

**MINUTES OF LAYTON CITY
COUNCIL MEETING**

MARCH 20, 2025; 7:04 P.M.

**MAYOR AND COUNCILMEMBERS
PRESENT:**

MAYOR JOY PETRO, ZACH BLOXHAM, CLINT MORRIS, TYSON ROBERTS, BETTINA SMITH EDMONDSON, AND DAVE THOMAS

STAFF PRESENT:

ALEX JENSEN, CLINT DRAKE, WESTON APPLONIE, LON CROWELL, STEPHEN JACKSON, DAVID PRICE, JOELLEN GRANDY, AND KIM READ

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

Mayor Petro opened the meeting and welcomed the public. Councilmember Morris offered the invocation and led the Pledge of Allegiance.

MINUTES:

There were no minutes before the Council for approval.

MUNICIPAL EVENT ANNOUNCEMENTS:

Councilmember Roberts announced Parks and Recreation's Family Recreation Activity was scheduled for Friday, May 9, 2025, at the Kenley Amphitheater. He mentioned it would be a family game night with various games taking place in and around the amphitheater and plaza area.

PRESENTATIONS:

There were no verbal petitions or presentations.

CITIZEN COMMENTS:

There were no public comments.

CONSENT AGENDA:

Councilmember Roberts announced a conflict of interest specific to an item on the agenda. He requested items A and C of the Consent Agenda be removed to be addressed separately. Councilmember Smith Edmondson also requested item D be removed from the consent agenda.

AMENDMENT – DEVELOPMENT GUIDELINES AND DESIGN STANDARDS – ORDINANCE 25-07

Stephen Jackson, Public Works Director, explained the Development Guidelines and Design Standards were maintained through the City's Engineering Division and indicated it included two separate components: written standards and standard plans for public facility construction. He stated updates to the plans were necessary based on current code, construction standards, regulations, and other City needs due to legislation. He briefly reviewed the following updates and amendments:

- Dead end streets need to end in a cul-de-sac
- Reverse grade streets restrictions
- Thicker sidewalk through commercial and industrial drive approaches
- Removed the ¾ inch meter from culinary water systems
- Clarification of casing requirements for side and rear lot utilities would also be required between

manholes for sanitary sewer, storm drainage, and land drain improvements, as well as similar reverse grade restrictions

- Standard plans had been updated to coordinate with written standards
- Adding a drive approach standard in abutting sidewalk to meet ADA compliance

Staff recommended adoption and asked if there were any questions. There were no questions from the Council.

ACCEPT THE LAYTON CITY LONG RANGE ECONOMIC DEVELOPMENT PLAN AS SUBMITTED BY BETTER CITY AND URBAN DESIGN ASSOCIATES (CONSULTANT) UNTIL A FUTURE DATE WHEN IT MAY BE ATTACHED TO A LEGISLATIVE DOCUMENT – RESOLUTION 25-11

Lon Crowell, Economic Development Director, shared a visual presentation regarding the Long Range Economic Development Plan submitted by Better City and Urban Design Associates. The City had received grant funding to complete the Plan which required the Council to adopt or accept the Plan by the end of the contract period, June 1, 2025. The purpose of the Plan was to obtain data. He reviewed the primary goals of the Plan with the Council and mentioned the following:

- Analyze the economic feasibility of the City's existing town centers and urban centers
- Explore the possibility of a new town center to be located near the intersection of SR 193 and Hill Field Road
- Assess the current retail demand, leakage, and saturation across the City
- Examine opportunities for future retail and determine ability to attract higher-end retail
- Evaluate economic position in retail, residential, office, and industrial markets
- Determine the overall economy of the City

He expressed appreciation to the Better City consultants and Wasatch Front Regional Council which contributed toward the funding of the project. He reviewed the processes used by the consultant to complete the study and provide data to the City.

He recommended approval of the resolution and asked if there were any questions.

Councilmember Bloxham mentioned the Plan provided a lot of information and inquired why the Council had to approve or accept the Plan prior to June 1, 2025. Mr. Crowell pointed out the City was requesting the Council accept the Plan, although more work was still needed. Councilmember Bloxham pointed out the Plan wasn't a legislative document and expressed concern the Council was being required to accept the Plan. He continued to explain there were some aspects of the Plan he wouldn't desire to be implemented within Layton City. Mr. Crowell mentioned the significant amount of the grant funding which allowed for the completion of the Plan, which then required acceptance by the Council.

Councilmember Smith Edmondson expressed appreciation for Better City's efforts in compiling the data and was grateful for the grant opportunity. She commented the Council was only being asked to accept the Plan at this time.

MOTION: Councilmember Smith Edmondson moved to approve Items B and E of the Consent Agenda as presented. Councilmember Morris seconded the motion, which passed unanimously.

AUTHORIZE THE ACQUISITION OF PROPERTY FOR THE CONTINUATION OF LAYTON CITY'S KAYS CREEK TRAIL – RESOLUTION 25-10 – APPROXIMATELY 891 WEST WEAVER LANE

Councilmember Roberts indicated this property was owned by his family, recused himself, and left the meeting at 7:24 PM.

JoEllen Grandy, Parks Planner, introduced the agenda item and shared a visual illustration. She oriented the Council and identified the location for the proposed connection which would connect the City's trail system from the mountains to the shoreline preserve. She also identified the location of the West Davis Corridor trail pointing out the land acquisition would allow trail users continual access of the Kays Creek Trail through the western portion of the City and shared an illustration. She announced an appraisal for the 0.75 acres of property had been completed which identified the value at \$211,600 and a negotiation process followed. The agreed upon negotiated price for the parcel was \$178,910 and Staff recommended approval.

Councilmember Bloxham requested clarification between the difference of the appraised value and the actual purchase price. Ms. Grandy responded nearly 60% of the property were the creek and the banks, property which was designated as undevelopable. She identified this on the visual illustration designated by the red-hatching.

Mayor Petro mentioned she often used the Kays Creek Trail heading west, until it ended, and explained her route to access the far western portion of the City and expressed excitement at now having a designated trail along the creek for this purpose.

MOTION: Councilmember Thomas moved to accept the acquisition of property on Weaver Lane, Resolution 25-10, Item A of the Consent Agenda, as presented. Councilmember Smith Edmondson seconded the motion. The motion passed with the following vote: **Voting AYE – Councilmembers Bloxham, Morris, Smith Edmondson, and Thomas. Voting NO – None.** Councilmember Roberts was not present for deliberation or the vote.

Councilmember Roberts rejoined the meeting at 7:30 PM.

AUTHORIZE BID AWARD – PAGE'S PROFESSIONAL TREE SERVICES, INC. – KAYSCREEK ESTATES SIDEWALK REPAIR, PROJECT 24-55 – RESOLUTION 25-18 – VARIOUS LOCATIONS THROUGHOUT THE KAYSCREEK ESTATES SUBDIVISION

Stephen Jackson, Public Works Director, announced the agenda item and reviewed the process used with determining the vendor for the Professional Services Agreement. He shared the bid sheet reflecting the various bid figures and reviewed it with the Council. He explained the City had solicited pricing from professional arborists for the tree removal scope of the project and Staff had selected Page's Professional Tree Services from three received bids. He mentioned Page's had also been identified as the lowest responsive and responsible bid in the amount of \$401,470.00. He pointed out some of the trees identified as 'optional' would not be removed as some of the homeowners had chosen to remove the trees on their own and Page's would only be grinding the stumps; therefore, the total cost would be reduced.

Staff recommended approval and asked if there were any questions.

Mayor Petro informed those in attendance at the meeting that public comment wasn't accepted for items on the Consent Agenda. She indicated the appropriate time for comments from the public should have been made during the 'Citizen Comment' portion of the meeting. She stated she would allow one representative to speak on behalf of the group of residents to address the Council, if it so agreed, following its deliberation of the agenda item.

Councilmember Bloxham suggested a great discussion regarding the item had taken place during the Work Meeting; however, he stated he would be willing to allow any and all residents to address the body. The Council expressed agreement with Councilmember Bloxham's request. Councilmember Smith Edmondson suggested this allowance also be granted to Item D.

Councilmember Thomas requested clarification on what the residents had the option to complete on their own and Mr. Jackson responded residents could remove the tree; however, the grinding of the stumps and removal of tree roots under the sidewalk would need to be completed by either Page's Tree Service or a contractor of

the residents' choice. He added approximately 25% of the homeowners on the 'optional' tree list had responded to the City and approximately 29% of the required list had responded.

Councilmember Bloxham stated he previously expressed concern regarding the financial impact to the resident associated with the project and the City subsequently offered financial assistance. He indicated his willingness to consider removing any and all financial considerations to the residents associated with the project and would be amenable to the City removing any costs for the mandatory tree removal in this exceptional circumstance; however, expressed concern whether this would set precedent with similar situations in the future.

Councilmember Roberts mentioned he would be supportive of Councilmember Bloxham's suggestion and indicated he had had similar concerns with the financial impact to the resident.

Councilmember Thomas requested clarification regarding the number of residents which had responded to the City's letter. Mr. Jackson reported 29% responses were received from residents which had trees designated as 'mandatory' for removal and 25% responses were received from those with trees identified as 'optional'. He continued to explain how the City would address those properties which didn't provide any response back to the City. He also indicated 14 of the respondents indicated they would remove their own trees to save on those costs and share the cost with the City for the stump removal, and three respondents indicated they would remove their 'optional' tree.

The discussion continued and Clint Drake, City Attorney, clarified municipalities had the right and authority to protect its infrastructure.

Councilmember Smith Edmondson requested Mr. Jackson address what was preventing the City from obtaining additional bids for tree removal and address the Yarbrough bid since the company wasn't a tree removal service. Mr. Jackson responded Yarbrough Construction had been selected as the City's contractor for its sidewalk repair and replacement projects and had provided tree removal services generally on a much smaller scale and suggested the size and scope of this project was outside of its capability. He reported conversations had taken place with another tree service vendor within the area, following the most recent neighborhood meeting, and during the vetting process determined it didn't have the ability and capabilities to complete the work to the City's specifications and identified those differences. Ultimately, it was determined this company wasn't large enough and didn't have the capacity to complete the work according to the City's specifications and timeline.

Councilmember Smith Edmondson also inquired about the opportunity to allow residents a timeframe to complete the project on their own and Mr. Jackson responded that wouldn't be possible due to the schedule of both vendors, Page's Tree Service and Yarbrough Construction. He indicated if the work was postponed to be completed at a later date costs would significantly increase. Additionally, homeowners requesting to fix the sidewalk on their own had consistently indicated they had no intention of removing their trees. He continued if a City permit was issued for the repair, the condition of the permit would require removal of the tree. He emphasized the City was trying to resolve the problems with the sidewalk; however, the trees are the problem and the City was looking for a permanent solution.

The discussion continued regarding the pricing, costs, and seeking additional bids associated with the project. Mr. Jackson pointed out the current bid figures were public information and suggested that would compromise any legitimacy of bids should the City proceed through a second bid process.

Councilmember Bloxham pointed out liability issues once the City had identified the sidewalk issues within the neighborhood and Mr. Drake concurred.

Councilmember Morris expressed appreciation to Staff in addressing concerns with these sidewalks and acknowledged the Council's responsibility to ensure the health, safety, and welfare of Layton City residents. He believed the City was being generous with the concept of cost sharing to complete the project.

Mayor Petro requested Mr. Jackson address the bid process associated with this particular agenda item and explain why a traditional RFP (Request for Proposal) process hadn't taken place. Mr. Jackson responded the City desired to have the tree removal project be completed in tandem with the sidewalk repair project in an attempt to eliminate significant disruption to residents within the subdivision. Due to the urgency of the project and the need for a professional arborist to evaluate and advise on the project and explained what the project would look like compared to how this project would be completed if the City proceeded with a traditional RFP process. Mr. Drake spoke to the issue and subsequent repair project presented imminent danger to residents and visitors as well as compliance to the ADA (Americans with Disabilities Act) and reiterated discussion and action had and was taking place in a very public process.

Mayor Petro requested Mr. Jackson comment on the requirement for the tree replacement. Mr. Jackson explained the City's ordinance allowed residents to meet the standard which was in place when the subdivision was originally developed and identified that was two trees per frontage; or the resident could meet the new ordinance, one tree for every 30 feet or within 10 feet behind the sidewalk. He couldn't speak to the CC&R's (Covenants, Conditions and Restrictions) designated for the subdivision by the HOA (Homeowner's Association). He clarified this was the purpose for requiring Page's Tree Service to grind the stumps to a specific depth in case the homeowner chose to re-plant a tree in the same location.

Councilmember Roberts requested Mr. Jackson address the standards used to determine the trees required to be removed. Mr. Jackson stated tree species was not taken into consideration for the tree removal requirement. The Engineering Staff identified the trees currently damaging g City infrastructure which were required to be removed. The professional arborist identified the trees designated as 'optional' for removal based on whether he believed it could potentially cause an issue within the next five years or beyond, and believed species would have been considered for those. He informed the Council a one quarter inch lift or vertical separation of the sidewalk was the standard used by Staff engineers to determine whether it warranted the tree removal. He pointed out if a homeowner chose to keep an 'optional' tree the cost sharing with the City wouldn't be available in the future and the resident would bear the cost of not only removing the tree, but fixing the sidewalk at their own expense.

Councilmember Roberts expressed concern minimal damage or lifting of the sidewalk warranted removal of a tree.

Randy Herget announced the residents want choice; to repair sidewalk at their expense and not be required to remove the tree. He compared this situation to the paving of roads knowing they would certainly incur potholes or have to be dug up for utility repair. He believed if the residents were allowed to keep the trees and repair their sidewalks when needed, this could save the City hundreds of thousands of dollars.

Ashley Simmons informed the Council she had requested mediation with the State's property ombudsman who had identified three property right concerns and identified those. She believed many of the trees identified for removal met City Code standards. She suggested there were options in moving forward without violating property rights by opting out of the City's plan and repairing the sidewalks at their own expense with the City granting permits for this purpose. Additionally the City should respect a homeowner's right to address the sidewalk issue as long as it was compliant to City Code. She requested the Council allow residents to opt out of the proposed plan and repair and maintain their sidewalks on their own and believed this was a property rights issue.

Gretchen Thomas indicated her comments would be specific to seeking the most permanent solution to avoid having to repair sidewalks in the future. She identified the benefits the trees provided and read a statement requesting the City allow residents to opt out and repair the sidewalks at their own expense. She distributed a handout she witnessed specific to Salt Lake City's sidewalk repair project. She mentioned residents within the Kayscreek Subdivision weren't aware of the sidewalk situation and requested the City consider the trees and sidewalks case by case.

Councilmember Smith Edmondson emphasized Layton City didn't require the planting of the trees in the park strip nor had it identified the species; rather that had been determined by the developer which were identified

in the CC&R's and indicated there were differences between City Code and the CC&R's. She suggested there were some sidewalks which had less than minimal damage caused by the trees. She wondered whether something else could be considered for these mature trees which had caused negligible lift allowing the homeowner to opt out and repair on their own.

Councilmember Bloxham inquired how the City would address a similar issue in a different area of the City and the sidewalk repair process implemented by the City on a case by case basis. Mr. Drake responded once the City was aware of the issue the homeowner would receive a notice following an investigation. The notice would inform the homeowner of the code violation, provide a timeline for it to be remedied. If the sidewalk repair didn't happen it would be forwarded to the City's prosecution office. Councilmember Bloxham asked what this would look like if the City chose to address the issue on a case by case basis. Mr. Drake responded in those cases the homeowner would be required to remove the tree which caused the damage to the sidewalk infrastructure. Councilmember Bloxham concluded this wasn't merely a sidewalk issue; the tree and the sidewalk issues in this circumstance couldn't be separated.

Mr. Drake clarified the City's position that this issue wasn't appropriate for the property rights ombudsman and pointed out that entity hadn't officially accepted to mediate the complaint from the residents.

Councilmember Roberts expressed agreements with Councilmember Smith Edmondson's concern regarding identified trees associated with minimal disruption of the sidewalk and curb and gutter. He indicated he would like to see a different approach specific to the required list of trees identified for removal without it affecting the timeline for the project.

Councilmember Morris requested Mr. Jackson address the Council regarding the City's process used to identify trees for removal.

Mr. Jackson responded Staff addressed trip hazard sidewalks within the subdivision and explained the City's standard for evaluation was based on whether there was identifiable damage to the sidewalk. He indicated shaving or grinding of a sidewalk had proven to be ineffective in the past; therefore, the conclusion was whether the tree was damaging the sidewalk. He believed Staff had attempted to be as open as possible and many conversations with residents had taken place; however, ultimately the Public Works Department was responsible for protecting the City's infrastructure and emphasized Staff's attempt with being consistent with the sidewalk repair project.

Councilmember Bloxham inquired about the timeline associated with approving the resolution accepting the bid. Mr. Jackson responded Staff intended to begin delivering project notices on Monday, March 24, 2025, to allow contractors to notify Blue Stakes for construction to begin the first week of April. He continued to explain potential costs to the City in the event it delayed the commencement of the project.

Councilmember Smith Edmondson suggested another review of the trees could take place between now and when construction would begin to determine the sidewalk damage and whether the trees needed to be removed.

Alex Jensen, City Manager, asked the Council what facts it believed would change in another two weeks or even another month and suggested decisions had been made based on facts. He expressed concern the standard followed in making decisions would no longer be applied; rather, an attempt for a political solution would outweigh the facts. He suggested all residents of Layton City would be paying the costs associated with providing a solution to this one problem and had a fiscal responsibility to them for a final resolution. He pointed out the Council's decision to this agenda item would impact over 100 residents and a small handful had addressed the Council.

Councilmember Roberts didn't want to diminish Staff's work; however, he expressed concern with the fact that one quarter inch of a sidewalk lift over 25 years required removal of a tree. He stated he couldn't consciously approve the agenda item when he didn't know which trees would be removed.

Mr. Jensen emphasized Staff's focus wasn't placed on the trees; rather whether the tree caused a safety risk and a discussion followed. Mr. Jensen continued to point out sidewalks belonged to the public as opposed to the individual homeowner and the City had the responsibility to maintain it. He spoke to the issue of individual citizens attempting to dictate the level and method of maintenance of public infrastructure.

MOTION: Councilmember Morris moved to authorize the bid award – Page's Professional Tree Services – Kayscreek Estates Sidewalk Repair, Project 24-55, Resolution 25-18, as presented. Councilmember Thomas seconded the motion.

Councilmember Bloxham clarified the motion before the Council was specific to the bid award only separate from how the project would be funded and Mr. Drake responded in the affirmative.

Councilmember Thomas suggested the issue was twofold: the tree issue and sidewalk repair issue. He added a third issue of consideration with the City willing to pay at least fifty percent of the costs. He shared an example of similar situation years ago in which the resident was required to pay for the removal of a tree. He expressed concern this offer was only being extended in this circumstance. He understood the need for the project to be completed which justified his vote.

Councilmember Smith Edmondson explained her reasoning for her vote in that she understood the small lift was based on ADA requirements as a trip hazard; however, she would be open to Councilmember Roberts' request of visiting the neighborhood with Staff to re-evaluate the trees identified for removal and to also revisit the financial options.

Councilmember Morris indicated he considered this a health, safety, and welfare issue. He expressed appreciation to the professional manner in which Staff had completed due diligence associated with the project.

Councilmember Bloxham would be authorizing the project to move forward; however, he expressed his opinion the City should be providing financial assistance to the residents and also believed further discussion regarding the removal of trees. He expressed appreciation to the public's involvement.

Councilmember Roberts shared a personal experience with removing a tree which held sentimental value to his family to accommodate a sidewalk in conjunction with the Layton Parkway construction. He expressed appreciation to Mr. Jensen's comments; however, he believed the City was taking a blanket approval to remove certain trees in conjunction with the project and stated he would be voting in opposition to the agenda item.

The motion passed with the following vote: **Voting AYE – Councilmembers Thomas, Smith Edmondson, Morris, and Bloxham. Voting NO – Councilmember Roberts.**

Mayor Petro expressed appreciation to the Council for vetting the issue. Although the item was passed by the City Council, she directed Staff to conduct further discussion regarding the financial aspect of the project and regarding the process of identifying trees.

AUTHORIZE THE ACQUISITION OF INTERESTS IN REAL PROPERTY FOR THE HOLMES CREEK RESERVOIR TO ANDY ADAMS RESERVOIR SECONDARY WATER TRUNK LINE PROJECT BY NEGOTIATION OR BY CONDEMNATION (EMINENT DOMAIN) – RESOLUTION 25-19 – APPROXIMATELY 728 RIDGE ROAD

Mr. Drake mentioned the agenda item had been discussed at length during the previous work meeting, during which property owner representatives were present, and announced the agenda item. He pointed out the project was vital to the efficiency for water delivery within the City. He stated the resolution authorized the City to use eminent domain, if necessary, to acquire the easement. He spoke to the City's evaluation and the property owner's counteroffer of \$27,300, which he previously indicated amounted to \$300 per homeowner, and clarified this would be paid to the HOA (Homeowner's Association). He also mentioned it had been proposed by the property owner, and discussed, during the negotiation process about the City assuming maintenance of a private road and reported since the road didn't meet City standards, that hadn't been agreed to.

He informed the Council, state statute required the property owner have the opportunity to address the City Council during a public meeting and mentioned the HOA President was in attendance for that purpose.

Councilmember Bloxham inquired whether the HOA had been represented by legal counsel and Mr. Drake responded in the negative.

John Fullmer, HOA president, stated three separation discussions had previously taken place between the HOA and City Staff regarding the parcel. He referenced some emails and briefly reviewed the timeline and his understanding regarding the various letters it received from the City. He suggested the HOA didn't understand how to interpret the first initial offer with nothing to compare it to. He continued to explain 60% of the homeowners participating in the HOA had to be agreeable to any offer. He believed the definition of negotiation was when two separate parties came to agreement. He also suggested the appraisal didn't take into consideration all issues concerning the property and invited other members of the HOA Board to address those.

Brian Hill, HOA Boardmember, identified the following which he believed hadn't been considered during the appraisal:

- 30 foot tall Blue Spruce tree would need to be removed
- The easement would prohibit the ability for the HOA to do anything on the property such as a playground, pickleball court, or picnic bowery in the future
- One water valve provided water to the entire preservation area for grass, trees, shrubs and the easement would prohibit water access to the entire preservation area

Brian Van Uitert, resident, read a letter on behalf of Michael Hendry expressing his comments regarding the agenda item which was distributed to the Council

Sean O'Neil, resident, expressed concerns regarding the appraisal and indicated representatives from the HOA Board hadn't accompanied the appraiser during the appraisal process.

Larry Cook, HOA Board, pointed out the HOA was offered only five percent of the estimated value of the property.

Kenneth Clifford, resident, shared his personal experience with selling real estate and expressed his opinion if the Hendry's were allowed to construct and rent high end condominiums near his home it would significantly increase property values. He continued the offer of \$2,900 to the HOA for the easement wasn't a fair offer. He expressed appreciation to Councilmember Roberts' opinion regarding the tree removal associated with the Kayscreek sidewalk repair project. He also expressed appreciation to Mr. Jensen for road repairs near the Peacefield development. He suggested the City ensure the road repair in conjunction with the secondary water trunk line project be completed appropriately.

Scotty Kearns, resident, indicated he would love to purchase the six acre parcel of property for \$2,900 to be used for a community garden. He believed the process and value was unfair; but expressed agreement with the purpose of completing the pipeline project. He requested clarification whether the City would still be willing to negotiate. He would also like the property restored to its current standard.

Mr. Drake clarified the property impacted by the easement wasn't six acres in size and Mayor Petro indicated it was .17 in acreage. Mr. Drake additionally clarified previous comments that, if necessary, the City could seek to obtain a temporary right of access in approximately 14 days in response to a question.

Mr. Kearns emphasized the Peacefield HOA be fairly compensated for the parcel and when completed the property would be restored to its current standard.

Randy Bird, HOA Board, believed when the HOA Board had the opportunity to meet with Mr. Drake, it would be for a negotiation; however, they were told the appraised amount of \$2,900 would be the final offer and the City could no longer negotiate the cost.

Mayor Petro inquired whether the original offer of \$15,000 could still be considered and Mr. Drake responded that would be up to the Council to decide. He clarified he had followed direction based upon previous property acquisitions.

Mr. Drake responded to concerns expressed by the HOA Board and residents:

- The City was bound to the appraisal and that fact had been made clear to the HOA Board both verbally and in writing
- The negotiation process was not over and he encouraged the HOA Board to contact an appraiser regarding the appraisal
- The City's appraiser had made contact with a member of the HOA Board and read a statement from the appraiser, Mr. Lang, regarding his attempts to meet with the property owner.
- He continued to speak regarding negotiations and that process

He pointed out no one representing the subdivision or HOA Board had contested whether the City had the right to place a secondary water pipe in vacant property within the City. He also emphasized a Right of Entry Agreement would allow the City to enter the property and complete construction of the proposed project without delay. The HOA Board would continue to retain all rights specific to valuation. The HOA Board indicated that wouldn't happen.

The Council continued to discuss and receive clarification regarding the appraisal, the alignment for the proposed pipeline, the preservation easement, restrictions associated with the easement, and the timeline associated with project.

Mr. Jensen emphasized the City's intent to be fair and the Council's action was significant for the City to meet its statutory obligations to residents. He clarified it wasn't intended to force the HOA Board to come to an agreement, and pointed out it was part of the process and ongoing discussions could continue to take place.

Mr. Drake responded City Staff intended to continue with discussion and negotiations.

Mr. Van Uiter believed no one within the development was opposed to the pipeline; rather, the issue was with the appraised value and compensation for the easement. He expressed appreciation to the Council for listening to the residents' concerns.

MOTION: Councilmember Bloxham moved to approve Resolution 25-19 authorizing the Acquisition of Real Property for the Holmes Creek Reservoir to Andy Adams Reservoir by Negotiation of Condemnation. The motion was seconded by Councilmember Morris. The motion passed with the following vote: **Voting AYE – Councilmembers Morris, Bloxham, Smith Edmondson, Thomas, and Roberts. Voting NO – None.**

Councilmember Roberts explained his vote and pointed out the difference between purchasing ground verses an easement or unencumbered land verses land with an existing conservation easement and suggested the scenario wasn't a fair comparison of 'apples to apples'.

PUBLIC HEARINGS:

REZONE REQUEST WITH CONCEPT PLAN AND DEVELOPMENT AGREEMENT BETWEEN LAYTON CITY, SCOTT PRESTON, AND DEBRA NALDER BOYCE – TRUSTEES – REZONE FROM A (AGRICULTURE) AND CP-1 (PLANNED NEIGHBORHOOD COMMERCIAL) TO MU (MIXED-USE) – RESOLUTION 25-15 AND ORDINANCE 25-06 – APPROXIMATELY 1150 NORTH FAIRFIELD ROAD

The Council took a brief break at 10:07 PM.
The meeting reconvened at 10:10 PM.

Weston Applonie, Community and Economic Development Director, announced the agenda item. He shared a visual illustration and identified the location of the property and oriented the Council. He explained the applicant had requested a rezone for the parcel which was located within the Gordon Avenue/Fairfield Road Town Center of the General Plan. He identified the various components for the proposed mixed-use development: townhomes, multi-family, mixed-use buildings, and commercial to encourage strong neighborhood connections and walkability. He shared the proposed development intentions which consisted of two commercial buildings fronting Fairfield Road, transitioning to three-story townhomes and two-story townhomes with the inclusion of open space, a clubhouse, and a park area for the residents. He spoke to the specific roadways and shared conceptual illustrations and exterior products. He reviewed the proposed parking spaces and parking amenities and identified the City's required minimum parking spaces. He continued to address specifics called out and identified in the Development Agreement.

He reported the Planning Commission reviewed this item during its meeting on Tuesday, February 28, 2025, and recommended approval. Staff supported that recommendation and asked if there were any questions.

The Council requested clarification of the distance between the structures and the fence line, the number of parking spaces for the townhomes. Mr. Applonie confirmed the units were rear-loaded which facilitated installation of utilities. He clarified 2.5 parking spaces were required for each townhome and pointed out the driveways could not accommodate a parked vehicle. The Council expressed concern the townhomes would be a rented/leased product as opposed to providing homeownership to residents.

Mayor Petro opened the public hearing at 10:21 p.m.

Mayor Petro called for public comment.

Chris Nielsen, adjacent property owner, expressed concern with the proposed traffic, concept design, and the number of ingress/egress locations near the development. He continued to express concern how the public road would match the private lane for the adjacent property. He pointed out the street width of 1150 North would probably not accommodate on-street parking. He also expressed concern with potential drainage from the public right of way to the adjacent hayfield.

Tyler Miles, applicant, expressed appreciation to Staff's input of good practices which contributed to a good product for the City. He responded to Councilmember Smith Edmondson's comment about the housing component being a rented/leased product as opposed to owner occupied. AIM Development believed quality market rate rental housing was helping with the housing shortage and suggested many didn't have the ability to purchase homes.

Councilmember Morris requested Mr. Applonie address Mr. Nielsen's concerns. Mr. Applonie referred to an illustration and indicated the developer would need to address the drainage. He explained only half the roadway would be constructed and the property owners would have to negotiate how the drainage would be managed. The discussion continued about the runoff for the hayfield to the north and Mr. Nielsen stated it currently flowed to the southwest direction.

The discussion continued regarding 1150 North and the designated zoning in the General Plan for the adjacent properties east of the proposed development. Mr. Jackson indicated the north side of the street was fully developed with a curb, gutter, and sidewalk.

Councilmember Morris asked what was planned for the commercial use buildings along Fairfield and Mr. Applonie responded the developer was currently seeking users for the retail component.

MOTION: Councilmember Smith Edmondson moved to close the public hearing at 10: 34 PM and approve the Rezone Request with Concept Plan and Development Agreement between Layton City, Scott Preston, and

Debra Nalder Boyce – Trustees – Rezone from A (Agriculture) and CP-1 (Planned Neighborhood Commercial) to MU (Mixed-Use) – Resolution 25-15 and Ordinance 25-06 – Approximately 1150 North Fairfield Road, as presented. Councilmember Roberts seconded the motion. The motion passed with the following vote: **Voting AYE – Councilmembers Roberts, Bloxham, Morris, Smith Edmondson, and Thomas. Voting NO – None.**

UNFINISHED BUSINESS:

There was no unfinished business.

The meeting adjourned at 10:35 p.m.

Kimberly S Read, City Recorder