

**MINUTES OF LAYTON CITY  
COUNCIL WORK MEETING**

**JUNE 18, 2015; 5:37 P.M.**

**MAYOR AND COUNCILMEMBERS  
PRESENT:**

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

**STAFF PRESENT:**

**ALEX JENSEN, STEVE GARSIDE, KAREN  
ARROYO, TRACY PROBERT, KENT ANDERSEN,  
DOUG BITTON, RYAN PICKUP, KEVIN WARD,  
DAVID PRICE, PETER MATSON 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:**

**VICTIM SERVICES PRESENTATION**

Karen Arroyo, Victim Advocate, gave a brief report on the Victim Services Program. She indicated that the City received a \$49,156 VOCA grant in the current year and they anticipated receiving the same amount this coming year. Karen said the Utah Office for Victims of Crime anticipated getting additional funding from what had been received in recent years. She said that might make a difference across the State in victims programs.

Karen reviewed the goals of the program and indicated that they had served 1,267 victims of crime this year. She said 164 victims came into the office requesting assistance on protective orders and stalking injunctions. Karen said stalking injunctions were on the rise; the prior year they only had 12 stalking injunction requests and this year there were 27.

Councilmember Freitag asked if that included cyber stalking.

Karen said yes; a lot of stalking injunctions involved social media. She said social media helped in her job; it made it easier to get stalking injunctions because evidence was on the internet.

Karen said the majority of people served in the program were with domestic violence crimes. She said there were 675 domestic violence and stalking cases last year. Karen said the City mostly dealt with misdemeanor crimes.

Councilmember Freitag asked if the law had passed that was before the legislature this year relative to reduction of drug charges to misdemeanors.

Steve Garside, Assistant City Attorney, said yes.

Councilmember Freitag asked what impact that would have on the Legal Department.

Steve said the City was working with the County on that. He said the County already had a lot of the drug programs in place. Some of the drug charges that had been reduced from felonies to misdemeanors would stay with the County, but the City's workload would definitely increase.

Councilmember Freitag asked if there were enough programs in place to handle the drug case load.

Steve said when the legislature passed this bill, they had promised that they would provide funding. He said they gutted the law and didn't provide the funding. Steve said the programs the County had in place were very successful; had the legislature looked at those programs they would have realized that the law enforcement community had already addressed those issues and weren't warehousing addicts. He said the problem was that those programs were fairly intense and for a lot of addicts to have the incentive to go into the programs, they needed a prison term hanging over their heads. Steve said it was not uncommon for someone to now look at a jail term and say with a one year sentence, and with good time, they could be out in 7 or 8 months, and not have to answer to anyone or go through a program; they could hang on to their addiction. He said that was the area law enforcement was struggling with; to incentivize addicts to stay in the programs. Steve said it didn't become a felony now until the third offense and therefore they were further entrenched in their addiction.

Councilmember Freitag asked if it would have any impact on the Victim Services Program.

Karen said it would be harder to get some of the offenders in jail. She said drugs and alcohol were often a problem with domestic violence.

Mayor Stevenson expressed appreciation to Karen for the work she did for the citizens of Layton.

### **PRESENTATION – FIREWORKS RESTRICTIONS JULY 2015**

Kevin Ward, Fire Chief, said the State Legislature tasked municipalities to evaluate restrictions for fireworks every year. Kevin presented a map of the proposed areas where the City would impose fireworks restrictions, which were the same areas as last year. With all the recent moisture, wild grasses had been allowed to grow quite tall. He said there was a permanent ban in place for all fireworks east of Highway 89. Kevin said the City did allow for fireworks in two parks located in the restricted areas; Andy Adams Park and Sandridge Park. He said citizens were asked to clean up their fireworks and the Parks Department provided metal refuse cans for disposal of fireworks.

Councilmember Brown asked about the hours for discharging fireworks.

Kevin said fireworks could be discharged from July 1st to July 7th and July 21st to July 27th from 11:00 a.m. to 11:00 p.m., but it was extended to midnight on the holidays; July 4th and July 24th.

Council and Staff discussed illegal fireworks that were brought in from Wyoming.

Kevin said the map identifying the restricted areas would be put on the City's website and on social media.

There was discussion about citing violators, particularly in the restricted area east of Highway 89.

Mayor Stevenson indicated that most of his neighbors set off fireworks. He asked if that was legal.

Kevin indicated that a lot of fireworks were legal; it depended on the firework.

Councilmember Day asked if fireworks were limited east of Highway 89 all along the Wasatch Front.

Kevin said yes; most areas restricted fireworks east of Highway 89.

Doug Bitton, Fire Prevention Specialist, explained permitting and inspection of firework stands. He indicated that there were 25 to 30 stands in the City.

Kevin indicated that a press release would go out on Monday reminding everyone of the restrictions.

Mayor Stevenson suggested turning off the street lights for the City's fireworks show on July 4th.

**BID AWARD – MERRILL SHERIFF CONSTRUCTION, INC. – NEIGHBOR PARK AT 3500 NORTH 2100 EAST – RESOLUTION 15-40**

David Price, Parks and Recreation Director, said Resolution 15-40 was an agreement with Merrill Sheriff Construction for the Greyhawk Neighborhood Park. David displayed conceptual drawings of the park. He indicated that the base bid was a little higher than anticipated, and the City would use additional park impact fees to cover the additional cost. David said one small pavilion would be eliminated, and Staff would put in the trees, which would save some money. He displayed conceptual drawings of a play cove with a rock wall for climbing; the adult exercise area; and the tot lot. David indicated that the regular play area was a new type of play area that would include zip lines. He said this would be a great addition to the City.

Councilmember Brown asked when the park would be completed.

David said construction would start this November and be done next spring.

**AMEND TITLE 2, CHAPTER 2.56, SECTION 2.56.010 OF THE LAYTON MUNICIPAL CODE – CAMPAIGN FINANCIAL DISCLOSURE IN CITY ELECTIONS – ORDINANCE 15-20**

Steve Garside said several years ago Layton City was ahead of the curve when it came to financial reporting for political candidates. He said the State had finally caught up, and had gone ahead of the City in some of the restrictions that they had imposed. Steve said the State still authorized municipalities to be more strict than State Code, but with how far the State Code had come with their requirements, and with amendments each year, Staff was proposing to utilize the State's Code, adopted by reference, and the City would not have any separate or independent regulations regarding financial reporting for candidates. Steve said Staff recommended approval.

Councilmember Freitag asked if there were any major changes since the last municipal election.

Thieda Wellman, City Recorder, said major changes were made a couple of years ago relative to separate bank accounts. She said candidates couldn't commingle campaign funds with personal funds. Thieda indicated that there were stricter reporting requirements for in-kind donations.

Councilmember Freitag asked if candidates had to establish a separate bank account.

Thieda said yes.

Councilmember Day asked what in-kind things were required.

Thieda said definitions had been expanded.

Mayor Stevenson asked what types of penalties were there for violations.

Steve said generally in these situations it was a misdemeanor and would depend on the amount of the discrepancy. He said you could also be disqualified from being on the ballot.

Councilmember Day said by adopting this ordinance, if the State made any amendments, those amendments would automatically be included.

Steve said that was correct.

**AMEND THE ADOPTED BUDGET FOR FISCAL YEAR 2014-2015 – ORDINANCE 15-21**

Tracy Probert, Finance Director, said Ordinance 15-21 would amend the current fiscal year budget. He said a summary of the amendments was included in the packet. Tracy said the budget was proposed to be amended \$411,891.05. He said the bulk of the amendments, \$302,000, were related to revenue for which a preliminary estimate was not available. Tracy said there was appropriation of fund balance in the amount of \$25,699. He indicated that expenditures included expansion of WI-FI in the park and an amphitheater concrete project.

Councilmember Freitag asked if they could get a usage report for logins in the park.

Alex Jensen, City Manager, said he would get that information to Councilmember Freitag.

Tracy said there was \$49,200 in transfers between funds or departments; \$44,000 of that was for impact fees transferred to the general fund for the Parks Master Plan. He said there was also \$34,000 in grants for which the amount wasn't known at the beginning of the year. Tracy said there were a number of changes in other funds the largest of which, \$267,000, was in the street lighting fund. This was to recognize developer payments that were put toward purchasing street lights that were then installed by the contractor. He said Staff recommended approval of Ordinance 15-21 amending the budget.

**ADOPT THE BUDGET AND PROPERTY TAX RATE FOR FISCAL YEAR JULY 1, 2015, TO JUNE 30, 2016 – ADOPT THE SCHEDULE OF COMPENSATION FOR ELECTIVE, STATUTORY AND APPOINTED OFFICERS – ORDINANCE 15-22**

Tracy Probert said Ordinance 15-22 would adopt the budget for fiscal year 2015-2016, which ran July 1, 2015, to June 30, 2016. He said the Council adopted the tentative budget on May 7th and set the public hearing for this evening. The tentative budget had been available since that time for review by the public.

Tracy explained a legislative change that required a notice be placed in the utility bills explaining transfers between utility funds and the general fund. He said there was no difference in how those transfers were made from what was done in the past, but the public now had to be noticed. Tracy said the Utility Division had received some calls about that, but they had explained that there was no new tax and there wasn't a new transfer; the City had been making the transfer since the inception of the utilities. He said the confusion probably came in his explanation on the notice. Tracy said some residents may comment about the notice at the Council meeting.

Tracy said since the tentative budget was adopted, a \$100,000 transfer had been added to the capital projects fund from the general fund for the Davis Conference Center lighting project. He said \$100,000 in revenue and off-setting expense had been added to the emergency medical services fund for a new State assessment related to the Medicaid reimbursement program.

Tracy said the budget didn't include any property tax increase, but it did include a 3% merit increase for employees and adjustments to salary schedules based on the salary survey.

**AMEND TITLE 3, CHAPTER 15 OF THE LAYTON MUNICIPAL CODE – CONSOLIDATED FEE SCHEDULE – ORDINANCE 15-23**

Tracy Probert said Ordinance 15-23 would amend the Consolidated Fee Schedule. He said one proposed amendment related to sanitary sewer. The North Davis Sewer District increased their fees again this year by \$3 per month, which would be \$6 per billing cycle; there was also an increase to the excess usage charge by \$.30, or 10% of the monthly rate increase. As a result of the renegotiation of the contract with Waste Management, refuse rates would increase \$.35 per month for the first can and \$.25 for a second can. Staff was also proposing to put the \$5.50 per month per can charge for recycling into the fee schedule, which was an opt-in program. Tracy mentioned conversations he had with other recycling

companies that provided services to some Layton City residents.

Tracy said the Community Development Department was proposing a few changes. He said Staff had been performing additional reviews for developers without being compensated. Most developments were reviewed and approved with two development reviews. In order for the City to cover costs for reviews beyond the normal two submittals, Staff was recommending to adopt re-submittal fees for site plans, public and private subdivisions, and PRUDs.

Mayor Stevenson asked Ed Green if there were times when he turned in his second submittal when there were things added to the check list by the City.

Ed Green said yes.

Mayor Stevenson said that was his concern. He said that seemed to happen; after you went through the checklist the checklist would come back with added items. Mayor Stevenson said he didn't think that should fall to the developers when things weren't listed in the beginning.

Ed Green said sometimes plans were so incomplete that Staff would go through them to a point and then tell developers to try again. He said the Engineering Department did a very good job. There were times when there were so many items on the list that they would tell the developer to try again. Mr. Green said the City and developers worked pretty well together. He said if things weren't corrected after the third submittal the fee should go up; \$100 wasn't going to kill anybody.

Alex said Staff had this discussion internally with Engineering and Community Development. He said the idea was not to get the attention of good developers that had that good relationship Mr. Green was describing. Alex said Staff had to make sure it was doing the City's side of things correctly, and they couldn't be doing those kinds of things and holding the developer responsible. He said if that happened, the City needed to make those corrections. Alex said Engineering Staff had a good mindset about that and understood the expectation. He said if something like that happened, the City had the ability to talk about it and correct it.

Alex said the City had a minority of companies and developers who abused the system. He said often they were given a list of 15 or so items and they would address 5 or 6 items and ignore the rest. Often they were resubmitted 6 or 7 times. There was never any check on that. What ended up happening was that if the City wanted to be compensated for the time it took to do the additional reviews, there were a couple of ways to do that. One would be to assess a fee as it applied, or to increase the general fees. Alex said Staff felt that there was no reason to increase the fees to cover the costs, which would penalize the developers that were doing a good job. He said it was about money; the City was trying to get the attention of those that abuse the system. Alex said Staff had talked to most of the offenders and some had made adjustments and some had not. He said that was the thought process behind the proposed fee.

Councilmember Brown said there was an article in the newspaper about the opt-in recycling program. She asked if additional information would go out to the public.

Tracy said Waste Management would be sending out educational information sometime in July. Their intent was to implement the program between July and December of this year.

Councilmember Day asked how their rate compared to other companies that were supplying recycling services.

Tracy said most of the other companies charged \$10 per month. That was the biggest complaint from the companies he talked with; how could they compete.

Mayor Stevenson explained that the intent of the Burn Plant was to eventually separate garbage creating onsite recycling.

Ed Green asked how that would affect townhomes; would they be forced to have recycle cans.

Mayor Stevenson said no; this would be an opt-in program. Only those that signed up for the service would receive cans.

**REZONE REQUEST – ADAMS/CRAYTHORNE – A (AGRICULTURE) TO R-1-8 (SINGLE FAMILY RESIDENTIAL) – APPROX. 752 WEST GENTILE STREET – ORDINANCE 15-15**

Peter Matson, City Planner, said this item was on the June 4th agenda and was tabled until today to allow the applicant and surrounding property owners to discuss options that may include a land trade. The rezone request was to R-1-8; surrounding property was R-1-8 and R-1-10 zoning. The density range recommendation for this area was 2 to 4 dwelling units per acre, which was consistent with the requested rezone. Peter indicated that the proposed rezone area contained 17.36 acres. He explained water pressure in the area and supply to the property. He discussed stub streets to the east and explained sewer connection and storm drain connections to the property. Peter indicated that the development would require a detention basin.

Peter indicated that the rezone was consistent with the General Plan. He said if the zoning was approved, they could develop about 30 lots on the upper portion of the property. Peter said the developer would have to secure easements with adjacent property owners to develop the lower 1/3 of the property.

Councilmember Freitag asked what that would entail.

Peter said it would require an agreement with the adjacent property owner; it would be preferred that it was permanent in nature and aligned with a projected future right of way.

Councilmember Freitag asked what had happened with additional discussions with the adjacent property owner.

Gary Craythorne, Developer, said the meetings didn't secure anything. He said they had been dealing with this for about 3 months and hadn't made any headway. Mr. Craythorne said they would like to move forward with the rezone.

Ed Green, Developer, said he had met with Mr. Perkins who owned the property that connected to Vance Lane. He said Mr. Perkins had no interest in selling his property. Mr. Green explained problems with connections to the east. He said they would prefer to pursue the rezone as proposed.

Councilmember Day said if the bottom part couldn't be pursued at this time, why was it included in the rezone.

Peter said it was the application under the current ownership. He said there were two parcels involved; the presumption was that the zoning would be in place and they would do an overall preliminary plat that would include that area, but final plat and development of the southern portion would be dependent on getting utility access.

Councilmember Day said, generally, there had to be utility access before the property was rezoned.

Peter said it had to be readily available for the most part.

Councilmember Day said it was his understanding from an adjacent property owner that there was enough area to have access onto Weaver Lane; it might not tie into Vance Drive if Mr. Perkins didn't want to sell, but if the width was there how could the City stop him from doing that.

Councilmember Petro said, in other words, couldn't the connection be a future connection to Vance Drive

once future development happened in the area.

Peter said it was his understanding that Vance Drive was set up to be the aligned connection for a local collector type road from Gentile Street to Layton Parkway. He said the gap between the railroad tracks and the property line might be wide enough for a street, but the other question would be if the offset from Vance Drive would meet City standards for an offset between two collector roads connecting into Weaver Lane.

Mayor Stevenson said he would think the Vance Drive alignment was such to allow for lots on both sides of the road.

Ed Green said another thing to remember was the Bear River Pipeline that came through that area. He said if they tied through that corner where the Bear River Pipeline ran, it would take out the entire road. Mr. Green said that pipeline right of way was probably 40 feet.

The daughter of an adjacent property owner identified and explained their suggested property trade alignment with the developer.

Mayor Stevenson said from his standpoint on a property swap, the developer would want to make sure that it wasn't costing them more money or not costing more lots, or it would be a bad trade on their part. He asked the developers if the proposed land trade would be more expensive for them to develop.

Gary Craythorne said originally they looked at trading some property to the west, and he had spent some time working on a layout that would connect into Weaver Lane. He said the width of the access onto Weaver Lane was 61 feet, but with the pipeline right of way there wouldn't be enough width for a road. Mr. Craythorne said the 17.36 acres was 311 feet wide, which would allow for 126-foot deep lots. He said with the type of frontages they were considering, those lots would average 10,000 square feet and above. Mr. Craythorne said they would be very nice lots. He said they were limited to 30 lots with one access, but they didn't know exactly where that would take them on the property because they weren't to the design point in the process, which was one of the reasons they wanted to rezone the entire parcel.

There was discussion back and forth between the daughter of the adjacent property owner and the developers.

Councilmember Brown said after reading through the minutes of the Planning Commission meeting, the developer mentioned, and reiterated again this evening, that most of the lots would be 10,000 square feet, which was the size of an R-1-10 lot, but that they wanted R-1-8 zoning because of the side yard setbacks. At some point the Council would have the opportunity to approve or disapprove a plat for the development, and consider those types of concerns.

Mr. Craythorne said they would be willing to enter into a development agreement to clarify some of those issues.

Mayor Stevenson said based on the configuration of the property and placement of the road, the lots would be close to or over 10,000 square feet.

Mr. Craythorne said that was correct. He said they anticipated 82-foot frontages, which was about 10,264 square feet based on the depth of the lots. Mr. Craythorne said they were very comfortable stating that they would average over 10,000 square feet. He said they liked the flexibility of the side yards with the R-1-8 zone.

Councilmember Brown said if the lots were 10,000 square feet with R-1-8 zoning, would it allow for larger homes.

Mr. Craythorne said with the R-1-10 zone all of the front yards would be the exact same; the R-1-8 zone

would allow for some variety. It made the subdivision as a whole look much better. Mr. Craythorne said it would also allow for the home to be pushed to one side to accommodate an RV pad.

Peter said the City required any subdivision over 8 lots to have variation of widths; there could be no more than 5 lots in a row with the same minimum lot width dictated by the zone. He said that requirement spoke to what the developer wanted to do in this situation.

Mayor Stevenson asked the adjacent property owner if they were interested in trying to work something out with the developer; this development would basically separate their property into two pieces. He said he would think that no matter whose property it was, it would be better to keep everything together.

The daughter of the adjacent property owner said that was their ultimate goal. She said this was the first proposal they had put forward; the other proposals that they received didn't work for a variety of reasons. She said they spoke with the developers today and were trying to work something out.

Mayor Stevenson said a rezone of the property was on the agenda.

The daughter of the adjacent property owner said the developer had indicated that they wanted to move forward with rezoning the property and then if an agreement was reached, it could be changed back to agriculture.

Mayor Stevenson suggested that the adjacent property owner and the developer get together and see if they could reach an agreement before this item was discussed in the Regular Meeting. He said if an agreement could be reached, the rezone could be tabled to a later date.

**The meeting adjourned at 6:56 p.m.**

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Thieda Wellman, City Recorder