

**MINUTES OF LAYTON CITY
COUNCIL MEETING**

DECEMBER 18, 2014; 7:00 P.M.

MAYOR AND COUNCILMEMBERS

PRESENT:

**MAYOR PRO TEM JOYCE BROWN, TOM DAY,
JORY FRANCIS, SCOTT FREITAG AND JOY
PETRO**

ABSENT:

MAYOR BOB STEVENSON

STAFF PRESENT:

**ALEX JENSEN, GARY CRANE, BILL WRIGHT,
DAVE PRICE, TERRY KEEFE, DEAN HUNT,
PETER MATSON, RYAN PICKUP AND THIEDA
WELLMAN**

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

Mayor Pro Tem Brown opened the meeting and excused Mayor Stevenson. She led the Pledge of Allegiance. Councilmember Francis gave the invocation. Scouts and students were welcomed.

MINUTES:

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

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

The vote was unanimous to approve the minutes as written.

MUNICIPAL EVENT ANNOUNCEMENTS:

Mayor Pro Tem Brown said this Saturday at Surf ‘n Swim from 7:00 p.m. to 10:00 p.m. admission would be \$1 and you could get your picture taken with Santa.

PRESENTATION – CHIEF KEEFE

Chief Keefe said he wanted to thank the Council and Mr. Jensen for affording him the opportunity to be the Police Chief of this great City. He said the support had been unwavering and the Council had provided resources when they were needed. Chief Keefe expressed sincere appreciation for the opportunities he had been given and he especially thanked Mr. Jensen for having the confidence in him to hire him. He indicated that they had developed a tremendous friendship over the years. Chief Keefe thanked Gary Crane, City Attorney, and he indicated that the City had a tremendous City Manager and Attorney, as well as great Department Directors. He said the teamwork at Layton City was unparalleled in other cities in the State because of the leadership of Mr. Jensen and the Mayor and Council.

Mayor Pro Tem Brown expressed appreciation to Chief Keefe for his many years of service to the citizens of Layton. Chief Keefe and his wife Jann came forward to shake hands with the Council.

CITIZEN COMMENTS:

Tim McKinney, 2586 East Antelope Drive, expressed concerns with Antelope Drive and semi truck traffic on the street. He said there was a weight limit sign of 13,000 pounds, but he would like to see a no truck sign similar to the one on Legacy Parkway. Mr. McKinney said people flew through the roundabout, some of the street lights were not on, and speed was an issue.

Mayor Pro Tem Brown indicated that the City Manager was taking notes and would get back with Mr. McKinney.

Councilmember Petro asked what time semi trucks were on the road.

Mr. McKinney said he was seeing them in the evening between 7:00 p.m. and 8:00 p.m.

Councilmember Day asked if he was referring to the roundabout on Oak Forest.

Mr. McKinney said yes.

CONSENT AGENDA:

ACCEPT THE PROPOSAL FOR AN AGREEMENT WITH THINK ARCHITECTURE – LANDSCAPE ARCHITECTURAL SERVICES FOR NEIGHBORHOOD PARK – 3500 NORTH 2100 EAST – RESOLUTION 14-75

Dave Price, Parks and Recreation Director, said Resolution 14-75 would accept a proposal for landscape architectural services for the design of a neighborhood park located at 3500 North 2100 East. He said the resolution would authorize the City Manager to conduct negotiations and enter into an agreement with THINK Architecture for the service. Dave said THINK Architecture was selected from a group of 12 landscape architectural firms that were evaluated by a committee. He said THINK Architecture received the highest score based on technical ability and price. Dave said the fee proposals for the service ranged from a low of \$50,000 to a high of \$118,803. He said THINK Architecture's fee of \$65,000 was the third lowest proposed fee. Dave said Staff recommended approval.

Mayor Pro Tem Brown asked Dave to explain where the park would be located.

Dave said the park would be located in the far northeast corner of the City near the large communication tower. He identified the property on a map and indicated that construction should begin this next summer.

Mayor Pro Tem Brown said the City had several pieces of property throughout the City that had been slated for a park. She said the Parks and Recreation Commission selected this park as the next park to be built.

Dave said residents in this area of the City had been waiting quite a long time for a park.

AMEND CONSOLIDATED FEE SCHEDULE – ORDINANCE 14-29

Dean Hunt, Fire Marshall, said Ordinance 14-29 would amend the Consolidated Fee Schedule. He said there were two changes being proposed. Dean said the first proposal was to change the fee associated with responsible party non-response for fire alarms. He said currently the City charged a \$25 fee for all non-response alarms. Dean said the proposal was to leave the residential fee at \$25 and increase the fee for commercial/nonresidential buildings to \$100.

Dean said the second proposed fee amendment involved commercial/nonresidential false fire alarm fees for false alarms above two alarms within a calendar quarter. He said the proposal was to change the fees from \$50 to \$250 for the first alarm over two in a quarter, \$75 to \$350 for the second alarm, and \$100 to \$450 for the third alarm. Dean said Staff recommended approval of the proposed fee changes.

ON-PREMISE RESTAURANT LIQUOR LICENSE – TROLLEY STATION – 855 WEST HERITAGE PARK BOULEVARD, SUITE 1

Bill Wright, Community and Economic Development Director, said this was an on-premise restaurant liquor license for a new restaurant, the Trolley Station, located at 855 West Heritage Park Boulevard, Suite 1. He said the owner was John Riddle. Bill said the location met all distance separation criteria and background

checks had been approved by the Police Department. He said Staff recommended approval.

Councilmember Freitag asked if this was replacing an existing restaurant.

Bill said yes; formerly Bandito's was at this location.

FINAL APPROVAL EXTENSION REQUEST – JENSEN HOMESTEAD SUBDIVISION – APPROXIMATELY 2700 EAST GENTILE STREET

Bill Wright said this was a final approval extension request for the Jensen Homestead Subdivision located at approximately 2700 East Gentile Street. He said the subdivision was approved approximately 2 ½ years ago. Bill said a one year extension had been approved administratively by Staff, which expired on December 6, 2014. He said the owner of Lot 1 was requesting an additional extension that would allow additional time for some legal proceedings to occur that would allow the subdivision to be finalized and recorded. Bill said Staff recommended approval of a one year final approval extension to December 6, 2015.

FINAL APPROVAL COMMERCIAL CONDOMINIUM PLAT – WILLOW BEND COMMERCIAL CONDOMINIUMS – 489 WEST 2275 NORTH

Bill Wright said this was final approval of a commercial condominium plat for the Willow Bend Commercial Condominiums located at 489 West 2275 North, on the west side of Hill Field Road adjacent to Northridge High School. He said this was a newly developed commercial building owned by Mayor Stevenson. Bill said the desire was for a condominium plat approval to create three ownership entities that would occupy the building. He said the Planning Commission recommended approval and Staff supported that recommendation.

FINAL APPROVAL COMMERCIAL PLAT – CASTLEBROOK COMMERCIAL SUBDIVISION – 930 WEST ANTELOPE DRIVE

Bill Wright said this was final approval of a commercial plat for a subdivision located at 930 West Antelope Drive. He said this was the former site of the Castle Reception Center. Bill said the development would contain three buildings on three lots. He said the development met all of the requirements of the zone. Bill indicated that there would be a dedication of right of way along Antelope Drive to the City. He said Lot 2 was designated for the Popeye's Chicken Restaurant. Bill said the building on Lot 3 was under construction and would contain two restaurants; PizzaRev and Moe's. He said the Planning Commission recommended approval and Staff supported that recommendation.

PARCEL SPLIT REQUEST – LAYTON HILLS PLAZA – 1830 NORTH HILL FIELD ROAD

Bill Wright said this was a parcel split request for an existing parcel that had two buildings and an out building. He said the property owner was Kevin Garn. Bill said the request was to split the parcel into two parcels to allow for the parcels to be sold separately. He said there was a strip mall on Parcel 2 and a corner building that had been a restaurant on Parcel 1. Bill said there was an out-building in the back that needed to remain with Parcel 2; there would be a "cherry stem" of property connecting the out building to Parcel 2. He said both parcels met the requirements of the zone. Bill said the Planning Commission recommended approval and Staff supported that recommendation.

RIGHT OF WAY AND EASEMENT GRANT AGREEMENTS – QUESTAR GAS COMPANY – VARIOUS UTOPIA HUT SITES – RESOLUTION 14-80

Bill Wright said Resolution 14-80 would approve easement grant agreements requested by Questar Gas Company for various UTOPIA sites throughout the community. He identified the locations on a map. Bill said this would allow Questar to have an easement across properties to service their lines. He said Staff recommended approval.

FIRST AMENDMENT TO LEASE AGREEMENT WITH NEW CINGULAR WIRELESS PCS, LLC – RESOLUTION 14-68

Gary Crane, City Attorney, said Resolution 14-68 was a first amendment to a lease agreement with New Cingular Wireless. He said this was for the Church Street tower behind the Fire Station. Gary said an additional area had previously been approved to accommodate a generator. He said this amendment would provide additional revenue to the City of approximately \$2,400 a year for the additional space. Gary said Staff recommended approval.

CITY MANAGER AGREEMENT BETWEEN THE CITY OF LAYTON AND ALEX R. JENSEN – RESOLUTION 14-73

Gary Crane said Resolution 14-73 would renew the agreement with the City Manager and provide for the terms of his employment with the City. He said each year the Mayor and Council evaluated the City Manager and updated the agreement. The agreement provided for the agreement between the City Manager and the City; it provided for the goals and incentives he would need to meet in order to make the employment valid; and it provided for termination. Gary said Staff recommended approval.

Councilmember Freitag said for clarification, the Council didn't review the terms of the agreement every year, it was a multi-year agreement, but they did review the performance every year.

Gary said that was correct.

AMEND TITLE 5, CHAPTER 5.29 AND TITLE 12, CHAPTER 12.04 REDEFINING THE TERM “JUNK DEALER” AND PROVIDING PROHIBITION OF CERTAIN ACTIVITIES ON PUBLIC PROPERTY – ORDINANCE 14-26

Gary Crane said this was an amendment to two provisions of the City's ordinances; one dealing specifically with business licensing, and one dealing with items in the City's rights of way. He said this was related to the public hearing item on zoning.

Gary said the three provisions were being changed to bring them into consistency with a change in State law that occurred last year. He said the change in State law changed the definition of junk dealer. Gary said as discussed in the earlier work meeting, junk dealing had become a very strong and prominent business as a result of the metals trade. He said much of the metal that was traded was unfortunately not legitimate metal. Gary said the State changed the definition of junk dealer in order to impose the same requirements on those who deal in metal and junk as those that ran a second hand or pawn store. He said Ordinance 14-26 provided for changes in the City's ordinance for the purpose of business licensing and for the purpose of what the City would allow to obstruct a right of way. Gary said metal or junk could not be sold or acquired in the City's rights of way. He said Staff recommended approval.

Councilmember Freitag said relative to the City Manager's agreement, the Council didn't spend a lot of time discussing the quality of the City Manager because they didn't need to. He said Alex Jensen had served the City for more than 20 years and there was unanimous support from the Mayor and Council of the City Manager and the great job he did for the City. Councilmember Freitag said Mr. Jensen inspired the employees and other City leaders to always take into consideration the needs of the citizens and to always make sure the City operated well within its budget, well within its means, and accomplished the goals the elected officials gave to him and Staff. He said the Council greatly appreciated Mr. Jensen and looked forward to him continuing on with the City into the future.

MOTION: Councilmember Freitag moved to approve Items A, B, C, D, E, F, G, H, J, K and L of the Consent Agenda as presented, excluding Item I. Councilmember Day seconded the motion, which passed unanimously.

ENCOURAGE THE STATE OF UTAH TO ADDRESS COMPREHENSIVE TRANSPORTATION FUNDING – RESOLUTION 14-77

Gary Crane said in September the Utah League of Cities & Towns (ULCT) passed a resolution recognizing that cities were going to need additional funding for transportation needs into the future. He said B & C Road Funds received by the City were not nearly enough to make the needed repairs. Gary said the City subsequently passed a resolution that provided for an effort on the City’s part to be able to educate the public on the need for additional revenues to handle transportation needs into the future. He said this was a follow up resolution that would encourage the State of Utah to consider a comprehensive transportation funding plan. Gary said the proposal was for up to ¼ cent local option increase in sales tax revenue in order to be able to provide for funding of transportation needs. He said those needs could include things from repairing roads to constructing trails and bike paths. Gary said all cities in the State would be adopting this resolution, which would be forwarded to the Governor and State Legislators to express the cities’ concerns that the issue be addressed. He said Staff recommended approval of Resolution 14-77.

MOTION: Councilmember Freitag moved to approve Item I of the Consent Agenda, Resolution 14-77, as presented. Councilmember Francis seconded the motion. Councilmember Brown, Day, Francis, Freitag and Petro voted yea. The motion passed unanimously.

PUBLIC HEARINGS:

AMEND TITLE 19, CHAPTER 19.02, SECTION 19.02.020 DEFINITIONS – ORDINANCE 14-30

Gary Crane said Ordinance 14-30 was the land use portion dealing with junk dealers mentioned earlier. He said the ordinance indicated that a junk dealing business needed to be in an area designated for junk dealing in the City. Gary said there were areas in the manufacturing zones of the City where they would be permitted and there should be a definite location, not a business traveling from street corner to street corner. He said the Planning Commission recommended approval and Staff supported that recommendation.

Mayor Pro Tem Brown opened the meeting for public input. None was given.

MOTION: Councilmember Freitag moved to close the public hearing and approve the amendments to Title 19, Ordinance 14-30. Councilmember Francis seconded the motion, which passed unanimously.

The meeting adjourned at 7:45 p.m.

Thieda Wellman, City Recorder