City Attorney



TERRY COBURN, Public Works Director

LAYTON CITY CORPORATION
THE 2014 CHIP SEAL, Project 14-51

Bid Opening: July 7, 2011

Eng. Estimate \$175,000

| DESCRIPTION | QTY | Unit | 1 | | 2 | |
|---|--------|------|---------------------------------------|---------------------|---------------------------------------|---------------------|
| | | | Geneva Rock Products Inc. (\$) Per | TOTAL (\$) | Intermountain Slurry Seal (\$) Per | TOTAL (\$) |
| 1 Place Chip Seal (with graded aggregate and bituminous seal coat) Chips to be provided by Layton Ctiy. | 85,000 | SY | 1.71 | 145,350.00 | 1.831 | 155,635.00 |
| TOTAL: | | | | \$145,350.00 | | \$155,635.00 |

| DESCRIPTION | QTY | Unit | 3 | | 4 | | 5 | |
|---|--------|------|--------------------------------------|---------------------|-------------------------------------|---------------------|--------------------------------------|---------------------|
| | | | Consolidated Paving Inc. (\$) Per | TOTAL (\$) | Staker Parson Companies (\$) Per | TOTAL (\$) | Advanced Paving & Const. (\$) Per | TOTAL (\$) |
| 1 Place Chip Seal (with graded aggregate and bituminous seal coat) Chips to be provided by Layton Ctiy. | 85,000 | SY | 1.87 | 158,950.00 | 1.93 | 164,050.00 | 2.08 | 176,800.00 |
| TOTAL: | | | | \$158,950.00 | | \$164,050.00 | | \$176,800.00 |

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

Item Number: 5.E.

Subject:

Betterment Agreement Between Layton City and Utah Department of Transportation for the US-89 Antelope Drive Intersection Improvements - Project S-0089(340)402 - Resolution 14-23

Background:

Resolution 14-23 authorizes the execution of an agreement between Layton City and Utah Department of Transportation for a Betterment Agreement for the project noted above. This agreement sets out the provisions under which work for the US-89 Antelope Drive Intersection Improvements will be performed.

Subject to the attached provisions, UDOT will provide the following betterment work items: Addition of a hammerhead turnaround at the end of Sky View Drive, additional lighting beyond UDOT's minimum, a waterline and sewer line addition, and all associated work items listed. Total reimbursement to UDOT by Layton City for these betterment items is estimated to be \$234,754.

Alternatives:

Alternatives are to 1) Adopt Resolution 14-23 authorizing the execution of the agreement between Layton City and Utah Department of Transportation for a Betterment Agreement for the US-89 Antelope Drive Intersection Improvements, 2) Adopt Resolution 14-23 with any amendments the Council deems appropriate; or 3) Not adopt Resolution 14-23 and remand to Staff with directions.

Recommendation:

Staff recommends the Council adopt Resolution 14-23, authorizing the execution of the agreement between Layton City and the Utah Department of Transportation for a Betterment Agreement for the US-89 Antelope Drive Intersection Improvements and authorize the City Manager to execute the agreement.

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

Item Number: 5.D.

Subject:

Betterment Agreement Between Layton City and Utah Department of Transportation for the US-89 Antelope Drive Intersection Improvements - Project S-0089(340)402 - Resolution 14-23

Background:

Resolution 14-23 authorizes the execution of an agreement between Layton City and Utah Department of Transportation for a Betterment Agreement for the project noted above. This agreement sets out the provisions under which work for the US-89 Antelope Drive Intersection Improvements will be performed.

Subject to the attached provisions, UDOT will provide the following betterment work items: Addition of a hammerhead turnaround at the end of Sky View Drive, additional lighting beyond UDOT's minimum, a waterline and sewer line addition, and all associated work items listed. Total reimbursement to UDOT by Layton City for these betterment items is estimated to be \$234,754.

Alternatives:

Alternatives are to 1) Adopt Resolution 14-23 authorizing the execution of the agreement between Layton City and the Utah Department of Transportation for a Betterment Agreement for the US-89 Antelope Drive Intersection Improvements; 2) Adopt Resolution 14-23 with any amendments the Council deems appropriate; or 3) Not adopt Resolution 14-23 and remand to Staff with directions.

Recommendation:

Staff recommends the Council adopt Resolution 14-23, authorizing the execution of the agreement between Layton City and the Utah Department of Transportation for a Betterment Agreement for the US-89 Antelope Drive Intersection Improvements and authorize the City Manager to execute the agreement.

RESOLUTION 14-23

**ADOPTION OF A BETTERMENT AGREEMENT WITH THE STATE OF UTAH
DEPARTMENT OF TRANSPORTATION FOR THE US-89 ANTELOPE DRIVE
INTERSECTION IMPROVEMENTS**

WHEREAS, Layton City and Utah Department of Transportation (hereafter referred to as UDOT) desire to enter into a betterment agreement for the highway Project S-0089(340)402, US-89 Antelope Drive Intersection Improvements; and

WHEREAS, the Project will provide the City with betterments for a hammerhead turnaround, additional lighting, and an additional waterline and sewer line; and

WHEREAS, UDOT in conjunction with the project will advertise and administer construction of the work of these betterment agreements, and

WHEREAS, the costs shown in this agreement are estimates only and that the City will be responsible for paying the actual costs associated with these betterment items; and

WHEREAS, the City will at no cost to UDOT and the Project, provide on-call support to correct or clarify issues during construction and perform the necessary inspection for the work installed by the contractor; and

WHEREAS, the parties have agreed to the terms and conditions contained in the Agreement, which is attached hereto and incorporated herein by this reference; and

WHEREAS, it is deemed to be in the best interest of the citizens of Layton City to adopt and approve the Agreement.

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

1. The City Manager is directed to conduct negotiations with UDOT for the Betterment Agreement with Utah Department of Transportation (herein the "Agreement"). The terms of the Agreement shall address the terms and conditions that are consistent with the intent of the Agreement. The Agreement shall include such other provisions as are deemed necessary to accomplish the purposes of the City in entering the Agreement.

2. At such time as the Agreement is in a form acceptable to the City Manager and City Attorney, the City Manager is authorized to execute the Agreement on behalf of the City. Execution of the Agreement by UDOT shall constitute UDOT and the City for Services, pursuant to the terms and conditions of the Agreement. Execution of the Agreement by the City Manager shall constitute the City's acceptance of UDOT's Agreement, pursuant to the terms and conditions of the Agreement.

PASSED AND ADOPTED by the City Council of Layton, Utah, this **1st day of May, 2014.**

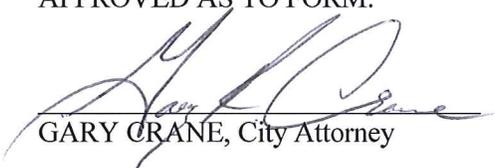
ATTEST:

THIEDA WELLMAN, City Recorder

ROBERT J STEVENSON, Mayor

APPROVED AS TO FORM:

SUBMITTING DEPARTMENT:



GARY CRANE, City Attorney



TERRY COBURN, Public Works Director



| | | |
|--|--|---|
| Betterment Agreement Local Agency Modification to Federal Aid Agreement No. N/A (If applicable) | Project Description: New Construction Local Agency: Layton City | Estimated Value of Betterment \$234,754.00 |
| | PIN Number 11777 FINET/CID Number FMIS Number | Project Number S-0089(340)402 Project Name US-89; Antelope Dr. Intersection Improvements |

THIS AGREEMENT, made and entered into the date shown below, by and between the **UTAH DEPARTMENT OF TRANSPORTATION**, hereinafter referred to as “**UDOT**”, and **Layton City** a political subdivision of the State of Utah, hereinafter referred to as the “**Local Agency**,”

Subject to the attached provisions, **UDOT** will include the following betterment work items into the above referenced Project. In conjunction with the Project, **UDOT** will advertise these items for bid and will administer construction of the work covered herein. Upon signing this agreement, the **Local Agency** agrees that the costs shown below are estimates only and that the **Local Agency** will be responsible for paying the actual costs associated with these betterment items, based on Contract Unit Bid Prices, and actual quantities placed.

Description of Work:

Work includes the addition of hammerhead turnaround at the end of Sky View Dr.; lighting beyond the UDOT minimum; and a waterline and sewer line added.

Betterment Items

| Bid Item No. | Description | Quantity | Estimated Unit Price | Estimated Price |
|--------------|---------------------------------------|----------|----------------------|-----------------|
| 020560005 | Borrow (Plan Quantity) | 668 | \$15.00 | \$10,020.00 |
| 023160020 | Roadway Excavation (Plan Quantity) | 17 | \$7.50 | \$127.50 |
| 027210020 | Untreated Base Course (Plan Quantity) | 102 | \$30.00 | \$3,060.00 |
| 027410050 | HMA - 1/2 inch | 81 | \$73.00 | \$5,913.00 |
| 027710025 | Concrete Curb and Gutter Type B1 | 267 | \$13.00 | \$3,471.00 |
| 027760030 | Concrete Flatwork 4 Inch Thick | 35 | \$2.50 | \$87.50 |
| 02231002P | Clearing and Grubbing (Plan Quantity) | 0.5 | \$8,000.00 | \$4,000.00 |
| Bid Item No. | Description | Quantity | Estimated Unit Price | Estimated Price |

| | | | | |
|---|---|-----|--------------|--------------|
| 02609001* | 14 inch - HDPE SDR-17 Pipe | 161 | \$110.00 | \$17,710.00 |
| 02633039P | Double Inlet 3-5 ft Deep - CB 8 | 1 | \$2,900.00 | \$2,900.00 |
| | Highway Lighting System | 1 | \$42,272.00 | \$42,272.00 |
| 02084003* | Water Line Replacement-Layton City | 1 | \$473,873.00 | \$473,873.00 |
| <i>Subtotal</i> | | | | \$563,434.00 |
| <i>9% Contingency</i> | | | | \$50,700.00 |
| Construction Engineering @ 6% | | | | \$33,800.00 |
| <i>Layton City Betterments Total</i> | | | | \$647,934.00 |
| UDOT Credits to Layton City | | | | |
| | Waterline Relocation | 1 | \$149,550.00 | \$149,550.00 |
| | Lighting (underground work for UDOT base design omitted - \$51,130) | 1 | \$138,641.00 | \$138,641.00 |
| | Landscaping (Turf Sod and Irrigation) | 1 | \$71,090.00 | \$71,090.00 |
| <i>Subtotal</i> | | | | \$359,281.00 |
| <i>9% Contingency</i> | | | | \$32,300.00 |
| Construction Engineering @ 6% | | | | \$21,600.00 |
| <i>UDOT Contribution Total</i> | | | | \$413,181.00 |
| Total Estimated Cost (Layton City Betterments less UDOT Contribution) | | | | \$234,754.00 |

Total Estimated Reimbursement to UDOT is \$234,754.00

The total estimated cost of the betterment work shall be advanced / deposited with **UDOT** prior to advertising or prior to the completion of the work, whichever is applicable. The **Local Agency** shall deposit said amount with **UDOT's** Comptroller's Office located at UDOT/COMPTRROLLER, 4501 South 2700 West, Box 141500, Salt Lake City 84119-1500

In the event the actual betterment costs are higher, the **Local Agency** shall pay the additional amount required within 30 days of receiving an invoice from **UDOT**. In the event the actual betterment costs are lower, UDOT will refund the balance of the amount deposited within 30 days of determining the final cost of the betterment work. Layton City shall provide receipts and invoices for lighting and landscaping up to the amount shown credited above.

Provisions

(Note: the language in these provisions shall not be changed without prior approval from the Utah AG's office)

UDOT has prepared plans, specifications and estimates of costs for the construction of the project, hereinafter referred to as the "Project."

The **Local Agency** desires to include the betterment work items described herein in the Project contract work.

UDOT is agreeable to include the **Local Agency's** requested betterment work in the Project contract providing that the **Local Agency** pay the actual additional costs incurred. The **Local Agency** agrees that UDOT's Project will not be delayed as a result of adding these betterments, and that no betterments will be added to the bid package until this agreement has been signed by both parties.

The **Local Agency**, at no cost to the Project, shall provide on-call support from **Local Agency's** Design Engineer or appropriate representative to correct or clarify issues during construction and to perform the necessary inspection for the **Local Agency** work installed by the contractor. The **Local Agency** engineer and/or inspector shall work with and through UDOT's Project Manager or Resident Engineer and shall give no orders directly to UDOT's Contractor unless authorized in writing to do so. It is agreed that UDOT's Contractor will accomplish the work covered herein on **Local Agency's** facilities in accordance with the plans and specifications provided by the **Local Agency**, including changes or additions to said plans and specifications which are approved by the parties hereto. The **Local Agency**, through their inspection of said work, will provide UDOT's Project Manager or Resident Engineer with information covering any problems or concerns the **Local Agency** may have with acceptance of said facilities upon completion of construction.

Any periodic plan and specification review or construction inspection performed by UDOT arising out of the performance of the project does not relieve the **Local Agency** of its duty in the performance of this project or to ensure compliance with acceptable standards.

Except in cases of emergency It is understood that access for maintenance and servicing of the **Local Agency** facilities located on State right of way will be by permit issued by UDOT to the **Local Agency**, and that the **Local Agency** will obtain said permit and abide by the conditions thereof for policing and other controls in the conformance with Utah Administrative Rules.

I. Indemnification:

UDOT and the **Local Agency** are both governmental entities subject to the Governmental Immunity Act. Each party agrees to indemnify, defend, and save harmless the other from and against all claims, suits and costs, including attorneys' fees for injury or damage of any kind, arising out of its negligent acts, errors or omissions of its officers, agents, contractors or employees in the performance of this agreement, and from and against all claims, suits, and costs, including attorneys' fees for injury or damage of any kind. Nothing in this paragraph is intended to create additional rights to third parties or to waive any of the provisions of the Governmental Immunity Act. The obligation to indemnify is limited to the dollar amounts set forth in the Governmental Immunity Act, provided said Act applies to the action or omission giving rise to the protections in this paragraph. The indemnification in this paragraph shall survive the expiration or termination of this Agreement.

II. Termination:

This agreement may be terminated as follows:

- a. By mutual agreement of the parties, in writing
- b. By either UDOT or the **Local Agency** for failure of the other party to fulfill their obligations as set forth in the provisions of this agreement. Reasonable allowances will be made for circumstances beyond the control of the parties. Written notice of intent to terminate is required and shall specify the reasons for termination.
- c. By UDOT for the convenience of the State upon written notice to the **Local Agency**.
- d. Upon satisfactory completion of the provisions of this agreement.

III. Maintenance:

The **Local Agency** agrees that, upon completion and final inspection of the Project construction, to accept, own and maintain the betterment work covered herein at no further cost to **UDOT**.

IV. Payment and Reimbursement to UDOT:

The **Local Agency** shall be responsible for all actual costs associated with these betterment items.

The **Local Agency** agrees that if it modifies or cancels this betterment agreement at any time after it has been signed, the **Local Agency** agrees to pay any cancellation penalties or costs incurred by **UDOT** as a result of the betterment work scope being modified or cancelled. In the event the **Local Agency** fails to reimburse **UDOT** for the costs included in this betterment agreement, funding for other **Local Agency** projects or B&C road funds may be withheld until the entire payment is made.

V. Change in Scope and Schedule:

The **Local Agency** recognizes that if their project scope or schedule changes from the original intent of this agreement, the **UDOT** Project Manager or Resident Engineer will be notified prior to changes being made. Any costs incurred by **UDOT** as a result of these scope or schedule changes will be the responsibility of the **Local Agency**.

In the event there are changes in the scope of the work, extra work, or changes in the planned work covered by this agreement, a modification to this agreement approved in writing by the parties hereto is required prior to the start of work on said changes or additions.

VI. Content Review:

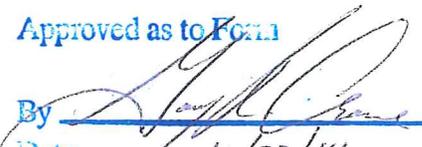
Language content was reviewed and approved by the Utah AG's office on July 19, 2012.

| Local Agency | | | | Utah Department of Transportation | | | |
|--|--|------|--|-----------------------------------|--|------|--|
| By | | Date | | By | | Date | |
| Title/Signature of Official | | | | Project Manager | | | |
| By | | Date | | By | | Date | |
| Title/Signature of additional official if required | | | | Program Manager | | | |
| By | | Date | | By | | Date | |
| Title/Signature of additional official if required | | | | Region Director | | | |
| By | | Date | | By | | Date | |
| Title/Signature of additional official if required | | | | Comptrollers Office | | | |

Approved as to Form

By

Date


 4/23/14

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

Item Number: 5.F.

Subject:

Betterment Agreement Between Layton City and Utah Department of Transportation for the SR-108 Antelope Intersection Modification Construction - Project S-0108(31)0 - Resolution 14-24

Background:

Resolution 14-24 authorizes the execution of an agreement between Layton City and Utah Department of Transportation for a Betterment Agreement for the project noted above. This agreement sets out the provisions under which work for the SR-108 Antelope Intersection Modification Construction will be performed.

Subject to the attached provisions, UDOT will provide the following betterment work items: additional conduit and boxes for light poles at Antelope Drive and University Park Blvd., an 8-inch water main, powder coating of the signs and signals, and all associated work items listed. Total reimbursement to UDOT by Layton City for these betterment items is estimated to be \$165,917.87.

Alternatives:

Alternatives are to 1) Adopt Resolution 14-24 authorizing the execution of the agreement between Layton City and the Utah Department of Transportation for a Betterment Agreement for the SR-108 Antelope Intersection Modification Construction; 2) Adopt Resolution 14-24 with any amendments the Council deems appropriate; or 3) Not adopt Resolution 14-24 and remand to Staff with directions.

Recommendation:

Staff recommends the Council adopt Resolution 14-24 authorizing the execution of the agreement between Layton City and the Utah Department of Transportation for a Betterment Agreement for the SR-108 Antelope Intersection Modification Construction and authorize the City Manager to execute the agreement.

RESOLUTION 14-24

**ADOPTION OF A BETTERMENT AGREEMENT WITH THE STATE OF UTAH
DEPARTMENT OF TRANSPORTATION FOR THE SR-108 ANTELOPE
INTERSECTION MODIFICATION CONSTRUCTION**

WHEREAS, Layton City and Utah Department of Transportation (hereafter referred to as UDOT) desire to enter into a betterment agreement for the highway Project S-0108(31)0, SR-108 Antelope Intersection Modification; and

WHEREAS, the Project will provide the City with the following betterments: additional conduit and boxes for light poles at Antelope Drive and University Park Blvd., an 8-inch water main and powder coating of the signs and signals; and

WHEREAS, UDOT in conjunction with the project will advertise and administer construction of the work of these betterment agreements, and

WHEREAS, the costs shown in this agreement are estimates only and that the City will be responsible for paying the actual costs associated with these betterment items; and

WHEREAS, the City will at no cost to UDOT and the Project, provide on-call support to correct or clarify issues during construction and perform the necessary inspection for the work installed by the contractor; and

WHEREAS, the parties have agreed to the terms and conditions contained in the Agreement, which is attached hereto and incorporated herein by this reference; and

WHEREAS, it is deemed to be in the best interest of the citizens of Layton City to adopt and approve the Agreement.

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

1. The City Manager is directed to conduct negotiations with UDOT for the Betterment Agreement with Utah Department of Transportation (herein the "Agreement"). The terms of the Agreement shall address the terms and conditions that are consistent with the intent of the Agreement. The Agreement shall include such other provisions as are deemed necessary to accomplish the purposes of the City in entering the Agreement.

2. At such time as the Agreement is in a form acceptable to the City Manager and City Attorney, the City Manager is authorized to execute the Agreement on behalf of the City. Execution of the Agreement by UDOT shall constitute UDOT and the City for Services, pursuant to the terms and conditions of the Agreement. Execution of the Agreement by the City Manager shall constitute the City's acceptance of UDOT's Agreement, pursuant to the terms and conditions of the Agreement.

PASSED AND ADOPTED by the City Council of Layton, Utah, this **1st day of May, 2014**.

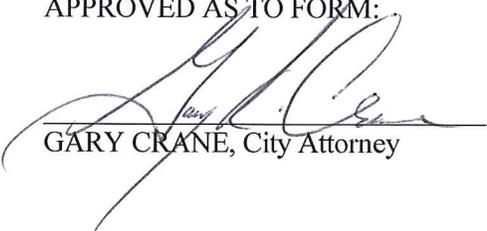
ATTEST:

THIEDA WELLMAN, City Recorder

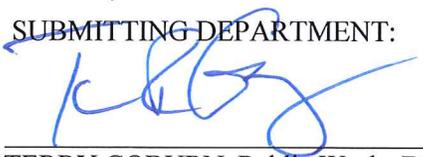
ROBERT J STEVENSON, Mayor

APPROVED AS TO FORM:

SUBMITTING DEPARTMENT:



GARY CRANE, City Attorney



TERRY COBURN, Public Works Director



| | | |
|--|--|--|
| Betterment Agreement Local Agency Modification to Federal Aid Agreement No. _____ (If applicable) | Project Description: Layton Interchanges Project SR-108; Antelope Inter. Modification Construction | Estimated Value of Betterment \$165,917.87 |
| | Local Agency: Layton City | |
| PIN Number 11945 FINET/CID Number FMIS Number | Project Number S-0108(31)0 Project Name SR-108; Antelope Inter. Modification Construction | Agreement Number (Assigned By Comptrollers) Date Executed |

THIS AGREEMENT, made and entered into the date shown below, by and between the **UTAH DEPARTMENT OF TRANSPORTATION**, hereinafter referred to as "**UDOT**", and Layton City a political subdivision of the State of Utah, hereinafter referred to as the "**Local Agency**,"

Subject to the attached provisions, **UDOT** will include the following betterment work items into the above referenced Project. In conjunction with the Project, **UDOT** will advertise these items for bid and will administer construction of the work covered herein. Upon signing this agreement, the **Local Agency** agrees that the costs shown below are estimates only and that the **Local Agency** will be responsible for paying the actual costs associated with these betterment items, based on Contract Unit Bid Prices, and actual quantities placed.

Description of Work:

Layton City added conduit and boxes for light poles at University Park Blvd. Layton City also added an 8 inch water main that consists of sand bedding, pipe backfill, pvc pipe and a connection to the existing water main. The overhead, cantilever and mast arms will be powder coated per Layton City's request. The betterment cost for powder coating is 30% of the steel cost. The estimated unit price reflects the betterment unit cost minus the baseline unit cost.

Betterment Items

| Bid Item No, | Description | Quantity | Estimated Unit Price | Estimated Price |
|--------------|--|----------|----------------------|-----------------|
| 135530015 | One 2-Inch Conduit - For Layton City light poles at University Park Blvd | 1,365 ft | \$14.07 | \$19,205.55 |
| 135540020 | Polymer Concrete Junction Box, Tier 22, Type I | 8 each | \$1,286.63 | \$10,293.04 |
| | | | | |
| 02082002* | Furnish and Install Sand Bedding | 275 Ton | \$16.50 | \$4,537.50 |
| 02082003* | Furnish and Install Pipe Backfill Above Pipe Zone | 900 Ton | \$16.50 | \$14,850.00 |
| 02082004* | 8 Inch C-900 DR14 PVC Pipe | 960 ft | \$41.21 | \$39,561.60 |
| 02082005* | Connect to Existing Water Main | 1 Each | \$2,200.00 | \$2,200.00 |

| | | | | |
|-----------|--|------------|-------------|---------------|
| 02893006P | 24 Inch Overhead Cantilever Sign Structure (Powder Coat) | 1 Lump Sum | \$13,500.00 | \$13,500.00 |
| 02893008P | 24 Inch Overhead Single-Mast Span-Type Sign Structure (Powder Coat) | 1 Lump Sum | \$18,000.00 | \$18,000.00 |
| 02893009P | 30 Inch Overhead Single-Mast Span-Type Sign Structure (Powder Coat) | 1 Lump Sum | \$21,000.00 | \$21,000.00 |
| | | | | |
| 02892002D | Traffic Signal System – SR-108 and Robins Drive (Powder Coat) | 1 Lump Sum | \$8,936.40 | \$8,936.40 |
| 02892004D | Traffic Signal System – SR-108 and I-15 NB Ramps (Powder Coat) | 1 Lump Sum | \$6,183.60 | \$6,183.60 |
| 02892005D | Traffic Signal System – SR-108 and University Park Blvd (Powder Coat) | 1 Lump Sum | \$8,643.00 | \$8,643.00 |
| 02892006D | Traffic Signal System – Antelope Drive and Woodland Park Drive (Powder Coat) | 1 Lump Sum | \$6,089.40 | \$6,089.40 |
| | Subtotal | | | \$173,000.09 |
| | | | | |
| | UDOT Betterment Credit @ 0.75% Engineer's Estimate | | | (\$33,032.23) |
| | Construction Engineering @ 6.0% Betterment Subtotal | | | \$10,380.01 |
| | Contingency @ 9.0% Betterment Subtotal | | | \$15,570.01 |
| | | | | |
| | Total Estimated Cost | | | \$165,917.87 |

Total Estimated Reimbursement to UDOT is \$165,917.87

The total estimated cost of the betterment work shall be advanced / deposited with **UDOT** prior to advertising or prior to the completion of the work, which ever is applicable. The **Local Agency** shall deposit said amount with **UDOT's** Comptroller's Office located at UDOT/COMPTRROLLER, 4501 South 2700 West, Box 141500, Salt Lake City 84119-1500

In the event the actual betterment costs are higher, the **Local Agency** shall pay the additional amount required within 30 days of receiving an invoice from **UDOT**. In the event the actual betterment costs are lower, UDOT will refund the balance of the amount deposited within 30 days of determining the final cost of the betterment work.

Provisions

(Note: the language in these provisions shall not be changed without prior approval from the Utah AG's office)

UDOT has prepared plans, specifications and estimates of costs for the construction of the project, hereinafter referred to as the "Project."

The **Local Agency** desires to include the betterment work items described herein in the Project contract work.

UDOT is agreeable to include the **Local Agency's** requested betterment work in the Project contract providing that the **Local Agency** pay the actual additional costs incurred. The **Local Agency** agrees that UDOT's Project will not be delayed as a result of adding these betterments, and that no betterments will be added to the bid package until this agreement has been signed by both parties.

The **Local Agency**, at no cost to the Project, shall provide on-call support from **Local Agency's** Design Engineer or appropriate representative to correct or clarify issues during construction and to perform the necessary inspection for the **Local Agency** work installed by the contractor. The **Local Agency** engineer and/or inspector shall work with and through UDOT's Project Manager or Resident Engineer and shall give no orders directly to UDOT's Contractor unless authorized in writing to do so. It is agreed that UDOT's Contractor will accomplish the work covered herein on **Local Agency's** facilities in accordance with the plans and specifications provided by the **Local Agency**, including changes or additions to said plans and specifications which are approved by the parties hereto. The **Local Agency**, through their inspection of said work, will provide UDOT's Project Manager or Resident Engineer with information covering any problems or concerns the **Local Agency** may have with acceptance of said facilities upon completion of construction.

Any periodic plan and specification review or construction inspection performed by UDOT arising out of the performance of the project does not relieve the **Local Agency** of its duty in the performance of this project or to ensure compliance with acceptable standards.

Except in cases of emergency It is understood that access for maintenance and servicing of the

Local Agency facilities located on State right of way will be by permit issued by UDOT to the **Local Agency**, and that the **Local Agency** will obtain said permit and abide by the conditions thereof for policing and other controls in the conformance with Utah Administrative Rules.

I. Indemnification:

UDOT and the **Local Agency** are both governmental entities subject to the Governmental Immunity Act. Each party agrees to indemnify, defend, and save harmless the other from and against all claims, suits and costs, including attorneys' fees for injury or damage of any kind, arising out of its negligent acts, errors or omissions of its officers, agents, contractors or employees in the performance of this agreement, and from and against all claims, suits, and costs, including attorneys' fees for injury or damage of any kind. Nothing in this paragraph is intended to create additional rights to third parties or to waive any of the provisions of the Governmental Immunity Act. The obligation to indemnify is limited to the dollar amounts set forth in the Governmental Immunity Act, provided said Act applies to the action or omission giving rise to the protections in this paragraph. The indemnification in this paragraph shall survive the expiration or termination of this Agreement.

II. Termination:

This agreement may be terminated as follows:

- a. By mutual agreement of the parties, in writing
- b. By either UDOT or the **Local Agency** for failure of the other party to fulfill their obligations as set forth in the provisions of this agreement. Reasonable allowances will be made for circumstances beyond the control of the parties. Written notice of intent to terminate is required and shall specify the reasons for termination.
- c. By UDOT for the convenience of the State upon written notice to the **Local Agency**.
- d. Upon satisfactory completion of the provisions of this agreement.

III. Maintenance:

The **Local Agency** agrees that, upon completion and final inspection of the Project

construction, to accept, own and maintain the betterment work covered herein at no further cost to **UDOT**.

IV. Payment and Reimbursement to UDOT:

The **Local Agency** shall be responsible for all actual costs associated with these betterment items.

The **Local Agency** agrees that if it modifies or cancels this betterment agreement at any time after it has been signed, the **Local Agency** agrees to pay any cancellation penalties or costs incurred by **UDOT** as a result of the betterment work scope being modified or cancelled. In the event the **Local Agency** fails to reimburse **UDOT** for the costs included in this betterment agreement, funding for other **Local Agency** projects or B&C road funds may be withheld until the entire payment is made.

V. Change in Scope and Schedule:

The **Local Agency** recognizes that if their project scope or schedule changes from the original intent of this agreement, the **UDOT**

Project Manager or Resident Engineer will be notified prior to changes being made. Any costs incurred by **UDOT** as a result of these scope or schedule changes will be the responsibility of the **Local Agency**.

In the event there are changes in the scope of the work, extra work, or changes in the planned work covered by this agreement, a modification to this agreement approved in writing by the parties hereto is required prior to the start of work on said changes or additions.

VI. Content Review:

Language content was reviewed and approved by the Utah AG's office on July 19, 2012.

| Local Agency | | | | Utah Department of Transportation | | | |
|--|--|------|--|-----------------------------------|--|------|--|
| By | | Date | | By | | Date | |
| Title/Signature of Official | | | | Project Manager | | | |
| By | | Date | | By | | Date | |
| Title/Signature of additional official if required | | | | Program Manager | | | |
| By | | Date | | By | | Date | |
| Title/Signature of additional official if required | | | | Region Director | | | |
| By | | Date | | By | | Date | |
| Title/Signature of additional official if required | | | | Comptrollers Office | | | |

Approved as to Form
 By [Signature]
 Date 4/23/2014