

**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 January 15, 2015.**

AGENDA ITEMS:

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

- A. Minutes of Layton City Council Work Meeting - November 20, 2014
- B. Minutes of Layton City Council Meeting - November 20, 2014
- C. Minutes of Layton City Council Work Meeting - December 4, 2014
- D. Minutes of Layton City Council Meeting - December 4, 2014

2. MUNICIPAL EVENT ANNOUNCEMENTS:

3. CITIZEN COMMENTS:

4. VERBAL PETITIONS AND PRESENTATIONS:

- A. Presentation - Youth Council Swearing In

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. Partial Release of Easement - Hilton Home2 Suites - Resolution 15-01
- B. Bid Award - Whitaker Construction Company - Project 14-10 - Land Drain Manhole Rehab Project - Resolution 15-02 - Lakeland and Eastview Subdivisions
- C. Bid Award - Widdison Turbine Service LLC - Project 14-06 - Layton City Shop Well Rehabilitation - Resolution 15-03 - Approximately 1925 North Fort Lane

6. PUBLIC HEARINGS:

- A. Rezone Request (BAC Layton, LLC) – R-1-10 (Single Family Residential) to R-1-8 (Single Family Residential) – Ordinance 15-01 – Southeast Corner of Gordon Avenue and Cold Creek Way

7. PLANNING COMMISSION RECOMMENDATIONS:

8. NEW BUSINESS:

9. UNFINISHED BUSINESS:

10. SPECIAL REPORTS:

ADJOURN:

Notice is hereby given that:

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- 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

LAYTON CITY does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in the employment or the provision of services. If you are planning to attend this public meeting and, due to a disability, need assistance in understanding or participating in the meeting, please notify Layton City eight or more hours in advance of the meeting. Please contact Kiley Day at 437 North Wasatch Drive, Layton, Utah 84041, 801.336.3825 or 801.336.3820.

Citizen Comment Guidelines

For the benefit of all who participate in a PUBLIC HEARING or in giving PUBLIC COMMENT during a City Council meeting, we respectfully request that the following procedures be observed so that all concerned individuals may have an opportunity to speak.

Electronic Information: An electronic or hard copy of any electronic information presented to the City Council must be submitted to the City Recorder by the end of the meeting.

Time: If you are giving public input on any item on the agenda, please limit comments to three (3) minutes. If greater time is necessary to discuss the item, the matter may, upon request, be placed on a future City Council agenda for further discussion.

New Information: Please limit comments to new information only to avoid repeating the same information multiple times.

Spokesperson: Please, if you are part of a large group, select a spokesperson for the group.

Courtesy: Please be courteous to those making comments by avoiding applauding or verbal outbursts either in favor of or against what is being said.

Comments: Your comments are important. To give order to the meeting, please direct comments to and through the person conducting the meeting.

Thank you.

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**MINUTES OF LAYTON CITY
COUNCIL WORK MEETING**

NOVEMBER 20, 2014; 5:32 P.M.

MAYOR AND COUNCILMEMBERS

PRESENT:

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

ABSENT:

JORY FRANCIS

STAFF PRESENT:

**ALEX JENSEN, GARY CRANE, BILL WRIGHT,
TRACY PROBERT, DAVE PRICE, KENT
ANDERSEN, JAMES (WOODY) WOODRUFF,
KEVIN WARD 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:

MEMORANDUM OF UNDERSTANDING WITH DAVIS APPLIED TECHNOLOGY COLLEGE (DATC) – RESOLUTION 14-71

Kevin Ward, Fire Chief, said in 2005 the Fire Department started running a fire academy, which was a little cumbersome. He said in 2007 the Fire Department formed a partnership with DATC, which worked great. Kevin said the City hired a number of the firefighters that came out of the program; they were employment ready and had all of their necessary certifications. He said it was a win/win for the City and DATC. Kevin said through the partnership, the City was paid back for the use of equipment.

Kevin said Resolution 14-71 would renew the understanding with DATC. He said the amount the City would receive had gone up slightly to about \$800 per student. Kevin said depending on the number of students, the City received between \$20,000 and \$25,000 a year in fees. He said the money was used to purchase equipment and supplies.

Kevin said this had been a great partnership. He said the State Fire Marshall's Office had indicated that this was the best program of its type in the State.

Council and Staff discussed various aspects of the program.

D R A F T

UPDATE – SPUI AND THRU U-TURN ALONG HILL FIELD ROAD CORRIDOR

Alex Jensen, City Manager, introduced Brett Slater, Project Manager for UDOT. He introduced Aubrey Bennion with the PR team for the project. Alex said Brett and Aubrey had been great to work with.

Brett Slater said the project was moving forward. He said three contractors had been selected for the project; Kiewit, Ames and Wadsworth Brothers. Mr. Slater said an RFP would be released to the three firms and they would have until March 2015 to prepare their proposals to UDOT, and then one firm would be selected to complete the project.

Councilmember Freitag arrived at 5:41 p.m.

Councilmember Petro asked how they determined their short list.

Mr. Slater said an RFP was given out to everyone and five teams had submitted proposals. He said inside the proposal the firms were told that the intent was to get down to three contractors. Mr. Slater said they wanted to get down to three because it was a lot of work to go through the proposals, and the contractors were paid a stipend for putting the bids together because it was extremely expensive to put a proposal together.

Councilmember Day asked what they were paid in terms of the stipend.

Mr. Slater said it was approximately \$75,000, which was only a small portion of what they would spend in the next few months putting bids together.

Ms. Bennion said the contractors put together extensive proposals that turned into contracts.

Mr. Slater displayed a map of what they had released to the three teams of what the project would involve, including the thru u-turns and the SPUI. He indicated that the SPUI portion of the project would be a design build project because of the complexities of the SPUI. Mr. Slater said the thru u-turns would be built to UDOT's specific design specifications because they had already made the necessary right of way purchases, and they had already completed extensive traffic modeling.

Mr. Slater explained the intersection at Gordon Avenue, which would be a two-phase intersection. He

D R A F T

said pedestrian traffic at this intersection would cross on the diagonal. Mr. Slater explained pedestrian flow in the area and steps that would be taken to delineate the pedestrian crosswalk.

Mr. Slater said I-15 would be raised and Hill Field Road would be lowered to accommodate the new bridge structure of the SPUI. He indicated that the left turn lane under the bridge onto I-15 would be removed during construction and traffic would be directed to the thru u-turns to access the interstate. Mr. Slater said during construction the intersection would not function very well, but after construction it would be great. He said there would be complaints about traffic flow during construction.

There was discussion about truck traffic from Smith's Food using the thru u-turns.

Ms. Bennion indicated that they were reaching out to the trucking companies to make them aware of the issues.

Councilmember Brown asked how long it would be that way.

Mr. Slater indicated that it would take 120 days, but it would not all be at the same time. He said they were really trying to protect the shopping season next year. Mr. Slater said all construction on Hill Field Road would stop, and the left turns would be put back in place from the 1st of November through the New Year. He said the entire project would be completed by June 2016.

Mayor Stevenson asked if the bridge would be built on-site or off-site and move into place.

Mr. Slater said that would be up to the contractor.

Mr. Slater explained closures of I-15 during construction. He indicated that there would be 4 closures on I-15 and 12 on Hill Field Road in each direction. Mr. Slater said the closures would be on a Sunday evening.

Mr. Slater expressed appreciation for the partnership UDOT had with Layton City through this process.

Mr. Slater displayed a timeline of the project. He indicated that the RFP had recently been released; proposals were due back in March and a contractor would be selected in April. Mr. Slater said the thru u-turns and super street would be constructed by next summer. He said they couldn't begin any construction on the SPUI until the super street was completed.

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Councilmember Petro asked if all the thru u-turns would be constructed at the same time.

Mr. Slater said they would have to maintain Hill Field Road at all times. He said the left turns would not be removed until the signage, signals and everything was in place for the thru u-turns.

Ms. Bennion said most of the construction for the thru u-turns happened off the road in the bulb-out areas. She said that was what allowed it to happen quickly with little impact to traffic.

Ms. Bennion said they had been working on public involvement for 1 1/2 years. She said once the design of the thru u-turns was decided, they contacted property owners and had acquired all of the rights of way with the exception of three parcels. Ms. Bennion said everyone had been very agreeable to the concept of the project as well as to the right of way negotiations. She said that had been a good introduction of the project to the property owners and the business owners. Ms. Bennion said they wanted to reach out to the businesses relative to how the road was currently functioning; they would do that again midpoint through the project and again once the project was completed.

Councilmember Brown asked if the businesses would be informed ahead of time when there would be road closures.

Ms. Bennion said yes. She said some details wouldn't be known until the contractor was selected, but there was a lot of effort on the project to make sure that the community was informed and on board with the improvements.

Mr. Slater said a citizen review board would be formed to provide feedback to the contractor, and the board would be able to allocate incentive dollars to the contractor if he was meeting his obligations to the people. He said UDOT would be present but would not be a voting member relative to the incentive. Mr. Slater said with this process contractors very often went above and beyond to make sure they were doing a good job for the citizens.

Ms. Bennion said it was motivation to be good partners and to share the road with the people they had to report to. She said this process had been a great success on the Layton Parkway project.

Mr. Slater presented information about the Antelope Drive widening project. He said the majority of the project was overlay and restriping. Mr. Slater said this project would go extremely quick, and would be

D R A F T

completed by May 15, 2015. He said this project had to be done before the Hill Field Road project began.

Mayor Stevenson asked who was heading up the Highway 89 and Antelope Drive project.

Mr. Slater said that was Rod Terry.

James (Woody) Woodruff, City Engineer, said they anticipated that opening by Thanksgiving.

Mayor Stevenson asked about the intersection just west of Highway 89; some residents thought there would be a roundabout at that intersection.

Woody said in the beginning stages of the project there was a discussion about a roundabout at that location. He said it was determined that a roundabout at that intersection would not be a good option.

Mayor Stevenson said he would be interested to see how traffic moved through that intersection, north to south, with the anticipated traffic on Antelope Drive.

Woody said the City would be asking UDOT to monitor that fairly closely. He said that was definitely a concern. Woody said because of weather, the Park and Ride would not be completed immediately and a section north of 2650 North would not be completed right away.

Mayor Stevenson asked about the roundabout at Oak Forest Drive.

Woody said the roundabout was in and ready to go. He said there were some concerns with safety and slopes in this area during the winter. Woody said heated mats had been placed underneath the asphalt on the south side of Oak Forest Drive approaching the roundabout. He said this was something that had been used in other parts of the country but was new to the City.

Councilmember Day asked what heated the mats.

Woody said they were electric. He said they were temperature and moisture controlled.

Mr. Slater indicated that with the Hill Field project, they discovered that there was a lot of water trying to be conveyed down Hill Field Road. He said currently a lot of the water was being stored in the existing gores; water was coming down Gordon Avenue, Hill Field Road, up from Ring Road, and into the

D R A F T

detention pond. Mr. Slater said in a very severe storm event, they were overtopping the capacity of the gores and there was flooding on the east side. He said in working with City Staff, the idea was to put in a new trunk line to carry the water to Kays Creek. Mr. Slater said UDOT and the City would be working together on the trunk line, which would be a separate project. He said a cooperative agreement would be brought back to the Council for approval.

AGREEMENT FOR PROFESSIONAL SERVICES WITH SALT LAKE CHAMBER OF COMMERCE – RESOLUTION 14-72

Alex Jensen said at the Utah League of Cities and Towns (ULCT) convention this last year there was a resolution passed by the membership indicating that there needed to be more creative approaches to transportation funding; the current funding mechanisms were not sufficient to provide for all the transportation needs. He said as a follow up of that, the ULCT, the Utah Association of Counties, and the Salt Lake Chamber of Commerce had joined together to form the Utah Transportation Coalition. Alex said the purpose was to prepare information, do analysis and then share that analysis and information with State elected and appointed officials to help them understand the significance of the need, in terms of demand for transportation networks as well as funding flexibility to meet those demands. He said the ULCT was approaching every city in the State to see if they had an interest in being a member of that Coalition. Alex said in visiting with the Mayor, his view was that it made a lot of sense. He said depending on what happened legislatively, there was a potential that the revenue stream for transportation could increase significantly with some of the ideas that were being kicked around.

Alex said Resolution 14-72 would adopt an agreement between Layton City and the Salt Lake Chamber of Commerce. He said the Salt Lake Chamber had agreed to be the head agency in terms of doing the analysis and putting it into a format that would be made available to the cities that could then be shared with local representatives and with citizens. Alex said they were also asking for a \$2,000 contribution to be part of the organization. He said any information and materials produced would be made available for free. Alex said Staff agreed with the Mayor that it was a great idea.

Councilmember Brown said in attending the ULCT meetings, they have asked the cities to pass a resolution stating that transportation funding was important.

Alex said the ULCT had submitted a sample resolution that would be brought to the Council for consideration. He said some data had already been produced that they would be making available to the cities.

D R A F T

Councilmember Day asked if this would be an ongoing thing.

Alex said he would assume that it would be ongoing because it was likely to be a multi-year strategy to be able to bring about the attention, education and resources needed to fund a comprehensive transportation network. He said this was not only the traditional highways and trucks, but it would include mass transit, bus systems, bicycle paths, pedestrian trail systems, etc. Alex said they would try to look at the transportation network a lot more holistically and comprehensively, and realized that the transportation networks that people were demanding and being used today were much different than they were 20 or 30 years ago. He said the way people wanted to move within a community or between communities was much different; that needed to be recognized and have a funding mechanism that would accommodate that.

Councilmember Brown said at a kickoff meeting it was mentioned that the State was barely maintaining rural roads; filling potholes. They didn't have the money to do major repairs.

Mayor Stevenson said there were those same issues within the City. He said there were only so many dollars to take care of it; it had to be figured out.

Councilmember Brown said it was suggested that when the Council met with local legislators, they present the City's Master Transportation Plan identifying major streets that would need to be funded.

REZONE REQUEST – PHEASANT VIEW LAND COMPANY, LLC – A (AGRICULTURE) TO R-S (RESIDENTIAL SUBURBAN) – 1242 E. PHEASANT VIEW DRIVE – ORDINANCE 14-22

Bill Wright, Community and Economic Development Director, said annexation of this property was approved at the November 6th meeting. He said the property was a landlocked parcel located south of the Pheasant View Assisted Living facility. Bill identified the property on a map. He said there was an annexation agreement on the property that was adopted with the annexation.

Bill said the annexation agreement placed restrictions on the total number of units allowed in the development, and it also restricted 15 of the units that were part of the addition to be memory care units. He said the site plan, which was shared with the Council at the earlier meeting, indicated that two units would be removed from the existing building to allow space for the driveway; there would be seven additional parking stalls; and the addition would be connected to the existing building to provide access to

D R A F T

support services for the new units.

Bill said by default, property that was annexed into the City came in zoned agriculture. He said the request was to rezone the property to R-S, which was the same as the existing building. Bill said the neighborhood surrounding the development was R-1-8, which had a little higher density and smaller lots. He said there was some R-1-6 zoned property nearby.

Bill said Council had also received information about the Federal Fair Housing laws and reasonable accommodations. He said reasonable accommodation in this case was to allow the buildings to be attached. This property could be built as a flag lot with a separate building and meet all of the zoning requirements. Bill said attaching the building was important for the function of the facility and was a very reasonable accommodation.

Bill said the Planning Commission held a public hearing on this rezone on November 12th and there were comments received by citizens. He said there was a petition submitted asking that the facility not be allowed to expand. Bill said most of the comments focused around increased traffic, concerns about the intensity of the use, there were comments about the pickup of the trash, some of the deliveries for food services, parking issues particularly along the entrance, and parking on the street. He said the Planning Commission unanimously voted to recommended approval of the rezone and Staff supported that recommendation.

Councilmember Brown mentioned an email the Council received from a couple expressing concerns with delivery trucks backing into the facility. She wondered if the facility could arrange for their staff to park at the church nearby, which would allow for more visitor parking.

Mayor Stevenson said he didn't think that would be a possibility.

Mr. Martz said they had talked to the church and that wasn't allowed.

Councilmember Brown said she would think that on busy visiting days, such as holidays, there wasn't enough visitor parking.

Mayor Stevenson said he came by Legacy Village an hour ago and there were cars parked along the street there as well.

D R A F T

Mr. Martz said there usually wasn't a parking issue on holidays because families picked up residents and took them somewhere else.

Councilmember Petro asked Mr. Martz to address the parking stalls issue.

Mr. Martz said a maximum number of parking stalls for assisted living was hard to predict; the residents didn't drive and visitor parking was inconsistent. He said they didn't have issues on a day to day basis, but on random days when everyone showed up to visit there could be parking on the street, or when they had parties. Mr. Martz said this was usually short lived. He said he didn't think the parking was any more of a problem than it would be if four homes were built on the property.

Councilmember Petro said currently there were 11 parking stalls. She asked how the additional stalls would be added.

Bill displayed a site plan drawing that showed the additional parking stalls, which would increase the total to 17 stalls. He identified the locations of parking stalls.

Mr. Martz explained parking by the dumpster and on the drive approach. He said these areas weren't counted as parking stalls but they were available for parking. Mr. Martz said the back parking stalls would be for employee parking. He said with cars parked along the drive approach, emergency and service vehicles still had access. Mr. Martz said on average they didn't have parking issues; there were usually one or two stalls available.

Councilmember Petro asked how often they had medical emergencies.

Mr. Martz said 2 to 3 per week.

Councilmember Brown said in the email the Council received, they stated that the City was misusing the Fair Housing Act. She asked Gary Crane, City Attorney, to address that.

Gary said that was not accurate. He said the Fair Housing Act was very broad; this type of accommodation was typical. Gary said the only accommodation the City had made was to allow the two buildings to be joined together and for two additional units. He said the facility could be there as two separate buildings without the accommodation. Gary said things like the dumpster issue could be worked out. He said this was really only a zone change, and in the State of Utah zone changes were not

D R A F T

conditional. Gary said dumpster and parking issues could be addressed through a development agreement.

Councilmember Petro said there was already an agreement in place. Could these additional issues be addressed by amending that agreement?

Bill said the annexation agreement for this property spoke to the number of units, restriction on units, the architecture of the building, and a restriction on uses.

Councilmember Day said so that was part of the annexation agreement; all they were doing tonight was rezoning the property.

Bill said that was correct. He said there would be a site plan review later. Bill said there was a conditional use permit on the first facility, and those conditions had been carried over to the addition, in terms of fencing and landscaping. He said those conditions would be enforced at the site plan review for issuing a permit.

Councilmember Day asked if that was handled administratively by Staff.

Bill said yes. He said as part of any conditional use, they had to follow the general standards and comply with City Code. Bill said an example of that would be the picking up of trash at an unreasonable hour; that could be enforced through Code.

Councilmember Petro asked how the Council could insure that the issues raised by the residents would be addressed at that time.

Councilmember Brown said the R-S zone was a less intense zone than the surrounding R-1-8 zone.

Councilmember Day stated that it wouldn't matter if the Council rezoned the property to R-S or R-1-8, the use would still be permitted through the Fair Housing Act.

Gary said that was correct.

Bill said it was probably important not to leave it as agriculture.

Councilmember Day said if the rezone request was to R-1-8 or R-1-6, it wouldn't matter; the building

D R A F T

could still go in.

Gary said that was correct.

Councilmember Brown said the Council had to decide if this was an appropriate zone for that area. She said R-S was an appropriate zone for property that was surrounded by R-1-8 zoning.

Bill said that was correct.

Councilmember Day said it seemed that their major concern was the parking, which he could see when he drove there this afternoon. He said he would encourage Mr. Martz to expand the number of stalls if at all possible.

Mr. Martz said they had tried to squeeze as many stalls as possible into the site plan.

Mayor Stevenson said residents had voiced concerns with parking, but it wasn't 365 days a year. He said it happened occasionally.

Councilmember Brown said some days she had concerns about the parking on her street when her neighbor had a wedding reception in their backyard.

Councilmember Day said they were meeting the parking requirement.

Bill said that was correct.

Councilmember Brown said that was not a reason to deny the rezone.

Councilmember Petro said in walking the site, they had done a great job with landscaping. She said it was a nice facility and Layton needed these types of facilities. Councilmember Petro said she just wanted to make sure the concerns of the citizens were taken care of, especially with the trash.

Mr. Martz said they could have pushed the footprint of the building out and to the back a little bit and squeezed out an additional parking stall or two, but they didn't want to have a building so close to everybody else's property. He said they were trying to balance it so that there wasn't a giant parking lot, which was ugly, and that there was plenty of green space around the building so that it looked nice. Mr.

D R A F T

Martz said by most of the neighbor's standards, they were a really good neighbor. If they wanted something changed, the neighbors came to them and addressed the issue, and they were quick to respond. He said they were there for the long haul and wanted to be a good neighbor.

PARCEL SPLIT – DUANE JOHNSON SHOPS – APPROXIMATELY 3100 NORTH 650 EAST

Bill Wright said this was a proposed parcel split request to separate a large parcel into two parcels. He said there was an existing building on one of the parcels and it met all the requirements of the M-1 zone. Bill said the plan would eventually be for additional buildings on the back portion of the larger parcel. He said 650 East was not a public street and had not been dedicated to the City. Bill said a waiver agreement had been provided by the abutting property owner that if the road was ever improved to public standards, that property owner would participate with improving the road.

Gary said they were required to contain drainage on the property.

Bill said that was correct; there was a drainage system on the property.

REQUEST FOR PROPERTY PURCHASE – WASATCH INTEGRATED WASTE DISTRICT CELL TOWER PROPERTY

Mayor Stevenson said this was a request from Scott Matthews for property purchase with Wasatch Integrated on a cell tower.

Shane said he was Scott's partner.

Mayor Stevenson said on the landfill site near where the grape vines were planted, there was a large cell tower site. He said Wasatch Integrated had a lease agreement with a gentleman that had the towers on their property. Mayor Stevenson said the gentleman had been in default a number of times on the lease, and went into default again this year. He said Wasatch Integrated indicated that they were done with the lease and would declare the property excess property. Mayor Stevenson said the property would tie into the City Park that would be developed in the area and the neighbors wanted the cell tower taken down. He said the City had expressed an interest in purchasing the property and Wasatch Integrated would take the tower down. Mayor Stevenson said Mr. Matthews and his partner had a sublease with the gentleman that wasn't paying his lease.

D R A F T

Shane said there was some misinformation about the default this last time. He said there were agreements between Wasatch Integrated and the company that currently owned the tower to negotiate the sale with them. Shane said during that time the current leaseholder would not make any payments to the property owner until the property was sold, and then they would satisfy their debt. He said he didn't have that information with him, but there was documentation supporting this.

Mayor Stevenson said that issue would be between the leaseholder and Wasatch Integrated, not the City. Mayor Stevenson said he thought Shane's question was whether or not the City would want to work with him.

Shane said they had been negotiating since April to buy the property. He said they were happy to take the large dishes off the tower to make it good for everyone. Shane said they were looking to continue to grow their small business and be a local contributor to Davis County.

Mayor Stevenson said the Wasatch Integrated Board took action indicating that if Layton City wanted to purchase the property they would sell it to Layton City. He said they were informed that Layton would purchase the property. Mayor Stevenson said the Council would need to decide if they wanted to purchase the property and make it part of the future park, or if they would want to purchase the property and work with Scott and Shane with what they wanted to do, or back out and let Scott and Shane purchase the property. He said it tied into the park area and a lot of citizens in the area had been told by another source that the tower would most likely go away, which was what they had wanted for a long time. Mayor Stevenson said his opinion was that the City purchase the property and that the tower be removed. He said that was not what Shane wanted to hear.

Councilmember Brown said when the Parks and Recreation Department held meetings in the area to get feedback from the residents about a park, the residents mentioned that they wanted the tower removed.

Councilmember Freitag asked Staff to identify the park property on a map.

Councilmember Day asked Shane if his proposal was to leave the tower as is or were they taking part of it down.

Shane said a big part of the undesirable nature of the tower was the big dishes on the tower. He said removing those would greatly remove the eyesore. Shane said it would make it a little more discrete, but it would still be a tower like any other tower in the City. He said they would be happy to make it

D R A F T

appealing for all sides.

Councilmember Petro asked if there was another site in the area that could be used.

Shane said not at this time.

Mayor Stevenson said right now there wasn't another option, but was that because they hadn't pursued another location. Mayor Stevenson said he understood that there were other towers in the area that would work for what they needed.

Shane said there was a possibility; the challenge was interference, degraded performance, licensing, etc. He said some towers already had contracts with other companies that state no other entity could be on those towers. Shane said for the most part, this tower didn't have any of those issues. He said this tower was their conduit from Salt Lake County to Weber County, and there were not a lot of options. This was their lifeline to Weber County.

Councilmember Day asked how this was any different from the towers the Planning Commission just approved at the Jr. High, and all the other towers on public land.

Gary said the City promoted the location of towers on public property so that they could be regulated. He said this one was located on private property, which turned public when Wasatch Integrated purchased the property. Gary said the City chose where the towers went, how many they wanted in the City, and how many companies could collocate on the tower. He said he thought the City allowed a maximum of three to collocate on a tower. Gary said he thought there were two collocated on this tower and it was built long before the single pole towers of today. He said this tower had been at this location for a very long time; the dishes located on the tower were very old technology. New dishes were much smaller.

Councilmember Freitag asked what the access was to the tower.

Dave Price, Parks and Recreation Director, said right now they came over the field.

Councilmember Brown said once the park was built, that access would go away.

Dave said it would with the Council's direction. He said right now the design of the park didn't show access, but if the tower was maintained there would be access.

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Councilmember Freitag asked if there was any agreement in place allowing access to the tower.

Dave said there was an agreement with Wasatch Integrated.

Councilmember Freitag said it seemed like access was going to be a problem.

Dave said the biggest complaint from the citizens was that they didn't like seeing the tower. He said as a Park Manager, his larger concerns were with safety and upkeep of the facilities. Dave said if Staff wasn't vigilant with the towers that were located in other parks, they became eyesores very quickly, regardless of which company they had contracts with. He said occasionally kids explored over the fence into the tower structure.

Councilmember Petro asked what type of revenue the City received from tower locations.

Dave said it was very minimal.

Council and Staff discussed other tower locations.

Mayor Stevenson said realistically, if the current leaseholder was paying his obligations, this wouldn't be an issue.

Shane said what was presented relative to the status of payments wasn't necessarily accurate.

Gary said the City would require a clean title to the property and it would be Wasatch Integrated's obligation to provide that. Gary said the City received about \$12,000 a year in revenue for a tower location.

Councilmember Petro asked how tall the tower would need to be to maintain it.

Shane said he didn't know the exact height of the tower, but it was probably 70 feet.

Councilmember Petro asked if he would need the same height.

Shane said yes; it certainly aided them in what they needed to do. He said the big dishes would go away,

D R A F T

and their small dish would remain on the tower. Shane said the big dishes over-powered everything on the tower. He expressed appreciation to the Council for their time.

The meeting adjourned at 6:56 p.m.

Thieda Wellman, City Recorder

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**MINUTES OF LAYTON CITY
COUNCIL MEETING**

NOVEMBER 20, 2014; 7:01 P.M.

**MAYOR AND COUNCILMEMBERS
PRESENT:**

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

ABSENT:

JORY FRANCIS

STAFF PRESENT:

**ALEX JENSEN, GARY CRANE, BILL WRIGHT,
KENT ANDERSEN, KEVIN WARD 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. Bill Wright, Community and Economic Development Director, gave the invocation. Scouts and students were welcomed.

MINUTES:

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

Layton City Council Joint Planning Commission Work Meeting – October 16, 2014.

The vote was unanimous to approve the minutes as written.

MUNICIPAL EVENT ANNOUNCEMENTS:

Councilmember Brown said the Family Recreation Turkey Bowl would be held this Saturday at Davis Lanes. She said the cost was \$3.50 per person for 1 hour of bowling.

Councilmember Brown said the Annual Christmas Lighting Ceremony would be held next Monday beginning at 6:00 p.m. with choir performances at Layton High. She said the lights would be turned on at 7:00 p.m.

Councilmember Brown said on December 10th from 6:00 p.m. to 8:00 p.m. there would be free hay rides

D R A F T

through the Christmas lights. She said refreshments would be served in the bowery and Santa would be there.

PRESENTATIONS:

RECOGNITION – NATALIE K. THOLEN – NORMA MATHESON OUTSTANDING VOLUNTEER AWARD

Kevin Ward, Fire Chief, recognized Natalie Tholen for receiving the Norma Matheson Outstanding Volunteer Award. He said Natalie helped keep the Fire Corps program going and for it being what it was today. Kevin said Natalie donated over 5,000 hours of volunteer service to the City and citizens of Layton. Natalie came forward to shake hands with the Mayor and Council.

RECOGNITION OF COMMUNITY EMERGENCY RESPONSE TEAM (CERT) GRADUATES

Kevin Ward explained the CERT program. He indicated that there had been over 2,000 graduates of the program. Kevin introduced the recent graduates. The graduates came forward to receive their certificates and to shake hands with the Mayor and Council.

Mayor Stevenson said it was impressive to see the number of citizens that were willing to donate their time in service to the citizens of Layton.

CONSENT AGENDA:

MEMORANDUM OF UNDERSTANDING WITH DAVIS APPLIED TECHNOLOGY COLLEGE (DATC) – RESOLUTION 14-71

Kevin Ward said Resolution 14-71 was a memorandum of understanding with DATC. He said there had been an agreement with DATC since 2007. Kevin said the agreement needed to be updated and renewed, and would include the use of the training facility and equipment, and there was a fee increase. He said the fire training facility had been a great asset for developing a very comprehensive fire training program. Kevin said Staff recommended approval.

D R A F T

AGREEMENT FOR PROFESSIONAL SERVICES WITH SALT LAKE CHAMBER OF COMMERCE – RESOLUTION 14-72

Gary Crane, City Attorney, said Resolution 14-72 would adopt and approve a professional services agreement with the Salt Lake Chamber of Commerce. Gary said at the Utah League of Cities and Towns (ULCT) conference last fall, the ULCT passed a resolution, which promoted the funding of transportation into the future. He said this included the resurfacing of streets and adding new streets to accommodate increasing populations in the State. Gary said it included things like trails and bike paths. He said modes of transportation were changing on a continual basis and in order to keep up with and accommodate the needs of transportation into the future the ULCT, the Utah Association of Counties and numerous businesses in conjunction with the Salt Lake Chamber of Commerce were proposing a group to put together tools the cities could use in order to explain these transportation needs to the public and to elected officials. Gary said the agreement was with the Salt Lake Chamber of Commerce who was heading up an effort to be able to provide those tools to jurisdictions. He said Resolution 14-72 authorized the City to become a part of the Transportation Coalition formed by these groups. Gary said the City's contribution would be \$2,000; for the contribution the City would receive unlimited access and assistance in getting the City's message out regarding funding for transportation needs. He said Staff recommended approval.

Councilmember Freitag asked if there were a minimum number of municipalities or private parties that needed to belong to this in order for it to go forward.

Gary said already the private community had funded a good portion of this. He said if 50% of the cities along the Wasatch Front actually participated, which they had already committed to do, it would go forward. Gary said the level of going forward would be what would change. He said with the funds already received, and with the commitments from the cities that had already indicated that they would come on board, there was sufficient funding to proceed forward.

Councilmember Freitag asked if the ULCT had asked all of their members to participate, or only those along the Wasatch Front.

Gary said because it involved everything from trails to bicycle paths, transportation of rural areas was a big focus of the plan put into place. He said it would involve all the cities in the State even though the Wasatch Front had the most concentration of transportation needs.

D R A F T

PARCEL SPLIT – DUANE JOHNSON SHOPS – APPROXIMATELY 3100 NORTH 650 EAST

Bill Wright, Community and Economic Development Director, said this was a parcel split request from Duane Johnson for property located at approximately 3100 North 650 East. He identified the property on a map. He said the proposal was to split a smaller portion of the property that contained an existing industrial warehouse building from a larger portion of the property. Bill said the parcel met all of the requirements of the M-1 zone. He said the overall plan for the property included additional buildings that would be constructed on the remaining part of the parcel. Bill said 650 East was not a public street and the determination in the past was that as development occurred they were asked to sign waivers providing for funding for improvements should it become a public street in the future. He said that was in place for this property. Bill said the Planning Commission recommended approval and Staff supported that recommendation.

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

PUBLIC HEARINGS:

REZONE REQUEST – PHEASANT VIEW LAND COMPANY, LLC – A (AGRICULTURE) TO R-S (RESIDENTIAL SUBURBAN) – 1242 EAST PHEASANT VIEW DRIVE – ORDINANCE 14-22

Bill Wright said Ordinance 14-22 was a request to rezone property located at 1242 East Pheasant View Drive. He said the property was currently zoned agriculture and the request was to rezone the property to R-S. Bill said the applicant was the Pheasant View Land Company.

Bill said the property was a landlocked piece of property that was approved for annexation at the November 6th meeting, along with an annexation agreement. He said this would accommodate an expansion of an existing facility, Pheasant View Assisted Living facility. Bill said the addition would include 15 additional units that would be restricted to memory care units. He said the building would be attached to the existing building.

Bill displayed a site plan of the facility and explained additional parking that would be provided. He said the expansion and facility complied with zoning requirements of the City. Bill said a portion of the existing building would be demolished to allow for the expansion and a driveway access.

D R A F T

Bill said the Planning Commission held a public hearing on this item on November 12th and found that the zone change was appropriate for the area and was consistent with the General Plan. He said abutting property was zoned R-1-8 and this rezone request was for R-S zoning, which was a residential zone that had a larger lot size requirement than the R-1-8 zone. Bill said the assisted living facility was an allowed use on the property. He said the Planning Commission received comments from the public, which were included in the Council's packet information. Bill said most of the comments would be addressed through the site plan review process and some were based on the operation of the facility. He said the owner, Eric Martz, could respond to those comments. Bill said the Planning Commission recommended approval and Staff supported that recommendation.

Mayor Stevenson opened the meeting for public input.

Eric Martz, partner in the property ownership, said this was a much needed public service for the community. He said the rate of Alzheimer's was increasing drastically in the State; Utah was slated to be the highest in Alzheimer's and dementia in the nation. Mr. Martz said assisted living facilities across the State were expanding and adding Alzheimer's units because of this expected and current need. He said their goal was always to build in a residential neighborhood to make it as much like a home for their residents as possible. Mr. Martz said they tried very hard to be a good neighbor to surrounding properties and they encouraged an open-door policy.

Mayor Stevenson asked what was in the part of the building that was being taken out for the driveway.

Mr. Martz said two resident rooms were in that area.

Hailey Hales, 1248 East Pheasant View Drive, expressed concerns for the facility expansion because of parking issues. She said in one day she had collected 25 signatures from residents in the neighborhood that were against the facility. Ms. Hales gave copies of pictures relative to cars parking in the area. She expressed concerns with semi trucks backing into the facility with children in the area. Ms. Hales said there was not enough on-site parking, and the facility made the residential area feel more commercial.

Mayor Stevenson asked how often there was street parking.

Ms. Hales said at least 3 times a week. She said the facility landscaper parked in front of her home all the time.

D R A F T

Mayor Stevenson said besides the parking issues, were they a good neighbor.

Ms. Hales said they were okay right now because the facility was small, but she was worried with it growing bigger; it would be a bigger problem. She said the original owners of her home were promised that the facility wouldn't impact their home, but they had to take out part of their backyard and fence because it created a blind spot. Ms. Hales said the information wasn't clear on the number of parking stalls.

Mr. Martz said relative to the parking, unfortunately the Hales' property was the closest to the facility. He said similar to any other neighbor that had people coming and going to their home, they would be affected if they were the closest to that. He said he would encourage people to park on the street adjacent to the church parking. Mr. Martz said if the property had been developed like originally proposed with an R-1-8 zone, the property would accommodate four homes; four homes would create more traffic. He said the number of parking stalls would meet the mass majority of their needs and were in line with City Code.

Mr. Martz said they would make sure the trash was not picked up prior to 7:00 a.m. He said there was a Sysco delivery truck that came in on Wednesdays or Thursdays, but there would be no additional deliveries with the new addition.

Mr. Martz said relative to the fence that was mentioned with the previous neighbor, the owners of the facility had approached them and offered to pay for all of the fencing, including the removal that was made mandatory by City Code, but they refused. He said City Code required that anyone building on the lot would have to insure clear view at the end of the driveway.

Mr. Martz said they were trying very hard to be good neighbors. This was a residential home, just not a standard residential home.

Councilmember Brown said one of the comments in the email from the Hales was that there would only be 14 parking stalls. She asked how many stalls there would be.

Mr. Martz said there were currently 11 parking stalls. One parking stall would be removed to allow access to the back, but 7 new stalls would be added for a total of 17. He said if they were able to fit an additional stall they would do that. Mr. Martz said they understood that sufficient parking was highly desirable.

Councilmember Brown said in the earlier work meeting Mr. Martz mentioned that they could park on the

D R A F T

east side of their driveway entrance. She said some of the neighbors thought that that was illegal parking.

Mr. Martz said his understanding when the original building was built was that they had to have a 30-foot minimum width, which they met. He said the drivable sidewalk on the northeast side was not considered fire lane; the fire lane was on the other side. Mr. Martz said they installed a drivable sidewalk to allow for the parking and still have access for emergency vehicles.

Councilmember Brown asked if City Code allowed for parking in that area.

Bill Wright said what Mr. Martz had stated was correct; parking wasn't restricted on that side, but it wasn't counted as part of the required parking.

Michael Hales, 1248 East Pheasant View Drive, gave Council copies of the site plans that were marked up. He said this wasn't a typical home. Mr. Hales said in the Municipal Zoning Code, 19.04.02, it stated that the zone was intended for very low density residential, and R-S was for low density single-family residential. He said 35 beds on 1 lot was not very low density. Mr. Hales said in 19.06.05(5) it stated that they must provide adequate off-street parking. He said they didn't have adequate off-street parking now and the expansion would only make it worse. Mr. Hales suggested that they take out some of the beds and put in more parking.

Mr. Hales said gutter to gutter on the driveway approach was 22 feet not 30 feet. He said parking there obstructed the fire lane. Mr. Hales said with the drivable sidewalk it was closer to 30 feet. He said the delivery trucks made it feel like a commercial area not a residential area. Mr. Hales said allowing for the expansion based on a reasonable accommodation of the Fair Housing Act was not appropriate; this was not a discrimination issue. He said adding this huge expansion didn't seem like a necessary accommodation. Mr. Hales said the Department of Justice stated that the Fair Housing Act was not a land use or zoning statute; it did not preempt local land and zoning laws. He said he was not against this type of facility in their neighborhood, but this was more about a business trying to get as much financial gain as possible.

Mayor Stevenson asked Mr. Hales how many parking spaces he thought were needed.

Mr. Hales said in his opinion they needed 5 additional stalls for the existing facility and 10 more for the expansion.

There was discussion about the number of trucks coming to service the facility and the times they were coming.

D R A F T

Mayor Stevenson said there was no question that this was a business, but there were requirements for the number of parking stalls. He said the facility was following the rules relative to parking. Mayor Stevenson said anyone could park on a public street; he mentioned parking issues at one of his commercial buildings. He said the City couldn't stop people from parking in front of a home on a public street. Mayor Stevenson said some of these issues were tough to legislate against. He suggested that the neighbors could work some of these things out with Mr. Martz, such as garbage pickup times.

Mr. Hales said with the new addition they wouldn't be meeting the Code.

Mayor Stevenson asked if the facility would meet parking requirements with the new addition.

Councilmember Day asked Staff to address how this fit with the Fair Housing Act and the zone.

Bill Wright said this was a preliminary site plan; the permit would not be issued unless the facility met all of the zoning requirements, and the additional restrictions addressed in the annexation agreement. He said residential facilities for persons with a disability were a permitted use in all of the City's residential zones and the agricultural zone. Bill said the Code identified a small facility, which was defined as 12 or fewer units in a building. He said the expansion could be separated and not attached to the existing building and would meet the qualifications for a permitted use. Bill said the reasonable accommodation that came with the Federal Fair Housing Act was that the City was allowing the building to be connected so that the support facilities of the main building could be provided to the residents in the addition, and there would be three additional units for people with this type of disability. Bill said through the annexation agreement the units were limited to memory care units, which usually came with less impacts because none of the clients would be bringing a car with them to the facility.

Gary Crane said this was the purpose of giving variances and variations in the Code, which was to accommodate the Fair Housing Act and Title 2 of the Americans with Disabilities Act (ADA). Gary said there was an annexation agreement on the property that further limited the uses of the facility. He said the annexation agreement guaranteed that the uses in the facility would not change; they had to be memory care units. Gary said the Fair Housing Act and the ADA would allow a much more intense use on a parcel of property in a residential zone if the annexation agreement was not in place. He said the annexation agreement allowed the City a lot more control, and the owner had agreed to the terms of the annexation agreement.

Gary said the Fair Housing Act and the ADA essentially imposed an affirmative duty on local governments

D R A F T

to make reasonable accommodations, which included modifications and exceptions to the zoning ordinance where such accommodations may be necessary to afford a person with a disability an equal opportunity to use and enjoy a residential facility. He said case study showed that the courts had become more and more lenient, and more imposing on local governments, to stretch the definition of what a reasonable accommodation was. Gary said in West Valley there was a facility for sexual offenders that was placed in a residential area that caused a huge court battle; in the end West Valley City lost that battle because they did not reasonably accommodate that facility within their jurisdiction. He said this situation was far from that; these were people that were essentially in the community all along, but had grown elderly and were looking to exist in an area where they felt at home. Gary said all the City was allowing was for the connection of the two buildings and a couple of additional units.

Lori Auger, 1234 East Pheasant View Drive, said their back yard bordered the building. She said with the original building there was a concession to allow it to be 12 feet from their property line when the Code was 20 feet. Ms. Auger said if any similar concessions would be made for the new building.

Mr. Martz said the two rooms being removed would take that from 12 feet to over 20 feet from the property line. He said they were not asking for any concessions from setbacks for the new building.

Joe Gange, 1235 E Pheasant View Drive, expressed concern with parking on the street, in front of his mail box. He said he had received several warnings from the post office because mail couldn't be delivered. Mr. Gange said their driveway was also blocked on occasion.

Mr. Martz asked if they would be allowed to paint the curb red in front of the mail box.

Gary Crane said it couldn't be painted red unless the Police Chief specifically authorized it and a study would have to be done to authorize it. He said it was fundamentally illegal to park in front of a mail box, and it was illegal to park in front of a driveway, and if the homeowner called the City, the Police Department would enforce that right of way and ticket them.

Mr. Martz said he would encourage the homeowner to call the City for violations. He said they didn't encourage anyone that came to their building to park in front of someone's mailbox or driveway. Mr. Martz said he would call the police if he saw a violation, and he would encourage staff to park by the church.

Mr. Auger, 1234 Pheasant View, said employees parked underneath the trees in front of their home for the shade in the summer time, even if there were spaces available on-site. He asked Mr. Martz to talk to the

D R A F T

employees about this.

Councilmember Petro said the time and how often the trash could be picked up should be addressed, and if there would be an additional dumpster. She said the email that the Council received expressed concerns with the smell.

Mr. Martz said he would call the company and check on the schedule. He said they currently had an 8 yard dumpster and the fenced trash surround could accommodate up to a 10 yard dumpster. Mr. Martz said they could go to weekly pickups if needed. He said they didn't foresee the trash doubling with the expansion and didn't plan for an additional dumpster. Mr. Martz said he would request a much later pickup of the trash; he would try for after 9:00 a.m.

Councilmember Brown said the only thing before the Council this evening was a rezone. She said some of the other issues mentioned this evening would be addressed when permits were issued. Councilmember Brown said this was a needed facility in the community.

MOTION: Councilmember Brown moved to close the public hearing and approve the rezone request, Ordinance 14-22. Councilmember Freitag seconded the motion, which passed unanimously.

Mayor Stevenson said this was only the rezone; there would still be site plan approval. He said Staff would be directed to watch that closely. Mayor Stevenson said Mr. Martz had indicated that they would be willing to do anything to try and make this a nice facility and a good neighbor. He expressed appreciation to the residents for the information they had presented and for their civility through the process.

Councilmember Day asked that the citizens be kept involved through the process.

SPECIAL REPORTS:

Mayor Stevenson mentioned a conference he recently attended about recyclable waste. He said not everyone realized the operations going on at the land fill dealing with recyclables and turning waste into energy. Mayor Stevenson said the burn plant not only burned the garbage but they created two types of energy; steam that was sold to Hill Air Force Base that heated most of the buildings, and electricity was generated. He said there was an article recently in the paper indicating that Layton City was not involved with recyclables, but the City was doing its part and supported what took place at the burn plant. Mayor Stevenson explained a new system the burn plant was looking at that would separate organic materials from burnable items; the

D R A F T

organic materials would generate methane gas, which could be used like propane. He said this system would further reduce waste going into the landfill by 30%.

Councilmember Brown said there was an article in the City's most recent Newsletter about what the Mayor had talked about that was available on the City's website.

The meeting adjourned at 8: 15 p.m.

Thieda Wellman, City Recorder

D R A F T

**MINUTES OF LAYTON CITY
COUNCIL WORK MEETING**

DECEMBER 4, 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, TRACY
PROBERT, BILL WRIGHT, KENT ANDERSEN,
DEAN HUNT 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:

2014 COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) AND AUDIT REPORTS

Tracy Probert, Finance Director, indicated that a copy of the CAFR had been placed in the Council Dropbox. Tracy said the General Fund unassigned fund balance at the end of the 2013-2014 fiscal year was 17.35% compared to 18.1% the previous year. He indicated that the Enterprise Funds were in good shape.

Tracy said sales tax revenue increased \$609,440 over the previous year and revenue exceeded expenditures by \$240,105, which was added to fund balance instead of having to use fund balance as planned in the budget. He said the unassigned fund balance was \$5,155,535. Tracy reviewed General Fund revenues and indicated that there were major increases in sales tax and energy tax revenues.

Mayor Stevenson said relative to property tax, a lot of places in Layton had major tax increases last year. He asked how that played into the City's allotment.

Tracy explained how property tax rates changed to keep revenues the same with the exception of new growth. He said if someone had a rate increase someone else would have a rate decrease to keep revenues equal.

D R A F T

Council and Staff discussed the calculation of property tax.

Tracy reviewed General Fund departmental expenditures for the year. He indicated that overall individual departments saved 2.78% in their budgets for the year.

Mayor Stevenson said the employees and departments should be commended for meeting the challenge and saving money.

Councilmember Brown mentioned that the property tax rates for the last few years were included in the CAFR.

Tracy said the statistical section of the CAFR included a lot of useful information, as did the manager's discussion and analysis.

Tracy reviewed Enterprise Funds. He indicated that all Enterprise Funds had net income except the pool.

Councilmember Francis asked about the status of the Street Lighting Fund; was the City managing the lights.

Alex Jensen, City Manager, said the City was managing new build, but hadn't purchased the existing system from Rocky Mountain Power. He said there wasn't enough money in the fund to do that because of projects, but Staff felt that it should still happen.

Tracy reviewed Impact Fee Fund balances at the end of the year.

Alex indicated that these balances were cumulative balances, not what was received in 2014.

Rob Wood, Hansen Bradshaw Malmrose & Erickson, reviewed the audit reports included in the CAFR. He indicated that there were no material misstatements. Mr. Wood said they gave a clean opinion of the financial statements, which was the best opinion they could give the City. He indicated that the City had a great Finance Department in how they accounted for the City's monies. Mr. Wood indicated that the independent auditor's report on internal control noted no issues with internal control, and there were no compliance issues. He reviewed State compliance audit guidelines and those things that were audited relative to State funds; there were no issues to report.

D R A F T

Councilmember Freitag said relative to the sales tax pledge for UTOPIA, how did that play into the audit and financial statements.

Mr. Wood said there was a new GASB standard coming out, GASB 70, and Murray City, which was a UTOPIA city, posed the question about when the debt of another entity that was backed by the cities became the cities' debt. He said the question was submitted to Stephen Gauthier, with the National Government Finance Officers Association (GFOA), and his professional opinion was that the debt should not be recorded by any of the member cities because it was not their debt, the pledged revenue could potentially go away. Mr. Wood said there were full disclosures in the notes section of the report that explained the details of UTOPIA, and the City's commitment.

Councilmember Freitag said he would like to have a discussion in a future meeting about bonds; the City's bond rating, the percentages that were paid, and what made good financial sense in the City's capacity to expend additional bonds.

Alex Jensen, City Manager, said Staff had done some of that analysis previously. He said Staff would be happy to bring that information back to the Council.

AUTHORIZE THE EXECUTION OF AN ADDENDUM TO AN AGREEMENT WITH HARRIS ERP FOR THE INNOPRISE FINANCIAL SYSTEM – RESOLUTION 14-74

Tracy Probert said in the 2015 budget there was money budgeted for the Finance Department to look for a new financial accounting system. He said the company the City was currently contracted with, Harris, provided the City with a very good option to upgrade to a new financial system that would cover all financial aspects including general ledger, accounts payable, accounts receivable, payroll, HR, fixed assets, inventory, and it would cover utility billing. Tracy said the utility billing system would integrate with the general ledger, which wasn't possible now. He said the new system would be fully integrated.

Tracy said this addendum was an extension to the agreement with Harris the City entered into in 1997. He said the current system had been used for 17 years and was becoming somewhat outdated. Tracy said one reason to go with the Harris proposal was because the application license fees for the software of \$280,000 were being lowered by \$242,000, or \$37,775, because the City was an existing customer. He said the City would only be paying for partial pieces of modules that the City didn't already have. Tracy said the major portion of the \$213,000 fee was for converting existing data to the new system and providing training.

D R A F T

Councilmember Freitag said he typically saw that the maintenance fee for the first year was included in the cost of the software, because it was a new software.

Discussion suggested that Staff should clarify with Harris if the first year maintenance fee would be waived, before the Mayor signed the contract.

AMEND THE CONSOLIDATED FEE SCHEDULE – ORDINANCE 14-25

Kent Andersen, Deputy Director of Community and Economic Development, said Staff had completed a comprehensive review of the processes and procedures of the Business License Division, and they also examined the fees associated with business licenses. He said Staff was proposing some fee changes to the Consolidated Fee Schedule. Kent said during the review process, Staff looked at the home occupation base fee of \$40, and did an analysis of what the actual cost was and determined that the fee should be \$60; the average of other cities in the area was \$65. He said Staff recommended that the renewal fee remain at \$40, as there was less cost associated with renewals. Kent said the recommendation was to increase the initial fee to \$60. He said these fees had not been modified since 1996. Kent said for this year the City had received 168 new home occupation license applications. This wouldn't be a large revenue generator, but it would keep the City's fee in line with cost.

Kent said the second portion of the business license fee increases being proposed was the home occupation inspection fee. He said currently in the Fee Schedule there was an additional service fee of \$26.50, and it was specific to daycare, preschools and educational services. Kent said an analysis of actual costs to do an inspection indicated that the fee should be increased to \$50. He said Staff was also recommending a onetime inspection fee be expanded to include occupations where customers were coming to the homes, to make sure that safety was being taken care of, and to look at potential conflicts with neighbors.

Kent said the third proposed change had to do with the business license inspection fee. He said currently it was only identified for certain business classifications. Kent said the proposal was for an initial onetime inspection that would be conducted by the Fire Department on all commercial businesses. He said any new commercial business would have an inspection by the fire inspector. Kent said the proposal was to increase the fee from \$47 to \$50 to make it consistent with other inspection fees.

There was discussion about the way calculations for business license fees were handled in the past.

D R A F T

Dean Hunt, Fire Marshall, said Staff was proposing to increase the fireworks sales permit fee from \$300 to \$500, and increase the refundable cleaning deposit from \$150 to \$500. He said in 2011 the State Legislature approved the sale of aerial fireworks, which greatly impacted the services the Fire Department provided. Dean said inspections had increased significantly to police the sale of those fireworks. He said patrols had increased in the east bench area because of aerial fireworks. Dean said the proposed cleaning deposit increase was based on the cost of one Engine Company for two hours. He said any unused amount would be refunded.

Dean said the second proposal was to separate residential and commercial fees relative to alarm non-response fees. He said under the current fee structure, if there was an alarm after hours in a business or home, the City charged \$25 if a responsible party did not respond. Dean said it typically cost a business more than the \$25 fee to send their technician to respond; a lot did not respond. He said the increase to \$100 would incentivize businesses to respond. Dean said the residential fee would remain at \$25.

Dean said the current false alarm fee for commercial uses was originally established by the Police Department and was based more on residential false alarms. Dean said businesses were allowed to have two false alarms, which were a malfunction of the system, per quarter. He said currently the fees for third, fourth and fifth false alarms per quarter were \$50, \$75 and \$100. The proposal was to increase those fees to \$250, \$350 and \$450. Dean said the purpose of the proposed fee increases was to motivate the business/building owner to repair and maintain their alarm system. The proposed fee amount was the cost for the Engine Company to respond, investigate and help correct the immediate problem with the system.

Councilmember Freitag said he philosophically wasn't opposed to trying to financially incentivize businesses, or the alarm company that the businesses hired, to maintain their system, but this was a significant jump in fees. He said he would be more comfortable on this portion of the proposal by seeing some real numbers on what the responses were, the businesses that were involved and some of the findings the Fire Department had found on these alarms. Councilmember Freitag said because of the significant jump from \$50 to \$250, he would like to see the information behind the increase to understand what the impact really was to the Fire Department relative to the call volume. He asked that on false alarms, if there was a responsible party on site, did the Fire Department continue in.

Dean said yes; even in the daytime on a false alarm the Fire Department continued in to verify that it was a false alarm. He said during the daytime there was usually a responsible party there; it was during the night that they had problems. Dean said there weren't a lot of false alarms that occurred; he hadn't sent

D R A F T

out a bill for false alarm fees in six or seven years. He said the Fire Department was very proactive in getting false alarms repaired. Dean said he didn't see this having to be imposed very often.

Councilmember Freitag suggested that these two items be pulled from the proposed amendments to the Fee Schedule until the additional information could be presented.

Discussion suggested that the responsible party non-response fee for commercial uses and the false alarm fees would be pulled until the additional information requested by Councilmember Freitag could be presented.

Dean said the final proposed fee amendment had to do with fire re-inspection fees. He said the Fire Department was finding that there were a number of businesses that were not getting some violations taken care of as a result of the annual inspection process. Dean said this required Staff to return to the businesses for additional re-inspections. He said the proposal was to charge a fee of \$100 for any re-inspections after the initial re-inspection. Dean said this past year Staff had to return to one business nine times.

Councilmember Freitag said this seemed very reasonable.

Councilmember Freitag asked if Staff remembered this past summer when the Council was re-addressing the ordinance and permits for fireworks stands. He said there were some discrepancies between what the City's ordinance was and what the inspection minimum requirements were under State law, like the distance of the storage of the fireworks from the stand. Councilmember Freitag said he had totally forgotten about that issue until this discussion on fireworks inspection fees.

Discussion suggested that Staff would review the minutes and verify that those issues had been resolved.

There was discussion about the picnic tables that had been left on the snow shack site on Gentile Street.

Alex explained that Staff had established an efficiency committee with representatives from most of the departments. He said the committee had systematically been going through all the major operations in the City, especially those with greater involvement with citizens and businesses, and charting those processes to identify where improvements could be made. Alex said there were three major focuses: 1) what could the City change to help reduce costs for contractors, etc; 2) what would save them time and be more efficient for them; and 3) how could the City improve internal efficiencies – how could the City be more

D R A F T

efficient in terms of the allocation of resources and costs. He said the committee had reviewed business licensing, building inspections, processing of permits, utility connections, etc. Alex said as part of committee discussions, the Fee Schedule amendments were recommended. He said the City wasn't trying to look for revenue, but it was trying to balance fees and costs. Alex said the City was also trying to encourage more use of technology, which made the City more efficient in helping builders and developers. He said there had been some positive feedback from the development community.

AMEND TITLE 16, SECTION 16.04.010, AMENDING THE 2012 EDITION OF THE INTERNATIONAL FIRE CODE TO REQUIRE BUSINESSES IN LAYTON CITY TO SUBMIT FIRE AND LIFE SAFETY INSPECTION, TESTING AND MAINTENANCE PAPERWORK ELECTRONICALLY – ORDINANCE 14-27

Dean Hunt said this was a proposed ordinance amendment relative to the Fire Code. He said currently businesses that had fire sprinklers and fire alarm systems in their building were required by State law, and City ordinance, to maintain those systems and inspect those systems on an annual basis. Dean said records of those inspections had been required to be kept on-site, which were verified when the Fire Department did their annual inspection. He said Staff had not been able to maintain annual inspections as hoped. Dean said the proposed change would require businesses conducting required inspections, tests and maintenance on fire and life safety systems throughout the City to submit their documentation to the Fire Department electronically. He said those would be submitted to the City within five days of the inspection.

Councilmember Freitag said the language in the ordinance was 5 working days. He asked if it was typical for the City to use working days instead of business days.

Gary Crane, City Attorney, said legally they meant the same thing.

Mayor Stevenson suggested that building permits/inspections should be done electronically. He said inspections could be scheduled electronically and permits could be done paperless as well. Mayor Stevenson said everything was headed in that direction.

MAYORS REPORT

Mayor Stevenson asked the Council to go into a closed door meeting at the end of regular meeting to discuss the City Manager's contract.

D R A F T

Mayor Stevenson indicated that he had 10 tickets for the Christmas Concert for tomorrow night if anyone was interested in them.

The meeting adjourned at 6:59 p.m.

Thieda Wellman, City Recorder

D R A F T

**MINUTES OF LAYTON CITY
COUNCIL MEETING**

DECEMBER 4, 2014; 7:01 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,
KENT ANDERSEN, TRACY PROBERT, DEAN
HUNT AND THIEDA WELLMAN**

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

Mayor Stevenson opened the meeting and led the Pledge of Allegiance. Councilmember Brown gave the invocation. Scouts and students were welcomed.

MINUTES:

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

Layton City Council Strategic Planning Work Meeting – October 23, 2014.

The vote was unanimous to approve the minutes as written.

MUNICIPAL EVENT ANNOUNCEMENTS:

Councilmember Brown said this coming Wednesday, December 10th, Family Recreation would have hay rides through the Christmas lights in the park. She said cookies and hot chocolate would be served in the bowery.

Councilmember Brown said on November 24th, the night of the Christmas Lighting Ceremony, the City had a major power outage. She said Staff was able to have a generator so that the ceremony went off without a hitch. Councilmember Brown expressed appreciation to the Parks and Recreation Department for making it happen.

D R A F T

CONSENT AGENDA:

2014 COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) AND AUDIT REPORTS

Tracy Probert, Finance Director, presented the CAFR for year ended June 30, 2014, along with the audit reports. He introduced Rob Wood with Hansen Bradshaw Malmrose & Erickson, the CPA firm the Council had contracted to conduct the audit. Tracy said the financial position of the City was discussed in detail in the earlier Work Meeting and with the Audit Committee. He said the City received a clean opinion from the auditors, which was the best opinion the City could receive. Tracy said there were no instances of non-compliance or deficiencies in internal controls.

Tracy said the City was in a very sound financial position. He said unassigned fund balance was 17.3% of the General Fund revenue, which was a very good position to be in. Tracy said the Staff and the Audit Committee recommended that the Council moved to accept the audit reports and the CAFR.

Mayor Stevenson said revenues were higher than anticipated, which was a very good sign of an improving economy in the community.

Councilmember Brown said the report indicated that the City received an award for their excellent financial reporting.

Tracy said the City had received that award consistently for at least 15 years.

Councilmember Francis said the Mayor had challenged the employees to turn back 2% from their budgets if possible. He said nearly 3% was returned; Staff went the extra mile. Councilmember Francis said most entities spent their entire budget so that they could get the same allotment the next year, but in Layton City there was a tradition of turning that money back in, which was a much more effective way to handle the City's monies.

Mayor Stevenson said at the first of the year the Mayor and Council had asked Staff to put a voluntary 2% reduction in costs into their budgets. He said the amount was actually 2.7%. Mayor Stevenson said that was not because of something the City Council had done; it was because of the employees looking for any way to save some money. He expressed appreciation to the employees.

D R A F T

AUTHORIZE THE EXECUTION OF AN ADDENDUM TO AN AGREEMENT WITH HARRIS ERP FOR THE INNOPRISE FINANCIAL SYSTEM – RESOLUTION 14-74

Tracy Probert said Resolution 14-74 was authorization to execute an addendum to an agreement with Harris ERP for the Innoprise financial system. He said Layton City had been contracted with Harris since 1997 to provide a financial system for the City. Tracy said there was approval in the 2015 budget for the City to acquire a new financial system. He said Harris was able to provide a system that would increase the capability substantially and integrate a couple of systems so that they were more efficient. Tracy said because the City had been long term customers of Harris, they were able to provide the City with a discount so that the price for the software was much more reasonable than others that were considered.

Tracy said in the earlier Work Meeting there was discussion about maintenance fees and Staff would look into that and report back to the Council before the contract was signed. He said Staff recommended approval of Resolution 14-74 approving the addendum to the agreement between Layton City and Harris ERP, and authorizing the Mayor to sign the agreement once those questions about maintenance fees had been answered.

AMEND THE CONSOLIDATED FEE SCHEDULE – ORDINANCE 14-25

Kent Andersen, Deputy Director of Community and Economic Development, said Ordinance 14-25 was a proposed amendment to the Consolidated Fee Schedule. He said as the result of a comprehensive Staff review of business licensing and fire inspection procedures, processes and fees, an amendment to the Consolidated Fee Schedule was recommended. Kent said the changes were discussed in detail in the earlier Work Meeting and were included in the Council packet documentation. He said Staff recommended that the Council adopt Ordinance 14-25 amending the Consolidated Fee Schedule. Kent said based on the Work Meeting discussion, Staff recommended removing items 7 and 8 on the list of proposed changes to the Fee Schedule related to fire alarms, to allow for further research and discussion with the Council at a later date.

Mayor Stevenson said the City had been going through some efficiency studies to determine ways the City could be more efficient. He said through that process the City had found areas where the fees should be adjusted to be more in line with costs. Mayor Stevenson said some of the fees had not been looked at since the early 1990's.

D R A F T

AMEND TITLE 16, SECTION 16.04.010, AMENDING THE 2012 EDITION OF THE INTERNATIONAL FIRE CODE TO REQUIRE BUSINESSES IN LAYTON CITY TO SUBMIT FIRE AND LIFE SAFETY INSPECTION, TESTING AND MAINTENANCE PAPERWORK ELECTRONICALLY – ORDINANCE 14-27

Dean Hunt, Fire Marshall, said Ordinance 14-27 would amend the Fire Code of the City to require businesses that conducted inspections, tests and maintenance of fire sprinkler systems and alarm systems to report those to the Fire Department in an electronic format. He said Staff recommended approval.

MOTION: Councilmember Freitag moved to approve the Consent Agenda as presented, with the exception of pulling items 7 and 8 from the Consolidated Fee Schedule amendments relative to fire alarm responses and false alarm fees; and that Staff be directed to follow up on Council’s questions relative to the addendum to the agreement with Harris ERP, before the contract was signed. Councilmember Brown seconded the motion, which passed unanimously.

CLOSED DOOR:

MOTION: Councilmember Freitag moved to close the meeting at 7:17 p.m. to discuss the character, professional competence, or physical or mental health of an individual. Councilmember Brown seconded the motion, which passed unanimously.

MOTION: Councilmember Brown moved to open the meeting at 7:38 p.m. Councilmember Freitag seconded the motion, which passed unanimously.

The meeting adjourned at 7:38 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 **4th day of December, 2014**, was to discuss the character, professional competence, or physical or mental health of an individual.

Dated this 15th day of January, 2015.

ATTEST:

ROBERT J STEVENSON, Mayor

THIEDA WELLMAN, City Recorder

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

Item Number: 4.A.

Subject:

Presentation - Youth Council Swearing In

Background:

The Youth Council has asked for time on the agenda to swear in new members.

Alternatives:

N/A

Recommendation:

N/A

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

Item Number: 5.A.

Subject:

Partial Release of Easement - Hilton Home2 Suites - Resolution 15-01

Background:

The City is an easement holder of a parcel of property in the interior of a block between the Layton Hills Mall and the Davis County Conference Center. The primary purpose for the acquisition of this property interest was to create and maintain a detention basin for the City's storm water system. As the Council is aware, that basin has been developed and the City has improved this area and included it in the planned pedestrian walkways through this portion of the City.

The City was later approached by the developers of the hotel on the north side of the City's easement. In order for their hotel site plan to function in a more desirable manner, they requested that the City partially release a portion of that easement. In reviewing the area to be partially released, Staff determined that the occupation of this portion of property by the hotel has not unduly diminished the required capacity for the detention basin nor has it interfered with the creation of the trail system. The City has been reimbursed by these developers for its expenses of acquiring the property interest for the basin. Further, the City specifically retained the remaining easement rights on the subject 0.28 acres for any needed improvements for storm drain and to the trail system. This is reflected in a Letter of Understanding between the City and Summit Lodging, dated June 24, 2010, included for your reference.

Resolution 15-01 authorizes the partial release of a portion of the City's easement to accommodate the hotel site.

Alternatives:

Alternatives are to 1) Adopt Resolution 15-01 releasing a portion of the City owned easement; 2) Adopt Resolution 15-01 with any amendments the Council deems appropriate; or 3) Not adopt Resolution 15-01 and remand to Staff with directions.

Recommendation:

Staff recommends the Council adopt Resolution 15-01 releasing a portion of the City owned easement and authorizes the Mayor to sign the necessary documents.

RESOLUTION 15-01

A RESOLUTION AUTHORIZING LAYTON CITY TO PARTIALLY RELEASE A PORTION OF AN EASEMENT HELD BY THE CITY; AND AUTHORIZING THE MAYOR TO EXECUTE THE NECESSARY DOCUMENTS.

WHEREAS, in anticipation of continued development in the business area north of the Layton Hills Mall, the City acquired property interests as a part of its overall storm water maintenance system; and

WHEREAS, the applicant of a project on the northern edge of a City owned easement has made a request for the City to partially release a portion of City's easement in order to effectively develop this project; and

WHEREAS, City Staff has determined that partially releasing the requested portion of the easement will not diminish the purposes of the detention basin, nor will it interfere with the trail system in the area; and

WHEREAS, the applicant has reimbursed the City its expenditures made when acquiring the property interests for the storm water detention basin; and

WHEREAS, the City will retain all other easement rights on the subject 0.28 acres for storm drain improvements and the public trail system; and

WHEREAS, the City Council has determined that such a partial release, which facilitates the development while reserving the necessary property rights for storm water detention and for the trail system, will be mutually beneficial and is in the best interest of the health, safety, and welfare of the citizenry.

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

1. That the City is authorized to release a portion of its easement for the construction and placement of a hotel (Hilton Home2Suite) and its attendant facilities, while retaining the necessary property for a storm water detention basin and trail system. The portion of the easement to be released is more particularly described in Exhibit "A", which is attached hereto and incorporated herein by this reference.
2. That the Mayor is hereby authorized to execute all necessary documents in furtherance of this resolution.
3. Any actions taken heretofore in pursuit of and consistent with this Resolution are hereby ratified.

PASSED AND ADOPTED by the City Council of Layton, Utah, this ____ day of January, 2015.

ROBERT J STEVENSON, Mayor

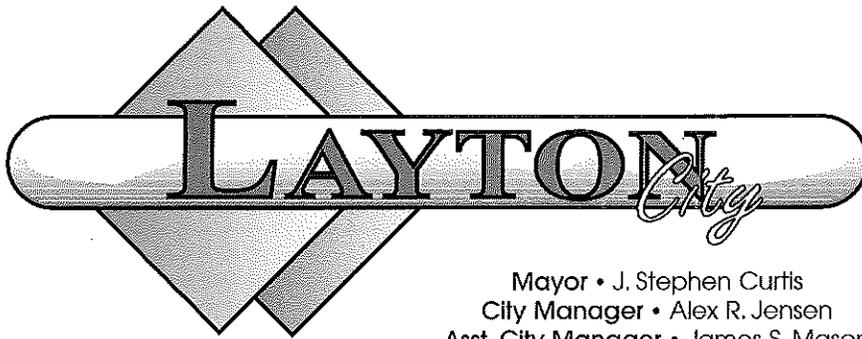
ATTEST:

THIEDA WELLMAN, City Recorder

APPROVED AS TO FORM:



STEVEN L GARSIDE, Assistant City Attorney



Mayor • J. Stephen Curtis
City Manager • Alex R. Jensen
Asst. City Manager • James S. Mason

• Parks and Recreation •
David R. Price • Director
Telephone: (801) 336-3900
FAX: (801) 336-3909
www.laytoncity.org

June 24, 2010

David Webster
Summit Lodging ESP, LLC
748 West Heritage Park Blvd.
Layton, Utah 84041

Re: Letter of Understanding Regarding the Hilton Home2Suite Development

Dear Gentlemen:

At a meeting held on the 17th day of June, 2010, a discussion was held between various Layton City Staff members and Dave Webster, Andy Pettingill, and Dan VanZeben, regarding the development of the Hilton Home2Suite at 803 West Heritage Park Blvd.

During the course of that meeting, a number of issues were addressed. The following is a summary of the discussion items and the agreed upon course of action for each of those items.

1. Home2Suite must utilize .28 acres (12,053 square feet) of property currently encumbered by an easement in favor of Layton City for a storm water detention basin. Home2Suite must use the property to construct required parking for the hotel. The City purchased the easement in 2004 at a price of \$3.23 per square foot. The City is to be reimbursed for the square footage used by Home2Suite at \$3.23 per square foot, or a total of \$39,396.

a. The City will release .28 acre of easement, as the current easement relates to storm detention only, to the Home2Suite upon receiving final compensation. The City will retain all other easement rights to the .28 acres for other storm drain improvements and a public trail system as recorded January 22, 2004; entry #1955310; Book/Page34060/638.

b. Hotel2Suite will construct the retaining walls and install all landscaping within the wall/terrace area at their own expense. The walls and landscaping are to be maintained by Hotel 2Suite in perpetuity. All retaining wall construction shall be properly engineered and stamped engineering plans shall be supplied to the City for any wall over 4 feet in height.



David Webster
Summit Lodging ESP, LLC
June 24, 2010
Page 2

2. Home2Suite may construct a walkway to the south of the parking area and within the current detention basin area at their own expense. Said walkway will, at the appropriate time as determined by the City, become a part of the public urban pathway system. Until such time as the pathway is formally accepted as part of the urban pathway system, Hotel2Suite shall be responsible for the complete care and maintenance of the walkway. The walkway is to be constructed at an elevation at or above the "freeboard" area of the existing detention basin; never at or below elevation 4446.

3. Home2Suite shall grant a public access easement for the walkway that connects Heritage Park Blvd. to the detention area. The easement will be of appropriate width to adequately cover all of the walking areas of the pathway as shown on the final site plan of the hotel development.

4. Hotel2Suite is to provide a subdivision plat that properly amends the current subdivision recorded with Davis County. The plat should be called "Heritage Park at Layton Hills Phase 3". The plat shall include within its boundaries, all property determined necessary by Layton City Engineering and the Layton Community and Economic Development Department. The detention basin area may be shown as a separate lot from the hotel site.

5. The City would be willing to receive the detention basin property into fee-simple ownership through a donation from Hotel2Suite. If Hotel2Suite would like to donate the detention basin to the City, the City will provide an acceptable letter to the IRS indicating the appropriate value of the donation.

a. In the event Hotel2Suite does not donate the detention basin property to the City, the City will continue to maintain the basin per City standards by mowing existing vegetation and keeping the site reasonably weed and debris free.

b. The City will maintain all storm drain piping and structures as deemed necessary by the City and as provided for in the recorded easements.

c. Hotel2Suite acknowledges and concurs that the City has the right under their easement to, and will at some time in the future make improvements to the detention basin area, which is intended to make the basin area attractive for use by the general public. The current easements allow the City to move forward with those improvements. At such time as the City determines the improvements are to be made, the City will coordinate the construction with Hotel2Suite.

6. The City and Hotel2Suite will continue to explore development options, such that, mutually acceptable goals for the proposed development may be accomplished.

7. An ALTA survey of the area, along with accompanying legal descriptions and title information are attached hereto for general reference.

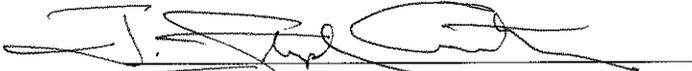


David Webster
Summit Lodging ESP, LLC
June 24, 2010
Page 3

The City and Hotel2Suite agree to continue to work together and an understanding of the above items is mutually affirmed by the signatures below. This understanding is not intended to benefit any other party. This letter is binding on successors or assigned.

LAYTON CITY CORPORATION

SUMMIT LODGING ESP, LLC


I. STEPHEN CURTIS
Mayor

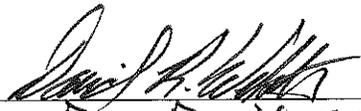

By: DAVID R. WEBSTER
Title: OWNER AGENT



EXHIBIT "A"

PARTIAL RELEASE OF EASEMENT

COMES NOW Layton City, a municipal corporation, hereinafter "Grantor", and hereby partially releases a portion of the easement. The portion to be partially released is located at approximately 803 West Heritage Park Boulevard, (Hilton Home2Suite), Layton City, Davis County, Utah, and is more particularly described as follows:

A PORTION OF THAT DETENTION POND EASEMENT RECORDED AT THE DAVIS COUNTY RECORDER'S OFFICE AS ENTRY 1955310, BOOK 3460, PAGE 645 ABOVE THE "FREE BOARD" ELEVATION OF 4447 LOCATED IN THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 4 NORTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN (THE BASIS OF BEARING FOR THIS DESCRIPTION IS SOUTH 00°09'50" WEST 2643.99 FEET MEASURED BETWEEN THE CENTER AND SOUTH QUARTER CORNER OF SAID SECTION 17 – THE VERTICAL BENCHMARK FOR THIS DESCRIPTION IS 4455.79 MEASURED ON THE BRASS CAP MONUMENT AT THE CENTER OF SAID SECTION 17) DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON SAID "FREE BOARD" ELEVATION LINE, SAID POINT BEING LOCATED SOUTH 89°54'58" WEST ALONG QUARTER SECTION LINE 579.14 FEET AND NORTH 116.02 FEET FROM THE CENTER OF SAID SECTION 17, AND MEANDERING THENCE NORTHWESTERLY ALONG SAID "FREE BOARD" ELEVATION LINE THE FOLLOWING (21) COURSES: (1) NORTH 90°03'13" EAST 10.93 FEET, (2) NORTH 07°09'29" WEST 10.51 FEET, (3) NORTH 32°04'37" WEST 7.35 FEET, (4) NORTH 52°20'36" WEST 13.36 FEET, (5) NORTH 60°50'51" WEST 63.26 FEET, (6) NORTH 62°56'26" WEST 43.95 FEET, (7) NORTH 21°19'22" WEST 10.91 FEET, (8) NORTH 87°01'02" WEST 15.14 FEET, (9) NORTH 59°22'55" WEST 5.52 FEET, (10) NORTH 23°25'53" WEST 4.95 FEET, (11) NORTH 66°39'42" WEST 28.58 FEET, (12) NORTH 41°07'18" WEST 11.00 FEET, (13) SOUTH 47°10'38" WEST 5.00 FEET, (14) NORTH 65°24'43" WEST 42.42 FEET, (15) NORTH 61°51'17" WEST 32.38 FEET, (16) NORTH 54°03'06" WEST 7.87 FEET, (17) NORTH 27°23'12" WEST 14.11 FEET, (18) NORTH 31°09'05" WEST 29.05 FEET, (19) NORTH 52°42'46" WEST 14.57 FEET, (20) NORTH 25°28'12" WEST 9.74 FEET, (21) NORTH 53°51'41" WEST 13.04 FEET; THENCE SOUTH 62°44'35" EAST 368.25 FEET; THENCE SOUTH 00°09'50" WEST 9.55 FEET; THENCE SOUTH 08°54'52" WEST 32.77 FEET; AND THENCE SOUTH 70°14'31" WEST 31.37 FEET.

CONTAINING 12,053 SQ. FT. (0.28 ACRES)

PARCEL NOS. #10-213-0224 and 10-213-0225.

The City retains all other easement rights to the 0.28 acres for other storm drain improvements and a public trail system as recorded January 22, 2004; Entry #1955310; Book/Page 34060/638.

Signed this _____ day of _____, 2014.

GRANTOR

LAYTON CITY CORPORATION

ROBERT J STEVENSON
Mayor

ATTEST:

THIEDA WELLMAN, City Recorder

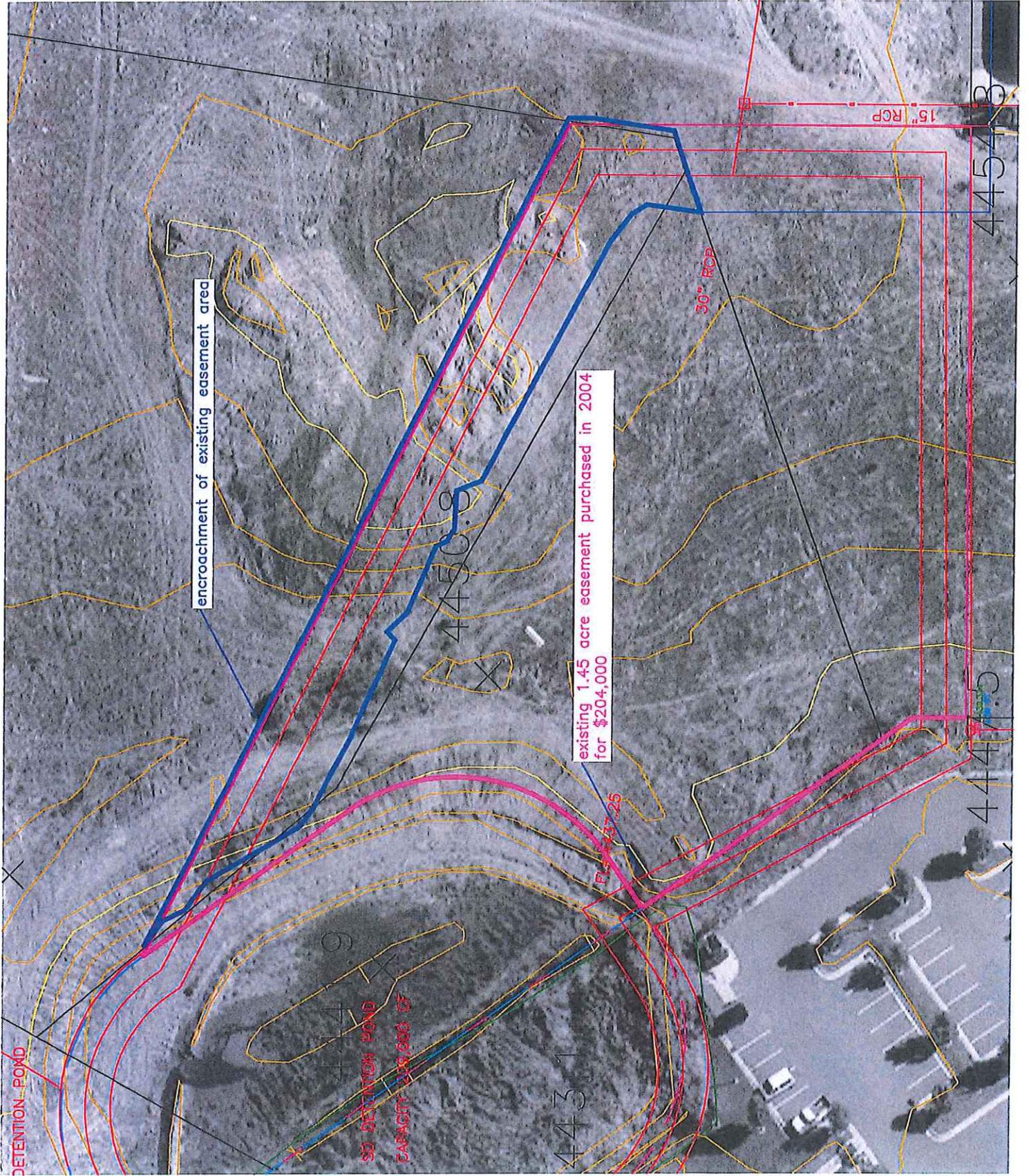
STATE OF UTAH)
 : ss.
COUNTY OF DAVIS)

On this _____ day of _____, 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.

Approved as to Form

NOTARY PUBLIC

By [Signature]
Date 12/5/2014



DETENTION POND

encroachment of existing easement area

existing 1.45 acre easement purchased in 2004
for \$204,000

SD DETENTION POND
CAPACITY 2,100,000 LIT

30" RCP

15" RCP

4431

4450.8

4447.5

4454.8

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

Item Number: 5.B.

Subject:

Bid Award - Whitaker Construction Company - Project 14-10 - Land Drain Manhole Rehab Project - Resolution 15-02 - Lakeland and Eastview Subdivisions

Background:

Resolution 15-02 authorizes the execution of an agreement between Layton City and Whitaker Construction Company for the rehab of 57 land drain manholes in the Lakeland and Eastview Subdivisions. This includes replacing the gravel floors of the existing manholes with concrete. This project will improve the ability for the land drain lines to be flushed and maintained.

Three bids were received, with Whitaker Construction Company submitting the lowest responsive, responsible bid in the amount of \$69,895. The engineer's estimate for this project is \$70,000.

Alternatives:

Alternatives are to 1) Adopt Resolution 15-02 awarding the bid to Whitaker Construction Company for the Land Drain Manhole Rehab Project, Project 14-10.; 2) Adopt Resolution 15-02 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 15-02 awarding the bid to Whitaker Construction Company for the Land Drain Manhole Rehab Project, Project 14-10 and authorize the City Manager to execute the agreement between Layton City and Whitaker Construction Company.

RESOLUTION 15-02

AUTHORIZING AN AGREEMENT WITH WHITAKER CONSTRUCTION COMPANY FOR THE LAND DRAIN MANHOLE REHAB PROJECT 14-10

WHEREAS, Layton City has elected to conduct land drain manhole improvements to be known as the Land Drain Manhole Rehab Project, Project 14-10; and

WHEREAS, the City received bids for the construction of the referenced project on December 17, 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 Whitaker Construction Company as the contractor for the Land Drain Manhole Rehab Project 14-10.

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

1. Whitaker Construction Company (hereafter referred to as Whitaker) is conditionally selected as the lowest responsive and responsible bidder with whom the City Manager should conduct negotiations for the Land Drain Manhole Rehab Project, Project 14-10.

2. The City Manager is directed to conduct negotiations for an agreement (herein the "Agreement") with Whitaker for the Land Drain Manhole Project, Project 14-10. The terms of the Agreement shall address the terms and conditions of the Request for Bids as well as the price and other responses to the Request for Bids contained in the proposal submitted by Whitaker that are consistent with the intent of the Request 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 Land Drain Manhole Project, Project 14-10.

3. At such time as the Agreement is in a form acceptable to the City Manager and City Attorney and after Whitaker has properly executed said Agreement, the City Manager is authorized to execute the Agreement on behalf of the City. Execution of the Agreement by Whitaker shall constitute Whitaker's offer for the Land Drain Manhole Rehab Project, Project 14-10, pursuant to the terms and conditions of the Agreement. Execution of the Agreement by the City Manager shall constitute the City's acceptance of Whitaker's offer and the formal award of the contract to Whitaker Construction Company for the Land Drain Manhole Rehab Project, Project 14-10, pursuant to the terms and conditions of the Agreement.

PASSED AND ADOPTED by the City Council of Layton, Utah, this 15th day of January, 2015.

ATTEST:

THIEDA WELLMAN, City Recorder

ROBERT J STEVENSON, Mayor

APPROVED AS TO FORM:



GARY CRANE, City Attorney

SUBMITTING DEPARTMENT:



TERRY COBURN, Public Works Director

THE LAND DRAIN MANHOLE REHAB PROJECT, Project 14-10

Bid Opening December 17, 2014, 2:00 p.m.

Engineer's Estimate: \$70,000

DESCRIPTION	QTY	Unit	1 Whitaker Const.		2 Great Basin Dev. & Const.		3 Yarbrough Const.	
			(\$)	Per	TOTAL (\$)	(\$)	Per	TOTAL (\$)
Schedule A - Lakeland								
1 Clean, prepare & pour concrete floors	26	EA	\$1,185.00		\$30,810.00	\$1,565.00		\$5,350.00
Schedule A Total					\$30,810.00	\$40,690.00		\$139,100.00

Schedule B - Eastview								
2 Clean, prepare & pour concrete floors	31	EA	\$1,185.00		\$36,735.00	\$1,565.00		\$5,100.00
3 LD MH @ 52 E 975 South	1	LS	\$2,350.00		\$2,350.00	\$2,600.00		\$9,800.00
Schedule B Total					\$39,085.00	\$51,115.00		\$167,900.00

Schedule for Alternate Materials/Approach								
A1 Remove MH	10	EA	\$1,150.00		\$11,500.00	\$400.00		\$9,800.00
A2 Construct 4' dia. MH	10	EA	\$4,400.00		\$44,000.00	\$4,700.00		\$65,000.00
A3 Construct 5' SS MH	10	EA	\$4,700.00		\$47,000.00	\$5,100.00		\$75,000.00
A4 F&I 8" PVC	50	LF	\$85.00		\$4,250.00	\$105.00		\$120.00

Schedule A	\$30,810.00	\$40,690.00	\$139,100.00
Schedule B	\$39,085.00	\$51,115.00	\$167,900.00
Project Total	\$69,895.00	\$91,805.00	\$307,000.00

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

Item Number: 5.C.

Subject:

Bid Award - Widdison Turbine Service LLC - Project 14-06 - Layton City Shop Well Rehabilitation - Resolution 15-03 - Approximately 1925 North Fort Lane

Background:

Resolution 15-03 authorizes the execution of an agreement between Layton City and Widdison Turbine Service, LLC for the Layton City Shop Well Rehabilitation, Project 14-06. The project includes the rehabilitation of the Layton City Shop Well and all associated items for a fully functioning system. This project will clean and chemically treat the Layton City Shop Well drinking water to help insure continued water production at optimum performance from the well in the future.

An advertisement requesting qualifications was published by Public Works Engineering, with Widdison Turbine Service, LLC being the only contractor submitting a statement of qualifications and a bid in the amount of \$146,140. The engineer's estimate for this project is \$150,000.

Alternatives:

Alternatives are to 1) Adopt Resolution 15-03 awarding the bid to Widdison Turbine Service, LLC for the Layton City Shop Well Rehabilitation, Project 14-06; 2) Adopt Resolution 15-03 with any amendments the Council deems appropriate; or 3) Not adopt Resolution 15-03 and remand to Staff with directions.

Recommendation:

Staff recommends the Council adopt Resolution 15-03 awarding the bid to Widdison Turbine Service, LLC for the Layton City Shop Well Rehabilitation, Project 14-06 and authorize the City Manager to execute the agreement.

RESOLUTION 15-03

**AGREEMENT BETWEEN LAYTON CITY AND WIDDISON TURBINE, LLC
FOR THE LAYTON CITY SHOP WELL REHABILITATION, PROJECT 14-06,
LOCATED AT APPROXIMATELY 1925 N FORT LANE**

WHEREAS, Layton City has elected to conduct drinking water well rehabilitation to be known as the Layton City Shop Well Rehabilitation, Project 14-06; and

WHEREAS, the City received one bid for the construction of the referenced project on January 6, 2015, in the amount of \$146,140; and

WHEREAS, City Staff has reviewed and evaluated this 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 Widdison Turbine Service, LLC as the contractor for the Layton City Shops Well Rehabilitation, Project 14-06.

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

1. Widdison Turbine Service, LLC (hereafter referred to as Widdison) is conditionally selected as the lowest responsive and responsible bidder with whom the City Manager should conduct negotiations for the Layton City Shop Well Rehabilitation, Project 14-06.

2. The City Manager is directed to conduct negotiations for an agreement (herein the "Agreement") with Widdison for the Layton City Shop Well Rehabilitation, Project 14-06. 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 Widdison 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 Layton City Shop Well Rehabilitation, Project 14-06.

3. At such time as the Agreement is in a form acceptable to the City Manager and City Attorney and after Widdison has properly executed said Agreement, the City Manager is authorized to execute the Agreement on behalf of the City. Execution of the Agreement by Widdison shall constitute Widdison's offer for the Layton City Shop Well Rehabilitation, Project 14-06, pursuant to the terms and conditions of the Agreement. Execution of the Agreement by the City Manager shall constitute the City's acceptance of Widdison's offer and the formal award of the contract to Widdison Turbine Service, LLC for the Layton City Shop Rehabilitation, Project 14-06, pursuant to the terms and conditions of the Agreement.

PASSED AND ADOPTED by the City Council of Layton, Utah, this 15th day of January, 2015.

ATTEST:

THIEDA WELLMAN, City Recorder

ROBERT J STEVENSON, Mayor

APPROVED AS TO FORM:



GARY CRANE, City Attorney

SUBMITTING DEPARTMENT:



TERRY COBURN, Public Works Director

BIDDER agrees to perform all the work described in the contract documents for the following unit prices and/or lump sum(s).

Item prices are to be shown in figures.

Unit prices and/or lump sum amounts shall include bond fees, insurance fees and other applicable taxes, bonds and/or fees.

The bid item descriptions are summaries of the work to be completed and are not intended to be a complete listing of all work anticipated by the bid item. The MEASUREMENT and PAYMENT descriptions are found at the beginning of the Technical sections of the Contract Documents. By submissions of this bid the BIDDER acknowledges that the MEASUREMENT and PAYMENT section has been carefully reviewed.

NOTE - The quantity of each bid item below may be increased or decreased without affecting the unit bid amounts. Items may be applied to any section or schedule within the project.

The City reserves the right to award any portion of the contract.

BID SCHEDULE

Item No.	Description	Qty	Unit	Bid Unit Price	Total Price
1	Mobilization/Demobilization	1	LS	23,000. ⁰⁰	23,000. ⁰⁰
2	Remove Permanent Pumping Equipment	1	EA	6,400. ⁰⁰	6,400. ⁰⁰
3	Video Survey	3	EA	1,350. ⁰⁰	4,050. ⁰⁰
4	Brush and Evacuate Well	32	HR	265. ⁰⁰	8,480. ⁰⁰
5	Acid Treatment/Agitate/Neutralize/Dispose	48	HR	310. ⁰⁰	14,880. ⁰⁰
6	Shock Chlorination/Agitate/Dechlorinate/Dispose	48	HR	310. ⁰⁰	14,880. ⁰⁰
7	Perform Initial Redevelopment	40	HR	310. ⁰⁰	12,400. ⁰⁰
8	Furnish, Install and Remove Temporary Pump	1	EA	21,000. ⁰⁰	21,000. ⁰⁰
9	Pump Development	40	HR	250. ⁰⁰	10,000. ⁰⁰
10	Step Drawdown Test	8	HR	250. ⁰⁰	2,000. ⁰⁰
11	Constant Rate Test	24	HR	250. ⁰⁰	6,000. ⁰⁰
12	Clean all Permanent Pumping Equipment	1	EA	6,500. ⁰⁰	6,500. ⁰⁰
13	Reinstall Permanent Pumping Equipment	1	EA	7,350. ⁰⁰	7,350. ⁰⁰
14	Furnish and Install Tremie Line	1	EA	6,200. ⁰⁰	6,200. ⁰⁰
15	Standby Time	2	DAY	500. ⁰⁰	1,000. ⁰⁰
16	Clean-up of site	1	LS	2,000. ⁰⁰	2,000. ⁰⁰

TOTAL BASE BID (figures): \$ 146,140.⁰⁰

TOTAL BASE BID (in words): ONE HUNDRED FORTY SIX THOUSAND, ONE HUNDRED FORTY AND 00/CENTS. \$ 146,140.⁰⁰

WIDDISON TURBINE SERVICE LLC. 30. DEC. 2014
 12645 S. MINUTEMAN DR. BLDG. B.
 DRAPER, UT 84020.

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

Item Number: 6.A.

Subject:

Rezone Request (BAC Layton, LLC) – R-1-10 (Single Family Residential) to R-1-8 (Single Family Residential) – Ordinance 15-01 – Southeast Corner of Gordon Avenue and Cold Creek Way

Background:

The property proposed for rezone from R-1-10 to R-1-8 contains 4.48 acres located at the southeast corner of Gordon Avenue and Cold Creek Way. The subject property is located directly west of the D&RG rail trail and is surrounded by PB zoning (Solstice) to the north, M-2 zoning (Layton Industrial Park) to the east, B-RP zoning (Ellison Park Elementary School, Ellison Park and Swan Lakes Golf Course) to the south and west, and R-1-10 zoning immediately west across the street with lots fronting on Cold Creek Way.

This property is part of the preliminary overall plat of the Ellison Park Subdivision (zoned R-1-10) and is planned to be Phase 2. The preliminary plat for phase 2 proposed 11 lots on the 4.48 acres. However, the new developer of the subdivision (who is also the rezone applicant), is now requesting R-1-8 in order to gain some design flexibility in the layout of the lots.

Alternatives:

Alternatives are to 1) Adopt Ordinance 15-01 approving the rezone request from R-1-10 to R-1-8 based on consistency with General Plan land use and density recommendations for this specific property; or 2) Not adopt Ordinance 15-01 denying the rezone request from R-1-10 to R-1-8.

Recommendation:

On December 9, 2014, the Planning Commission voting unanimously to recommend the Council adopt Ordinance 15-01 approving of the rezone request from R-1-10 to R-1-8 based on consistency with the General Plan land use and density recommendations for this specific property.

Staff supports the recommendation of the Planning Commission.

ORDINANCE 15-01
(BAC Layton LLC Rezone)

AN ORDINANCE AMENDING THE ZONING ORDINANCE BY CHANGING THE ZONING CLASSIFICATION OF THE HEREINAFTER DESCRIBED PROPERTY, LOCATED AT THE SOUTHEAST CORNER OF GORDON AVENUE AND COLD CREEK WAY FROM R-1-10 (SINGLE FAMILY RESIDENTIAL) TO R-1-8 (SINGLE FAMILY RESIDENTIAL) AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has been petitioned for a change in the zoning classification for the property described herein below; and

WHEREAS, the Planning Commission has reviewed the request and has recommended that the rezone of said property from R-1-10 to R-1-8 be approved; and

WHEREAS, the City Council has reviewed the Planning Commission's recommendation and has received pertinent information in the public hearing regarding the proposal; and

WHEREAS, at the conclusion of the public hearing and upon making the necessary reviews, the City Council has determined that this amendment is rationally based, is reasonable, is consistent with the intent of the City's General Plan, which is in furtherance of the general health, safety, and welfare of the citizenry.

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

SECTION I: Repealer. If any provisions of the City's Code heretofore adopted are inconsistent herewith they are hereby repealed.

SECTION II: Enactment. The zoning ordinance is hereby amended by changing the zone classification of the following property from R-1-10 (Single Family Residential) to R-1-8 (Single Family Residential).

BEGINNING AT A POINT ON THE SOUTH LINE OF GORDON AVENUE SAID POINT BEING LOCATED NORTH 89°50'40" EAST 1823.21 FEET COINCIDENT WITH SECTION LINE AND SOUTH 00°09'20" EAST PERPENDICULAR TO SECTION LINE 42.00 FEET FROM THE NORTHWEST CORNER OF SECTION 19, TOWNSHIP 4 NORTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN, AND RUNNING THENCE NORTH 89°50'40" EAST COINCIDENT WITH SAID SOUTH LINE 187.03 FEET TO THE WEST LINE OF THE DENVER AND RIO GRANDE RAILROAD, A 66 FOOT RIGHT OF WAY RETRACED 33 FEET WEST AND PARALLEL WITH THE CENTERLINE OF THE RAILROAD TRACKS AS DEPICTED ON THAT CERTAIN RECORD OF SURVEY # 520 PERFORMED BY MAX B. ELLIOTT FOR DAN LAYTON AND RECORDED ON MARCH 31, 1990 AT THE OFFICE OF THE DAVIS COUNTY SURVEY AND # 3580 PERFORMED BY LEE E. ROBINSON FOR JORDAN VALLEY WATER CONSERVANCY DISTRICT AND RECORDED AT THE OFFICE OF THE DAVIS COUNTY SURVEYOR ON SEPTEMBER 17, 2001; THENCE SOUTH 34°41'58" EAST COINCIDENT WITH THE SAID WEST LINE 623.21 FEET; THENCE NORTH 89°30'30" WEST 562.70 FEET TO THE EAST LINE OF COLD CREEK WAY (1850 WEST); THENCE

ALONG SAID EAST LINE THE FOLLOWING (4) COURSES: (1) NORTH 00°11'10" EAST 331.47 FEET, (2) NORTH 03°02'49" EAST 60.11 FEET, (3) NORTH 00°11'10" EAST 99.28 FEET TO A POINT OF CURVATURE, AND (4) NORTHEASTERLY 25.540 FEET ALONG THE ARC OF A 16.321 FOOT RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 89°39'28" (LONG CHORD BEARS NORTH 45°00'55" EAST 23.013 FEET) TO A POINT OF TANGENCY AND THE POINT OF BEGINNING.

CONTAINING: 195,085 SF OR 4.48 ACRES

SECTION III: Update of Official Zoning Map. The Official Layton City Zoning Map is hereby amended to reflect the adoption of this ordinance.

SECTION IV: Severability. If any section, subsection, sentence, clause or phrase of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of the said ordinance.

SECTION V: Effective date. This ordinance shall go into effect at the expiration of the 20th day after publication or posting or the 30th day after final passage as noted below or whichever of said days is more remote from the date of passage thereof.

PASSED AND ADOPTED by the City Council of Layton, Utah, this _____ day of _____, 2015.

ROBERT J STEVENSON, Mayor

ATTEST:

THIEDA WELLMAN, City Recorder

APPROVED AS TO FORM:

For _____
GARY CRANE, City Attorney

SUBMITTING DEPARTMENT:

WILLIAM T. WRIGHT, Director
Community & Economic Development



**COMMUNITY AND ECONOMIC
DEVELOPMENT DEPARTMENT
PLANNING DIVISION**

STAFF REPORT

TO: Planning Commission

FROM: Peter Matson, AICP - City Planner *P. Matson*

DATE: January 15, 2015

RE: Rezone Request (BAC Layton, LLC) – R-1-10 (Single Family Residential) to R-1-8 (Single Family Residential) – Ordinance 15-01

LOCATION:	Southeast Corner of Gordon Avenue and Cold Creek Way
CURRENT ZONING:	R-1-10 (Single Family Residential)
CURRENT MINIMUM LOT SIZE:	10,000 Square Feet
PROPOSED ZONING:	R-1-8 (Single Family Residential)
PROPOSED MINIMUM LOT SIZE:	8,000 square feet

DESCRIPTION OF REZONE AREA

The property proposed for rezone from R-1-10 to R-1-8 contains 4.48 acres located at the southeast corner of Gordon Avenue and Cold Creek Way. The subject property is located directly west of the D&RG rail trail and is surrounded by PB zoning (Solstice) to the north, M-2 zoning (Layton Industrial Park) to the east, B-RP zoning (Ellison Park Elementary School, Ellison Park, and Swan Lakes Golf Course) to the south and west, and R-1-10 zoning immediately west across the street with lots fronting Cold Creek Way.

This property is part of the preliminary overall plat of the Ellison Park Subdivision (zoned R-1-10) and is planned to be Phase 2. The preliminary plat for phase 2 proposed 11 lots on the 4.48 acres. However, the new developer of the subdivision (who is also the rezone applicant), is now requesting R-1-8 in order to gain some design flexibility in the layout of the lots.

BACKGROUND INFORMATION AND STAFF REVIEW

In April of 2007, the City Council approved a General Plan amendment and rezone for the Ellison Park Subdivision area (9.43 acres on both sides of Cold Creek Way) from B-RP (Business-Research

Park) to R-1-10 (Single Family Residential). With the construction of Ellison Park Elementary School and the extension of Cold Creek Way, it was determined that single family residential was a more compatible use for the property than business park land uses. The General Plan recommendation is now for single family residential at 2-4 dwelling units per acre. The existing R-1-10 and the proposed R-1-8 zoning are both consistent with this land use and density recommendation. The Ellison Park Preliminary Subdivision Plat was approved by the Planning Commission on June 26, 2007.

The request for the R-1-8 zoning designation is based on the applicant's desire to have reasonable flexibility in the design of Phase 2 of Ellison Park Subdivision. The existing preliminary plat and the proposed conceptual plat use a street design that includes a cul-de-sac street that connects to Cold Creek Way and curves to the southeast and is parallel to the east property line (D&RG rail trail).

A conceptual layout of the plat under the guidelines of the R-1-8 zone is likely to yield two to three additional lots compared to the R-1-10 zone (*see attached R-1-10 preliminary and R-1-8 conceptual plats*). The lot width in the R-1-10 zone is 80/90 (interior/corner) feet while the lot width in the R-1-8 zone is 70/80 feet. The more narrow lots in the R-1-8 zone compared to the R-1-10 zone are likely to accommodate an additional lot along the Cold Creek Way frontage and an additional two lots backing the D&RG rail trail. Although the R-1-8 zone allows lots of 8,000 square feet or larger, the average lot size proposed in the concept plan in the proposed R-1-8 zone is approximately 12,300 square feet. The smallest lot would be on Cold Creek way at just over 8,000 square feet and the largest lot would be on the southeast corner of the plat at approximately 31,300 square feet.

The lots backing the D&RG rail trail corridor will be larger than other lots in the subdivision because of a combination of easements for irrigation, public utilities and drainage, and two gas lines. All of these easements combined total approximately 55 feet located in the rear yards of the five lots proposed to back up to the rail trail corridor.

The rezone area is surrounded by several different land uses including a boarding school for girls to the north (Solstice), heavy manufacturing to the east, and elementary school to the south, and single family residential and a golf course to the west. In addition, the rezone area is bounded on the north by an arterial street (Gordon Avenue), on the east by a regional recreational trail and utility corridor, and on the west by a collector street (Cold Creek Way). Given the various surrounding land uses it is rational to consider R-1-8 zoning.

STAFF RECOMMENDATION

Staff recommends approval of the rezone request from R-1-10 to R-1-8 subject to meeting all Staff requirements as outlined in Staff memorandums.

Engineering 

Planning 

File 

PLANNING COMMISSION PROCEEDINGS AND RECOMMENDATION

On December 9, 2014, the Planning Commission voted unanimously to recommend the Council grant approval of the rezone request from R-1-10 to R-1-8 based on consistency with the General Plan recommendations for single family residential in this area of Layton City.

The Planning Commission asked for public comment. No public comment was given.

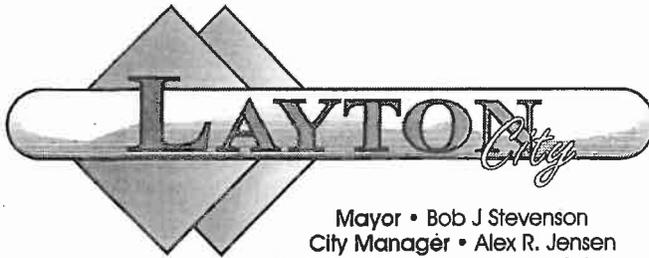


Attention Engineers & Developers: Please do not resubmit plans until you have received comments from Layton City Fire Department, Parks Department, Engineering Division and Planning Division. You may expect to receive comments within 7-10 business days of a submittal and within 7 business days of a resubmittal. Thank you.

MEMORANDUM

TO: Chad Bessinger; chad@ifcapital.com
CC: COMMUNITY DEVELOPMENT DEPARTMENT/FIRE DEPARTMENT
FROM: Ryan Bankhead, Staff Engineer
DATE: November 19, 2014
SUBJECT: BAC Layton
Rezoning Application

I have reviewed the rezoning application requesting the zoning be changed from R-1-10 to R-1-8 for a 4.48± acre parcel located at the southeast corner of Gordon Avenue and Cold Creek Way. The engineering department has no comments or concerns regarding the approval of this rezoning request.



Mayor • Bob J Stevenson
City Manager • Alex R. Jensen
Assst. City Manager • James S. Mason

• Fire Department •
Kevin Ward • Fire Chief
Telephone: (801) 336-3940
Fax: (801) 546-0901

Attention Engineers & Developers: Please do not resubmit plans until you have received comments from Layton City Fire Department, Parks Department, Engineering Division and Planning Division. You may expect to receive comments within 7-10 business days of a submittal and within 7 business days of a resubmittal. Thank you.

MEMORANDUM

TO: Community Development, Attention: Julie Matthews

FROM: Douglas K. Bitton, Fire Prevention Specialist 

RE: BAC Layton (Rezone) @ approx. 800 North Cold Creek Way

CC: 1) Engineering
2) Chad Bessinger, chad@ifcapital.com

DATE: November 20, 2014

I have reviewed the site plan submitted on November 12, 2014 for the above referenced project. The Fire Department, with regards to the rezone, does not have any comments at this time. However, for future development our concerns include but are not limited to the following:

1. A minimum fire flow requirement will be determined for buildings that are to be built on this property. The fire flow requirement must be determined by the Fire Prevention Division of this department and will be based upon the type of construction as listed in the building code and total square footage of the building. Prior to applying for a building permit, provide the Fire Prevention Division of this department the type and size of structure(s) to be built.
2. Designated fire access roads shall have a minimum clear and unobstructed width of 26 feet. Access roads shall be measured by an approved route around the exterior of the building or facility. If dead-end roads are created in excess of 150 feet, approved turnarounds shall be provided.



3. Where applicable, two means of egress may be required.
4. On site fire hydrants may be required.

These plans have been reviewed for Fire Department requirements only. Other departments may review these plans and will have their requirements. This review by the Fire Department must not be construed as final approval from Layton City.

DB/BAC Layton RZ:kn
Plan # S14-110, District #41
Project Tracker: #LAY 1411171482





Memorandum

To: Planning Commission
From: Scott Carter, Parks Planner
Date: November 20, 2014
Re: BAC LAYTON Rezone, R-1-10 to R-1-8 – Southeast Corner of Gordon Avenue & Cold Creek Way

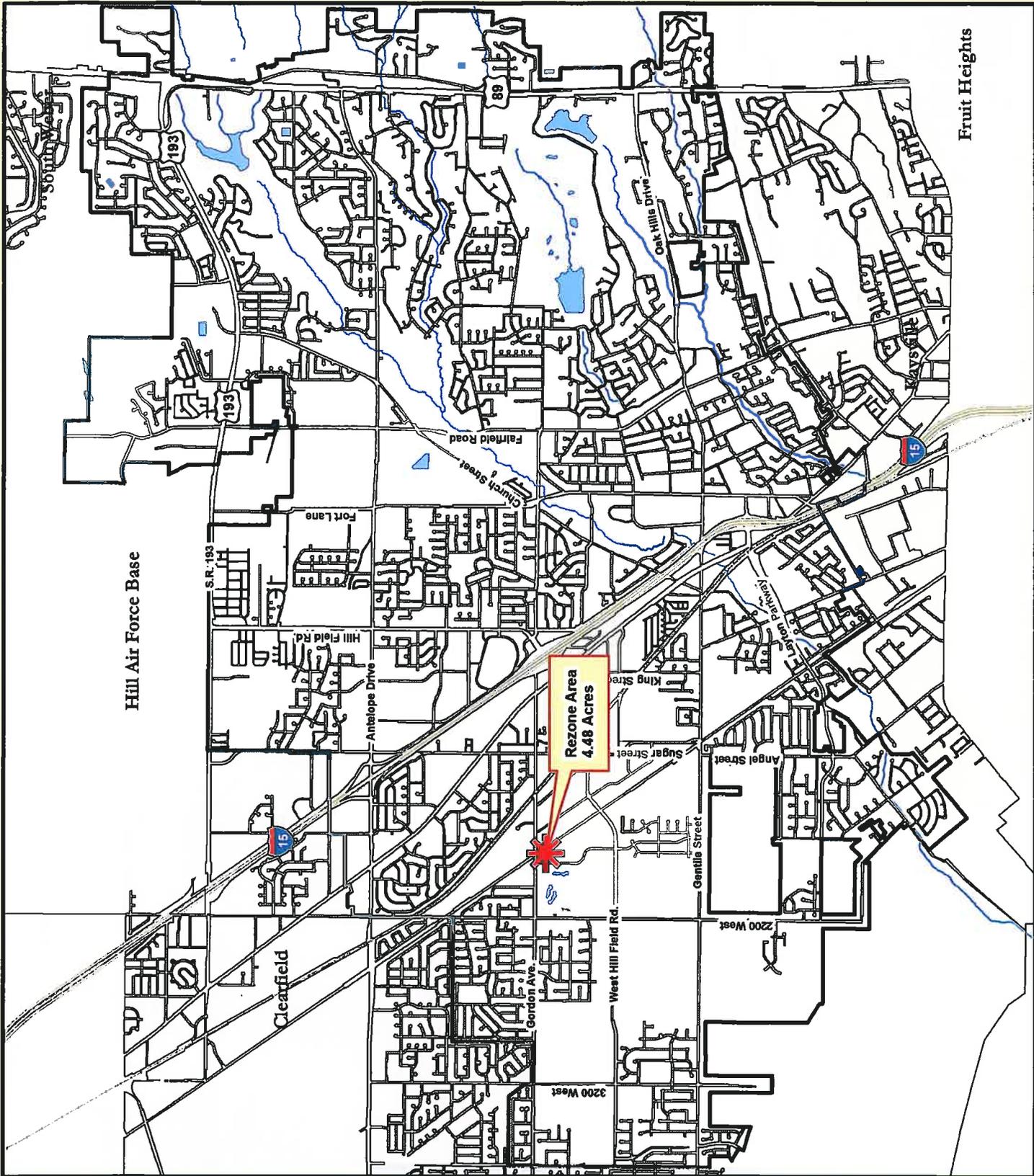
The proposed BAC LAYTON Rezone does not impact the Parks & Recreation Department.

The property is within the service area of Ellison Park. The property is also contiguous to the D&RGW Trail. The post rezone development plans will be closely reviewed to ensure the D&RGW right-of-way is properly protected with fencing that is free from any gates.

Recommendation

Parks & Recreation supports approval of the BAC LAYTON Rezone located on the southeast corner of Gordon Avenue and Cold Creek Way.

Attention Engineers & Developers: Please do not resubmit plans until you have received comments from Layton City Fire Department, Parks Department, Engineering Division and Planning Division. You may expect to receive comments within 7-10 business days of a submittal and within 7 business days of a resubmittal. Thank you.



Fruit Heights

Hill Air Force Base

Rezoned Area
4.48 Acres

City Council Meeting

January 15, 2015

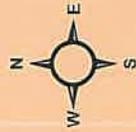
BAC Layton, LLC Rezoned

(Ellison Park Sub.
Phase 2)

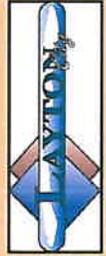
R-1-10 to R-1-8

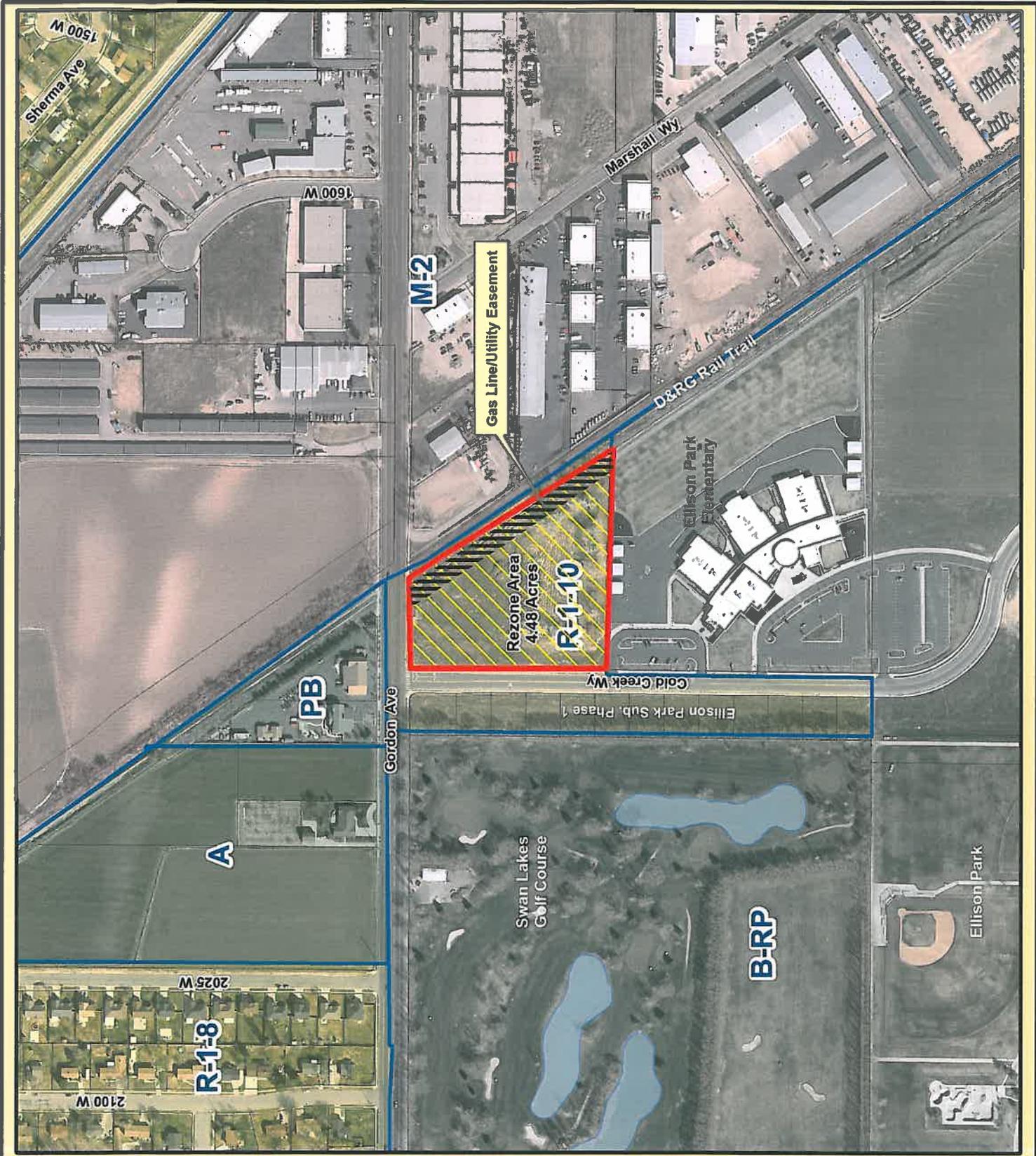
LEGEND

-  Rail Lines
-  Interstate 15
-  Layton City Boundary
-  Rights of Way
-  Lakes
-  Streams
-  Rezoned Area



1 inch = 4,250 feet





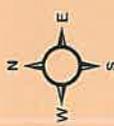
City Council Meeting

January 15, 2015

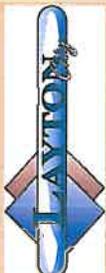
BAC Layton, LLC
Rezone
 (Ellison Park Sub. Phase 2)

R-1-10 to R-1-8

- LEGEND**
- Layton City Boundary
 - Zoning
 - Property
 - Lakes
 - Streams



1 inch = 333.33 feet



Ellison Park Subdivision Phase 2 R-1-8 Conceptual Design

