

**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 February 18, 2016.**

AGENDA ITEMS:

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

- A. Minutes of Layton City Council Work Meeting - January 21, 2016
- B. Minutes of Layton City Council Meeting - January 21, 2016
- C. Minutes of Layton City Council Strategic Planning Work Meeting - January 28, 2016
- D. Minutes of Layton City Council Work Meeting - February 4, 2016
- E. Minutes of Layton City Council Meeting - February 4, 2016

2. MUNICIPAL EVENT ANNOUNCEMENTS:

3. VERBAL PETITIONS AND PRESENTATIONS:

4. CITIZEN COMMENTS:

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. Appoint Kathy Blackner to the Parks and Recreation Commission and Reappoint Sara Beckstead, Rick Brady, Bill Johnson and Don Wilhelm to the Parks and Recreation Commission - Resolution 16-08
- B. Appoint Tracy Chatwin, Vaughn Jacobsen, Brigit Gerrard, Delaney Nalder and David Weaver to the Recreation, Arts, Museum, and Parks (RAMP) Advisory Commission with Rick Smith Serving as an Alternate - Resolution 16-09
- C. Cooperative Agreement between Layton City and Utah Department of Transportation (UDOT) for the Participation in the Cost to Install the New Water Line Known by Layton City as The Hill Field Road Water Line Replacement, Project 15-05 – Resolution 16-10
- D. Exchange of Property for Public Utility and Drainage Facilities – Resolution 16-11 – 730 North Marshall Way
- E. On-Premise Restaurant Liquor License – JJH Holdings Inc. DBA Café Sabor – 200 South Main Street
- F. Final Plat – Harmony Place Planned Residential Unit Development (PRUD) Phase 1 – Approximately 2375 West Gentile Street

6. PUBLIC HEARINGS:

- A. Community Development Block Grant (CDBG) Annual Action Plan for Fiscal Year 2016-2017
- B. Rezone and Parcel Split Request – Preston Cox – A (Agriculture) to R-S (Residential-Suburban) – Ordinance 16-08 – Approximately 257 South 3200 West
- C. Amend Layton Municipal Code -Title 3 (Revenue & Finance), Section 3.15.10 (Consolidated Fee Schedule of Layton City Corporation); Title 19 (Zoning), Sections 19.06.010 (Definitions), 19.21.020(8) (General Regulations) and 19.21.045 (Mobile Food Vendor) Establishing Regulations for Mobile Food Vendors - Ordinance 16-06
- D. Amend Layton Municipal Code - Title 18, Chapter 18.40, Section 18.40.020 - Clarifying Ownership Responsibility of Land Drain Systems – Ordinance 16-01

7. PLANNING COMMISSION RECOMMENDATIONS:

8. NEW BUSINESS:

9. UNFINISHED BUSINESS:

10. SPECIAL REPORTS:

ADJOURN:

Notice is hereby given that:

- A Work Meeting will be held at 5:30 PM to discuss miscellaneous matters.
- 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**

JANUARY 21, 2016; 5:34 P.M.

**MAYOR AND COUNCILMEMBERS
PRESENT:**

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

STAFF PRESENT:

**ALEX JENSEN, GARY CRANE, BILL WRIGHT,
KENT ANDERSEN, DAVID PRICE AND THIEDA
WELLMAN**

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

Mayor Stevenson opened the meeting and welcomed everyone.

AGENDA:

PRESENTATION – STUDENTS AGAINST ELECTRONIC VAPING (SAEV)

Mayor Stevenson turned the time over to students from Layton High and Davis High to make their presentation.

Carson Robb, Junior Class President from Davis High School, said their organization was Students Against Electronic Vaping (SAEV). Mr. Robb indicated that this was a student lead coalition. He said they were talking to all high schools and cities in Davis County, and several across the State, in an effort to carry forward a bill this legislative session to label electronic cigarettes as a tobacco product that would be taxed and regulated similar to regular cigarettes.

Mr. Robb said their goal was to limit access of electronic cigarettes to youth; those 19 and under. He indicated that there were over 7,000 different flavors of e-cigarettes; there were cartridge filling sites; and it was aimed at youth. 51% of all calls to poison control were for children 5 and under; there were no protective locks to stop small children from accessing e-cigarettes. Mr. Robb indicated that 22,000 youth were using e-cigarettes in Utah. He said the majority of cases before Youth Court had to do with e-cigarettes.

Mr. Robb said it should be harder for youth to have access to e-cigarettes. He requested that the City

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adopt a resolution supporting their efforts. Their aim was to make it harder for youth to have access to e-cigarettes.

Mayor Stevenson asked how the bill would make it harder to get.

Mr. Robb said by labeling e-cigarettes as a tobacco product and taxing them similar to cigarettes. Currently e-cigarettes could be purchased online and there were no regulations.

Councilmember Brown asked if it was illegal for someone younger than 19 to use them now.

Mr. Robb said yes. He said marketing was directed toward youth.

Councilmember Petro asked how the majority of the student body felt about this.

Mr. Robb said most kids supported the bill. Everyone knew someone that was using e-cigarettes. He said there was more nicotine in e-cigarettes than it regular cigarettes.

Mayor Stevenson said the resolution would have to be on the next meeting agenda.

Councilmember Brown asked about presenting this at an LPC meeting.

Gary Crane, City Attorney, said he would let Ken Bullock know.

Mr. Robb said they were attending LPC meetings.

Mayor Stevenson suggested that they follow up with Staff and verify that the resolution was on the next meeting agenda so that they could make a presentation to the public.

AMENDMENT TO TITLE 3, ADDING CHAPTER 3.21 – RECREATION, ARTS, MUSEUM, AND PARKS (RAMP) TAX; COMMISSION – ORDINANCE 16-09

Mayor Stevenson said applications had been received for the RAMP Committee. The applications would be sent to the Council for review. Mayor Stevenson said he would like Councilmembers Brown and Petro to be involved in the interview process.

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David Price, Parks and Recreation Director, said the only change to the ordinance since the last review was to Section II, paragraph 7, dealing with major grants and Tier I grants, giving the Council the option to ask for a contract or an agreement.

UPDATE – UTAH TELECOMMUNICATION OPEN INFRASTRUCTURE AGENCY (UTOPIA)

Kurt Sudweeks, UTOPIA CFO, introduced Kim McKinley, Marketing Manager. He provided an update to the Mayor and Council on the status of UTOPIA. Mr. Sudweeks said 2011 started the 5 year plan with the 65 million dollar bonding. He said the objective was to generate enough revenues to cover debt obligation on the new bonding; achieve operational break even; and deploy as much infrastructure as possible. The money was used to deploy assets to achieve the best return on investment. Mr. Sudweeks said they have been able to cover all new debt and had increased coverage. He indicated that Centerville was built out and they had completed the stimulus build out. 6,000 new customers had been added; they currently serviced over 13,000 customers.

Councilmember Brown asked what Centerville's take rate was.

Ms. McKinley said about 30%.

Mr. Sudweeks said revenues were over \$625,000 per month and averaged growth, month over month, was \$14,000. He said they had achieved operational break even prior to December 15th. Mr. Sudweeks said they didn't anticipate any additional assessments to the cities; however, some cities owed back assessments.

Councilmember Freitag asked what the amount in arrears was.

Mr. Sudweeks said about 1.1 million dollars.

Alex Jensen, City Manager, said cities not paying their assessments had no influence on the Board; eventually everyone would have to meet their obligations. He said when the system started to generate excess revenue, the decision on how that revenue would be allocated was based on a vote of the Board. Those that have been paying were the majority of the Board.

Councilmember Day asked how many cities hadn't paid.

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Alex said 3 cities had consistently paid; 4 or 5 had consistently not paid. Some of those were starting to pay with a change of leadership and the success of UTOPIA.

Councilmember Davis asked if there was a legal avenue to pursue those that had not paid.

Alex said the attorney would say no; there was certainly an ethical obligation to pay. All of the cities agreed to the financial commitment, and signed documents, but it wasn't in the form of a legal document that could be enforced.

Mr. Sudweeks said there was only 1 city that didn't pay any assessments. They were hopeful that some of the cities would want to come back to the table.

Councilmember Davis asked if those cities were being built out.

Mr. Sudweeks said no.

Mr. Sudweeks said they were being very careful with expenses; staffing was a little light and there was currently no executive director.

Councilmember Freitag asked who was doing the work of the executive director.

Mr. Sudweeks said Paul Isaac, the Assistant City Manager of West Valley City, was the interim executive director covering most of those duties. He said staff was pretty much handling day to day operations. Mr. Sudweeks said Alex provided a lot of direction as Chairman of the UIA Board. He expressed appreciation for everything Alex did.

Mr. Sudweeks reviewed information about current available funding; as a result of the lawsuit with the federal government, they received 10 million dollars in a settlement in December, 2014. He said they just closed the final tranche of the UIA approved bonding in the amount of 24 million dollars. \$21,000,000 would go toward new construction and they were working to upgrade electronics. Mr. Sudweeks said they recently announced that they would be increasing everyone's speed from 100 MB up and down, to 250, and the prices would not change. Because Layton was one of the last cities to receive build out, they had received newer electronics and would not need to have new equipment to make the higher speed available to customers.

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Mr. Sudweeks explained deployment strategies and building in areas with new development when trenches were already open; it was much cheaper to install fiber in trenches that were open. They continued to pursue business connections. Mr. Sudweeks presented information about the percentage of build out in various cities and identified areas of Layton that were being built.

Ms. McKinley reviewed new residential customer growth information and indicated that the new marketing plan helped gain new customers. She reviewed take rate information; they were hopeful that the take rate would be 30% in three years. Ms. McKinley said they were targeting new available residential addresses.

Councilmember Petro asked about disconnects and who paid the connection debt.

Ms. McKinley indicated that either the new or existing homeowner had to pay the debt off. She said they were also targeting those customers. Ms. McKinley said they focused on business connections as well. She explained how they were utilizing people that were advocates of the service. Ms. McKinley displayed some of their marketing ads.

Councilmember Petro asked why some areas that had equipment in place couldn't connect.

Ms. McKinley said that was a difficult issue. Sometimes it might be a backbone fiber that was running in front of someone's house that was not an access level fiber. She said there wasn't always an easy answer.

Councilmember Petro asked if there were a number of people that wanted to connect in a given area, would they make it available.

Mr. Sudweeks said when fiber was installed with the stimulus money, restrictions were placed on the type of fiber that could be installed. They would only allow fiber to accommodate service to the government anchor location, which wasn't sufficient to accommodate a neighborhood. He said with the stimulus money they did install multiple conduits; the streets wouldn't need to be dug up again when they got to that point.

Alex said the biggest challenge was meeting the demand; everyone wanted UTOPIA. He said the cities had to continue to fund construction, but they didn't have enough money to fund build out. Until the capitalization issue was solved, they would continue to have these types of issues. Alex said the demand was growing every day.

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Ms. McKinley said they received 300 inquiries a day; they wished they could hit all demands.

UPDATE ON ECONOMIC DEVELOPMENT EFFORTS

Kent Andersen, Deputy Director of Community and Economic Development, gave the Mayor and Council updates on several projects.

Councilmember Freitag said South Salt Lake announced WinCo.

Kent mentioned business workshops the City was doing to assist small businesses. He said the train station facility, Café Sabor, should be up and running by the end of February.

Bill Wright, Community and Economic Development Director, said the City's financial contribution to the train station project was \$280,000; UDOT constructed the parking lot and contributed about \$500,000 and the contractor contributed about \$500,000.

Bill said WinCo was announced in 2009. He said they hoped that payment of the building permit would be made by March and that the store would open in November.

Councilmember Freitag suggested that if that didn't happen, they take down the signs.

Mayor Stevenson said negotiations between both parties were positive. He felt that they were close to reaching an agreement.

Bill said the City was not the obstacle.

Kent indicated that Kihomac was under construction; they anticipated completion in the summer. They would employ 130 people. He said UTOPIA helped in drawing Kihomac to the City.

Alex said this was a company that was housed in 3 different areas; they consolidated their facilities to this area because of the great work of the Economic Development Staff.

Bill said Kihomac was a great company that was well connected.

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Kent said the IHC Hospital should break ground in March or April.

Bill displayed a site plan for the hospital and explained aspects of the site. He said the secondary access onto Flint Street would be mostly for delivery.

Councilmember Brown asked about the cul-de-sac to the east.

Bill said they were required to do the cul-de-sac, but it would not be a connection into the neighborhood to the south east.

Bill said the hospital would include 36 beds with the possibility of expanding to 88 beds. Primary Children's Hospital would be a part of this facility for follow-up treatment. He said the hospital would open in the summer of 2018; the medical offices would open in the summer of 2017. Bill said this would create 350 new jobs not including the doctors.

Bill displayed conceptual drawings of the building.

Kent mentioned a few other projects coming to the City, including the Sea Quest Interactive Aquarium in the Mall; this would be a great attraction and was scheduled to open in August.

The Work Meeting suspended at 6:58 p.m. for the Regular Meeting.

The Work Meeting reconvened at 7:48 p.m.

Kent said all of the different projects mentioned earlier would create 1,300 new jobs.

Council and Staff discussed a possible fire station on Layton Parkway across from the hospital property.

Alex said if that happened, the fire station on Fort Lane would be closed. This location would provide better coverage for the City.

CLOSED DOOR:

MOTION: Councilmember Davis moved to close the meeting at 7:53 p.m. to discuss the acquisition of real property. Councilmember Petro seconded the motion, which passed unanimously.

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MOTION: Councilmember Day moved to open the meeting at 8:54 p.m. Councilmember Petro seconded the motion, which passed unanimously.

The meeting adjourned at 8:54 p.m.

Thieda Wellman, City Recorder

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 **21st day of January, 2016**, was to discuss the acquisition of real property.

Dated this 18th day of February, 2016.

ATTEST:

ROBERT J STEVENSON, Mayor

THIEDA WELLMAN, City Recorder

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**MINUTES OF LAYTON CITY
COUNCIL MEETING**

JANUARY 21, 2016; 7:01 P.M.

**MAYOR AND COUNCILMEMBERS
PRESENT:**

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

STAFF PRESENT:

**ALEX JENSEN, GARY CRANE, KEVIN WARD,
TERRY COBURN, TRACY PROBERT, BILL
WRIGHT, KEVIN WARD, DAVID PRICE 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 Freitag gave the invocation. Scouts and students were welcomed.

MINUTES:

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

**Layton City Council Work Meeting – December 17, 2015; and
Layton City Council Meeting – December 17, 2015.**

The vote was unanimous to approve the minutes as written.

MUNICIPAL EVENT ANNOUNCEMENTS:

Councilmember Brown mentioned the Family Recreation Valentine's Dance that would be held on February 12th at the Central Davis gym from 7:00 p.m. to 9:30 p.m. She said this was a fun family activity and there would be a live band, refreshments and prizes.

Councilmember Petro said an open house for the Snow Horse Gallery was being held at the Davis Conference Center where art from local youth was being displayed.

Councilmember Freitag expressed appreciation to the Public Safety Staff with the recent tragedies that had

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taken place in the community.

Mayor Stevenson echoed Councilmember Freitag. He said the City was working to see if anything could be done to alleviate any possible safety issues.

PRESENTATIONS:

YEARS OF SERVICE AWARDS

Alex Jensen, City Manager, said that was a wonderful segue into this presentation. He indicated that three employees were receiving recognition for having 20 or more years of service with the City. Alex recognized Doug Pierce, Lance Beech and James Petre for having 20 years of service with the City.

Alex said the City was blessed to have great employees; there was no greater asset to the City than the employees. He said they were not only great employees but they were good people. Alex said the City had dedicated employees that genuinely cared about the City and serving the citizens. He thanked the spouses and families for their support.

Mayor Stevenson said the teamwork that was in the City was unreal. He thanked everyone for what they did for the City and citizens.

YOUTH COUNCIL SWEARING IN

Carolyn Hunter, Youth Council Advisor, indicated that there were great kids involved and committed to the Youth Council. She thanked the City for its continued support of the program.

Thieda Wellman, City Reorder, administered the oath of office to the Youth Council members.

Councilmember Day thanked the advisors for their great work with the kids.

RECOGNITION OF COMMUNITY EMERGENCY RESPONSE TEAM (CERT) GRADUATES

Kevin Ward, Fire Chief, introduced Natalie Tholen, the Public Education Specialist. He explained the CERT program and the training that was provided. Chief Ward said there were several thousand citizens in the City that were CERT trained. He introduced recent graduates who came forward to receive their certificates and to

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shake hands with the Mayor and Council.

CITIZEN COMMENTS:

Macayla Adams, 258 Aircraft Avenue, said she was speaking on behalf of Layton High students that were affected by the tragedy last Monday. She indicated that she used that crosswalk most days. The day of the accident she didn't walk to school because it was too dark. Ms. Adams said there were many days that she used a flashlight to cross the street. She said the City needed to provide more lighting at the crosswalk; the sign was not visible enough. There should be more emphasis on crosswalk safety.

Becky Adams, 258 Aircraft Avenue, said she appreciated the responses she received from the Council on her email. She said her daughter used this crosswalk most every day, and some elementary children used the crosswalk. Ms. Adams said this should be a school zone crosswalk and there needed to be a community wide effort to educate drivers on crosswalk safety.

Shelley Ashby, PTA President at Whitesides Elementary, 53 Aircraft Avenue, said there were three crosswalks where safety needed to be addressed, including the crosswalk at Fort Lane and Lindsay. The lighting was not good at this crosswalk. She said there should also be a crosswalk at Fairfield Road and Wasatch Drive; and there should be additional lighting for the crosswalk on Gentile Street and Colonial Avenue. Lighting similar to the one in Kaysville City on Main Street, that was pedestrian activated, would make all three of these locations much safer. Ms. Ashby said Whitesides Elementary would be having activities to promote crosswalk awareness. Anything the City could do to promote the safety of children would be greatly appreciated.

T.J. Barker, 842 Shannon, Kaysville, indicated that he was the Principal of Central Davis Jr. High. Mr. Barker said he travelled to Layton every day. He said he was here in support of parents and families with concerns for students that attended schools in the area. Mr. Barker said there needed to be a crosswalk on Fairfield Road at Wasatch Drive.

Diane Hammer, 1587 Trune Circle, Syracuse, said she was the Principal at Whitesides Elementary. Ms. Hammer said the area where the tragedy occurred was very dark. She said there were a lot of children walking to school. Ms. Hammer encouraged the City to make this crosswalk safer, similar to the one mentioned earlier in Kaysville.

Mayor Stevenson said every year the City looked at things that could be done to make the City safer. He said

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they were still studying the situation to see what happened and what could be done. Mayor Stevenson said somehow the community needed to educate themselves, other drivers and pedestrians. He said we had to be more aware of our surroundings.

Alex said every year the City looked at all infrastructure in the City, including the safety of pedestrians and school crossings. He said it was important to remember those were two very distinct things under State statute. Alex said how a pedestrian crossing was treated was much different than how a school crossing was treated. He said what made something a school crossing was not just that a few kids walked it, it was actually prescribed; there had to be a certain number of kids that used it; a certain traffic volume; etc., that met the criteria to put in a school crossing as opposed to a pedestrian crossing. That was a situation the City had to work through, and was familiar with. Alex said it was not as simple as saying there was a child that used the area therefore we put in a crosswalk. He said the City found that sometimes, particularly for younger children, when a crossing was installed it created a false sense of security. Children thought they were safe even if they weren't. There were a lot of national studies on this. Alex said the City had to be very careful about placing crossings in locations that decreased safety as opposed to increasing safety. He said it was a balancing act in working with the schools, the City and parents to try and make sure people understood the distinction and the difference.

Alex said the City continually looked at lighting issues, pavement markings and signage, all with the end of providing safety. Before this tragic accident, the City had begun to look at all the crossings in the City to identify if there were advances in technology or ways the City could improve those crossings to improve safety. He said as part of the budget process, Staff would be recommending improvements at various locations to improve safety. Alex said in areas where they believed the placing of crosswalks would contribute to a lack of safety, of course the recommendation would be to not do that. He said those were not always popular recommendations, but it was based on a lot of analysis and a lot of study. Alex said this would continue to be an issue that the Staff and Council took very seriously.

Councilmember Brown said someone stated that tickets weren't given for people that go through crosswalks. She said her daughter was given a ticket for going through a crosswalk by Layton High. Councilmember Brown said her daughter thought that because the students were not in her part of the street she could go through; she was taught by the Police Officer that if it was a school crosswalk the pedestrians had to be on the curb before the car could proceed. She said, as Alex mentioned, school crosswalks were treated differently than regular crosswalks. Councilmember Brown said she learned a lesson from her daughter's experience; she now stopped at school crossings until they were clear, but many cars didn't do that. She said unfortunately Police Officers couldn't be at every crosswalk at every minute. Councilmember Brown said

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the discussion in her home was that the tragedy that happened on Monday could have happened to any one of us; it could have been our children or we could have been the driver. She said very often drivers took their eyes off the road for a number of reasons, and a tragedy could happen. Councilmember Brown said she hoped that people learned from this tragedy and did a better job at being safe drivers and pedestrians.

Mayor Stevenson said the City would keep the schools informed of what was being done. He expressed appreciation to everyone for their comments. This was a tragedy for the entire community.

CONSENT AGENDA:

AMENDMENT TO TITLE 3 OF THE LAYTON MUNICIPAL CODE BY THE ADDITION OF CHAPTER 3.21 – RECREATION, ARTS, MUSEUM AND PARKS (RAMP) TAX; COMMISSION – ORDINANCE 16-09

David Price, Parks and Recreation Director, said Ordinance 16-09 would amend Title 3 of the Layton Municipal Code, by adding Chapter 3.21, providing for the imposition of a RAMP tax. He said the ordinance provided for the use of revenue generated by the tax; and established a RAMP Advisory Commission. David said Staff recommended approval.

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

The meeting adjourned at 7:45 p.m.

Thieda Wellman, City Recorder

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**MINUTES OF LAYTON CITY
COUNCIL STRATEGIC PLANNING
WORK MEETING**

JANUARY 28, 2016; 5:35 P.M.

**MAYOR AND COUNCILMEMBERS
PRESENT:**

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

STAFF PRESENT:

**ALEX JENSEN, SCOTT CARTER, KENT
ANDERSEN AND THIEDA WELLMAN**

OTHERS PRESENT:

**BARBARA RIDDLE AND BILL FRANCIS,
IMAGINATION COMPANY; AND SYDNEY KING
AND MARTY HAWS, SOCIAL5**

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

Mayor Stevenson opened the meeting and welcomed everyone.

PRESENTATION – IMAGINATION COMPANY (DAVIS CHANNEL 17)

Barbara Riddle said the Imagination Company was a multimedia company that showcased things and events happening in the community. She explained the services they could provide to the City. Ms. Riddle reviewed information about their signature programs, their airtime and the channels they managed. Ms. Riddle indicated that they were currently working on adding Roku services. She reviewed information about on screen banner announcements.

Councilmember Freitag asked if a soccer tournament could be filmed.

Ms. Riddle said yes; they could film any event the City chose.

Ms. Riddle showed a clip of some of the programs and banner ads they could provide. She reviewed information about the services they could provide to Layton City and the cost of those services. Ms. Riddle reviewed benefits to the City and being able to keep the public informed of events and things happening in the City.

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PRESENTATION – SOCIAL5

Marty Haws, Chief Revenue Officer, indicated that Social5 managed social media and helped to make it simple. He introduced Sydney King, their Business Development Director.

Mr. Haws said relative to social media, content was king. He said social media would allow the City to sell itself every day online. Mr. Haws reviewed information in social media trends; there were 1 billion social media users online every day. 90% of customers trust peer recommendations while only 14% trust advertising. An effective social media strategy included: a graphic designer; a professional writer; a technology expert; and a social media strategist. Social5 provided these services at an affordable price.

Mr. Haws reviewed information about their services and some examples of the things they could do including analytical information to see what was performing well.

Councilmember Petro asked what some of the packages would include.

Mr. Haws said they would include Facebook with three posts a week; Twitter with five posts a week; LinkedIn twice a month; a mobile site with two blog posts a month; and monthly email and analytics.

Mayor Stevenson asked Mr. Haws to review what they had done for Channel 2.

Mr. Haws said Channel 5 dominated the Utah market for many years. They increased Facebook friends at Channel 2 from 4,000 to 400,000; it was the biggest Facebook campaign in the United States. Channel 2 became #1 in the market place mostly due to social media.

Councilmember Brown said right now different departments in the City were putting things on Facebook; would they be able to continue to do that.

Mr. Haws said yes. It would still be the City's Facebook page; Social5 would be able to add content and help to determine what the content should be.

Mayor Stevenson asked if they would suggest one general Facebook account for the entire City.

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Mr. Haws said not necessarily. There could be one page with dropdown menus for various departments.

Mayor Stevenson said the City received very little newspaper coverage any longer. It was important for the City to get its message out.

Councilmember Davis asked if search engine optimization was part of the service.

Mr. Haws indicated that it was and explained the importance of that.

There was discussion about videos and making those available on Facebook.

Mayor Stevenson asked how much time it would take to see a difference; Channel 2 didn't happen in 30 days.

Mr. Haws said there would be tangible evidence within a short amount of time; things would be up and live within 14 business days.

Kent Andersen, Deputy Director of Community and Economic Development, asked about response comments; who responded to those.

Mr. Haws said they responded for a lot of companies; but that was expensive. He suggested having someone within the organization respond to comments.

Council and Staff discussed the importance of responding and how to manage that.

Mr. Haws suggested checking posts in the morning and afternoon.

Councilmember Petro asked if they provided these services for other cities.

Mr. Haws said yes, but he couldn't think of any specific cities.

Bill Francis with Imagination Company said some cities had them disable comments on YouTube.

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Mr. Haws asked what the City's timeframe would be for making a decision.

Mayor Stevenson said the Council would need to review the information and contemplate what would be best for the City.

Ms. Riddle, Mr. Francis, Mr. Haws and Ms. King left the meeting at 7:02 p.m.

Council discussed the presentations and the trends of social media; the City needed to do more with social media.

Councilmember Brown asked how expensive Social5 would be.

Mayor Stevenson said he thought it would be around \$3,600 annually. Channel 17 and Imagination Company would be about \$50,000 annually. Television was more labor intensive and brought things to life. He said he didn't know how many people were watching Channel 17. Social5 would be less expensive than having someone in house manage it.

Councilmember Davis said Imagination Company could help with content for YouTube; Channel 17 wasn't particularly effective.

Discussion suggested that Social5 would be a more effective use of money, and possibly working with Imagination Company on limited coverage for a lesser price. Council and Staff discussed different aspects of social media and the impact of video.

Councilmember Davis asked if the City wanted to talk with other providers. He mentioned one in Kaysville. Councilmember Davis suggested that the City could do it for a year and reassess the results.

Council and Staff discussed the importance of having someone monitor posts.

Alex Jensen, City Manager, explained issues with an outside company not managing the social media accounts as well as the City would like; they wouldn't have the City's interests at heart. The City did not have anyone on Staff with the skill set or time to do it. Alex said it was important to identify what the

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City was trying to accomplish; was it to attract businesses, keep people better informed or create an image. It would be important to prioritize those things, and be able to assess the effectiveness. It would be easy to get caught up in it and get distracted by the idea, but not achieve a cost effective benefit. Alex said this would require a new Staff person.

Mayor Stevenson said the City had to do something to promote the City. He suggested maybe budgeting \$25,000 over a year and then reevaluate.

Alex said he thought this was a tremendous need in the City, but the Council would have to put the resources into it or they would be disappointed. There would be a cost. An outside company wouldn't have an interest in the City like someone within the City would have. He said the Council needed to be clear on what they wanted to achieve.

Kent said most cities had a communications manager on staff to manage their social media.

Alex said he had asked Human Resources to look at costs for a communications director; Sandy, West Valley and South Jordan all had those positions on staff.

Councilmember Davis said the City would need to set objectives, segment the market, and have a written plan. If someone was hired, this would be the first thing they would do.

Councilmember Brown suggested having a communications director from another city make a presentation to the Council.

Alex said Staff could try and arrange that.

Councilmember Day said he would like to know what types of things departments would want to put out, and determine how necessary it was.

Kent said social media provided a unique opportunity to control the message.

Mayor Stevenson asked Councilmember Davis to take the point on this and come up with a game plan to bring back to the Council for discussion.

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Councilmember Davis said he would work with Alex to come up with a written proposal.

MISCELLANEOUS:

Councilmember Brown mentioned getting the new ThrU Turns on Google maps.

Councilmember Freitag asked if the City had any taxi regulations.

Kent said only through the business licensing process.

The meeting adjourned at 7:49 p.m.

Thieda Wellman, City Recorder

D R A F T

**MINUTES OF LAYTON CITY
COUNCIL WORK MEETING**

FEBRUARY 4, 2016; 5:32 P.M.

**MAYOR AND COUNCILMEMBERS
PRESENT:**

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

STAFF PRESENT:

**ALEX JENSEN, GARY CRANE, TERRY COBURN,
BILL WRIGHT, DAVID PRICE, JOELLEN
GRANDY, RYAN PICKUP, PETER MATSON,
KENT ANDERSEN, WESTON APPLONIE 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 UDOT.

AGENDA:

UTAH DEPARTMENT OF TRANSPORTATION (UDOT) UPDATE – I-15 HILL FIELD ROAD SINGLE POINT URBAN INTERCHANGE (SPUI) PROJECT

Brett Slater, Project Manager, said the I-15/Hill Field Road project had been in winter shutdown, but they were gearing back up. He reviewed a timeline for continued construction and explained how the new bridges would be slid into place. Mr. Slater said they would be doing a time lapse video on destruction of the old bridges and the new bridges being slid into place. He indicated that Hill Field Road would be closed on the weekend when the new bridges were put in place. The new bridges would accommodate an HOV lane when they were done. Mr. Slater explained that traffic coming off of I-15 would not be able to turn left under bridge during construction; they would have to use the ThrU Turns to make a left turn movement.

Aubry Bennion reviewed information about outreach efforts to keep the public informed. She indicated that they were working with the trucking industries in the area.

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Councilmember Brown mentioned that people didn't realize both right hand turn lanes were free right turns on red if traffic was clear. She said additional signage would help. Councilmember Brown said with the ThrU Turn by McDonalds, it was hard for people to know which lane they needed to be in to make specific movements; additional striping might be helpful.

Mr. Slater said they were looking at additional signage.

Councilmember Brown mentioned that Google maps were not updated with the ThrU Turns.

Ms. Bennion said they were working on that.

Mr. Slater expressed appreciation for the help they had received from the City in keeping the public informed.

Mr. Slater mentioned the Hill Field Road paving project from Highway 193 south to the ThrU Turn by McDonalds. He said the new road would be a concrete surface, which had a much longer life. Because the road would be concrete, construction would be longer and more impactful to residents. Mr. Slater said construction would begin in June. He said they were concerned with the Hill Air Show that would be held at the end of June; they would make sure Highway 193 was available during the air show.

Mayor Stevenson said UTA would be heavily involved with the Air Show. They would be using the Mall and Northridge High School for bus stops. He said there would need to be some coordination.

Mr. Slater said the road would still be open. He said they would need to coordinate that.

Mayor Stevenson expressed appreciation for everything UDOT was doing in the City.

Councilmember Freitag asked about the waterline project the City was doing in conjunction with the Hill Field Road project.

Terry Coburn, Public Works Director, said the City would be done ahead of the UDOT project.

D R A F T

SUPPORTING LEGISLATION TO TAX AND REGULATE ELECTRONIC CIGARETTES – RESOLUTION 16-06

Gary Crane, City Attorney, said this was a follow up to what the students presented at the last meeting. He said he hadn't seen any legislation yet to tax e-cigarettes. Gary said this was the resolution that the students recommended, which other cities had adopted.

Councilmember Davis asked if there had been any response from the industry.

Gary said the industry knew that they were eventually going to have to comply with the same standards as cigarettes. He said there wasn't a lot of strong opposition to these types of bills.

Mayor Stevenson asked if there had been any movement on the change for UTOPIA.

Gary said this morning they met with Century Link and the telecom industry and there was some slight change in the wording on the ballot proposition to include language indicating that it might be financed, which he thought was a good change. He said the bill was on the agenda for tomorrow, but he wasn't sure it would go tomorrow or not.

WATER EXCHANGE AGREEMENT WITH DESTINATION HOMES – RESOLUTION 16-04

Gary Crane said this was a request from Destination Homes to exchange water with the City. He said most of Kaysville used Davis Weber Canal Company water for their secondary water. Destination Homes had a project on the south end of the City by Kaysville and they wanted to exchange Kays Creek water for Davis Weber water for their project. Gary said the Kays Creek shares could be used in more areas in Layton.

AMEND TITLE 3, SECTION 3.15.10 (CONSOLIDATED FEE SCHEDULE) AND TITLE 19, SECTIONS 19.06.010, 16.21.020(8) AND 19.21.045 ESTABLISHING REGULATIONS FOR MOBILE FOOD VENDORS – ORDINANCE 16-06

Peter Matson, City Planner, said the Planning Commission reviewed this ordinance several times and made their recommendation in January.

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Councilmember Freitag asked if the changes the Council made at a previous meeting needed to go back to the Planning Commission for review.

Peter said no.

Gary said once it came from the Planning Commission with the required number of hearings, the Council could change it however they wanted.

Peter said the ordinance included an amendment to the consolidated fee schedule by adding mobile food vendor fees and event fees. He reviewed changes to the ordinance since the last meeting. Peter said food vendors would be allowed in most commercial zones, but not in the professional business zone. He showed a map of the areas food vendors would be allowed. Peter said Staff had met with food vendors for input.

Weston Applonie, Planner, said the ordinance would allow vendors to operate in allowable zones. He explained that there would be a 200-foot buffer from restaurants, schools and parks. Weston said a food vendor could get permission from a restaurant to be within that 200-foot buffer area. He said food vendors would be able to operate in a road right of way when the speed was 35 mph or lower. Weston said vendors would have to go through background checks. He explained the reason for the 200-foot buffer from restaurants. Weston said they could be on school property with permission from the school, and in parks with the City's permission.

Councilmember Brown asked if they could move to various locations.

Weston said yes, with property location permission.

Councilmember Freitag asked about parking in the right of way.

Weston said if there was room on the side of the road for parking of cars, they could park in those areas. They would have to vend on the sidewalk side and not the street side. He said the road had to be 35 mph or less.

Council and Staff discussed problems with vending on public right of ways, and impacts to parking and traffic in the area.

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Councilmember Freitag asked if any other businesses were allowed to operate on a road.

Weston said food carts were able to do that.

Kent Andersen, Deputy Director of Community and Economic Development, said this was an industry that was unlike any other in that they moved locations.

Councilmember Freitag said the problem with their first event was parking on Highway 193.

Weston said any event with more than two vendors would fall under other event regulations.

Mayor Stevenson expressed concerns with parking on the street. He said he would like to look at that closer.

Councilmember Freitag said he was concerned with people parking across the street and running across the road to access the vendor.

Weston said this wasn't a crucial aspect of the ordinance; a lot of other cities were allowing it. The intent was to operate in an area where there was more street traffic.

Councilmember Freitag said he would prefer nothing on the roads; as the market proceeded the City could readdress the ordinance and see if it was needed rather than having issues and then taking it out of the ordinance.

Kent said one of the thoughts for the right of way access was the rally at Constitution Circle.

Councilmember Freitag said the road was closed for that event; Constitution Circle was much different than Fairfield Road.

Mayor Stevenson asked for more refining of the ordinance.

Bill said Council could not pass that portion of the ordinance but pass other parts of the ordinance, or Staff could bring it back.

Alex Jensen, City Manager, suggested bringing it back. He said Staff wasn't tied to this; they were trying

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to balance public interest and vendor interest. Alex said it would be better to avoid it up front. He said Staff could send out a draft of the ordinance before it came back to the Council.

Councilmember Freitag said that was the only portion of the ordinance he had issues with.

DISCUSSION – CONFERENCE CENTER SIGNAGE

Alex said, as Council was aware, Staff had been looking at ways to improve signage around the Conference Center area. He said the City had been working with Davis County on lighting, additional sidewalks, signage including permanent signage, and banners. There had been some discussion with businesses in the area. Alex said Staff had put together some ideas for the Council to review, and with names for the area. He introduced JoEllen Grandy, the City's Landscape Architect.

JoEllen displayed a map of the area. She displayed examples of signs and proposed names for the area, which included The District at Heritage Hills, The Landing at Midtown, and Midtown District. JoEllen displayed examples of banners that could be used in the area. She displayed a map of the area and identified where the light poles with banners would be located, and where wayfinder signs would be located.

Councilmember Freitag suggested adding signage to the future flyover and including the triangular piece southeast of the mall to the project area, which included the hotel and Red Lobster area.

Council and Staff discussed other areas where signage could be added as development occurred.

Alex said Staff felt that it was important to keep the area in tack; and promote the walkability of this area. He said going across Hill Field Road was not a great walkable area. Eventually there would be monument type signs on the sidewalks.

Councilmember Day asked why they were including areas across Antelope Drive if that was the case.

Alex said that area was a larger commercial area, and it was fairly easy to cross Antelope Drive at 700 West.

Council and Staff discussed the area and various sign ideas. They discussed including property to the north along Antelope Drive and I-15 as it developed, and the area by Red Lobster.

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Council discussed the proposed names. Consensus was that Midtown was the preferred name but not necessarily Midtown District. Midtown Layton was mentioned.

Alex said Staff would do some signage with the Midtown name for Council's review.

The meeting adjourned at 7:01 p.m.

Thieda Wellman, City Recorder

D R A F T

**MINUTES OF LAYTON CITY
COUNCIL MEETING**

FEBRUARY 4, 2016; 7:04 P.M.

**MAYOR AND COUNCILMEMBERS
PRESENT:**

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

STAFF PRESENT:

**ALEX JENSEN, GARY CRANE, BILL WRIGHT,
TERRY COBURN, PETER MATSON 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 Freitag moved and Councilmember Day seconded to approve the minutes of:

**Layton City Council Work Meeting – January 7, 2016;
Layton City Council Meeting – January 7, 2016; and
Layton City Council Special Meeting – January 12, 2016.**

The vote was unanimous to approve the minutes as written.

MUNICIPAL EVENT ANNOUNCEMENTS:

Councilmember Brown indicated that the Family Recreation Valentine's Dance would be held on February 12th from 7 to 9 p.m. at the Central Davis Jr. High gym. She said there would be a live band, refreshments, and games. This was a fun family event.

Councilmember Brown said the March Family Recreation activity would be a night at the library and would include stories and activities.

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CITIZEN COMMENTS:

Brandon Green, 495 West 300 South, thanked the Mayor and Council for doing an excellent job. He thanked Peter Matson for the time he put into the Envision Layton program, and he thanked the Public Works Department for the excellent job they did on snow removal.

Mr. Green said he had been trying to find information about UTOPIA, and had been told that it was coming, but his area didn't meet the demographics for it right now. His area didn't have Comcast; their only option was Century Link, which was slightly better than dial up. Mr. Green said he wanted to know what he could do to get UTOPIA into his neighborhood.

Mayor Stevenson said the City had been able to expand into three additional areas of the City. They looked at areas that were most likely to use the service. He said there was a limited amount of money to expand; UTOPIA was now exceeding expenses but not by enough to expand a whole lot. UTOPIA had been trying for a couple of years to create a public/private partnership to try and bring fiber to every residence. The City felt that the citizens should have a vote before the City created a utility fee to make that happen. Mayor Stevenson said during the current legislative session, there would be a bill that would allow this type of question to be put on a ballot. The City believed that for the future of the City, it was important to bring fiber to the entire community; light the City with wifi; and create opportunities for students and businesses. He said the City hoped to be able to bring fiber to every home.

Alex Jensen, City Manager, said Mr. Green could call him directly and he would be happy to give him additional information. He said with the resources UTOPIA had, they looked at an area and what they felt the projected take rate would be, and the cost to get fiber into that area. Alex said neighborhoods were becoming champions of the network and getting neighborhoods to promote it. Some areas had changed the demographics because of commitments from the neighborhood.

Mr. Green said he could start a petition in his neighborhood and could get at least 50 neighbors to sign it. He thanked everyone for all they did.

Mayor Stevenson said if the UTOPIA question was put to a vote, and was successful, it could be a model and other cities could come into the network.

Brandon Johnson, 569 South 875 East, indicated that he was stationed at Hill Air Force Base. Mr. Johnson expressed concerns with child care and after school programs. He said there was no before or after school

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care in Davis County. Mr. Johnson said the majority of property tax went to the School District; why were programs cut.

Mayor Stevenson said the Davis School District was a separate entity from the cities. The School District had jurisdiction over those types of programs. Mayor Stevenson gave Mr. Johnson the local School District representative's name, Kathy Bone, and suggested that he contact Ms. Bone.

CONSENT AGENDA:

SPONSORING LEGISLATION TO TAX AND REGULATE ELECTRONIC CIGARETTES – RESOLUTION 16-06

Gary Crane, City Attorney, said at the last meeting a contingency of students from high schools in the area had presented information about a community effort to pass legislation for e-cigarettes to be under the same regulations as regular cigarettes, and limit access to and use by teens. Gary said the reason for the resolution was to show support of that effort. He said Staff recommended approval.

BID AWARD – MECHAM BROTHERS, INC. – HARMONY PLACE REGIONAL DETENTION POND – APPROXIMATELY 2700 WEST 525 SOUTH – RESOLUTION 16-07

Terry Coburn, Public Works Director, said Resolution 16-07 authorized the execution of an agreement with Mecham Brothers, Inc., for the Harmony Place Regional Detention Pond project. The project included the construction of a six acre-foot detention pond, installation of 816 linear feet of 18-inch and 192 linear feet of 8-inch perforated pipe, and 91 linear feet of 36-inch storm drain pipe, structures and other associated work items. Terry said the project would improve drainage and restrict the release of water into the County drainage canal from the surrounding developments. Two bids were received with Mecham Brothers submitting the lowest responsive, responsible bid in the amount of \$360,754; the engineer's estimate was \$245,000. Staff recommended approval.

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BETTERMENT AGREEMENT WITH UTAH DEPARTMENT OF TRANSPORTATION (UDOT) FOR THE NEW TRAFFIC SIGNAL AT MAIN STREET AND ANTELOPE DRIVE – RESOLUTION 16-05

Terry Coburn said Resolution 16-05 authorized the execution of an agreement with UDOT for a new traffic signal at Main Street and Antelope Drive. UDOT would advertise and administer construction of the work. The costs shown in the agreement encompassed the additional work associated with the project. The City would, at no cost to UDOT, provide on-call support to correct or clarify issues during construction and perform the necessary inspection of the work installed. Terry said UDOT would install a new traffic signal at the intersection. The total reimbursement to UDOT by the City for the betterment items would be \$16,196. He said Staff recommended approval.

WATER EXCHANGE AGREEMENT BETWEEN LAYTON CITY AND DESTINATION HOMES, INC. – RESOLUTION 16-04

Gary Crane said Resolution 16-04 provided for a water exchange agreement with Destination Homes. He said Destination Homes was developing a project in Kaysville on the southern border of the City. Gary said Destination Homes was in need of a certain type of water because of the development and the location of the point of access to that water. He said they were requesting the City trade shares of water with them for water the City might be able to use at another location. Gary said there were approximately nine acre feet of Davis Weber Canal Company shares that would be traded for Kays Creek shares. He said the trade would accommodate the development and be very complimentary to what the City was trying to accomplish. Gary said Staff recommended approval.

AMENDED FINAL PLAT – WYNDOM SQUARE COMMERCIAL SUBDIVISION, PHASE 2 – 1290 EAST HIGHWAY 193

Bill Wright, Community and Economic Development Director, said this was an amended final plat for the Wyndom Square Commercial Subdivision, Phase 2, located at 1290 East Highway 193. He said the development included the Neighborhood Walmart. Bill said the request was to create a condominium parcel within the plat; half of the Cutler's building would be purchased by another owner. He said nothing on the plat would change; only the ownership was changing. Bill said Staff recommended approval.

MOTION: Councilmember Brown moved to approve the Consent Agenda as presented. Councilmember

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Petro seconded the motion, which passed unanimously.

PUBLIC HEARINGS:

AMEND TITLE 3, (REVENUE & FINANCE), SECTION 3.15.10 (CONSOLIDATED FEE SCHEDULE); AND TITLE 19 (ZONING), SECTIONS 19.06.010, 19.21.020(8) AND 19.21.045 ESTABLISHING REGULATIONS FOR MOBILE FOOD VENDORS – ORDINANCE 16-06

Mayor Stevenson said there had been some discussion on this in the earlier meeting. There were questions in the earlier meeting and this item would probably be tabled.

Peter Matson, City Planner, reviewed aspects of the ordinance. He said in the earlier work meeting there was discussion about food trucks operating in the public right of way, and there were several concerns brought up. Peter said Council should accept input from the public.

Mayor Stevenson opened the meeting for public input.

Rick Sherman, 87 South Main Street, Kaysville, asked about the fees associated with licensing. He said there was a mobile food vendor fee of \$120 and there was a mobile food event fee of \$85. Mr. Sherman said there was another item, a mobile food court permit. He asked if the mobile food event fee was being replaced by the mobile food court permit fee.

Peter said if they were going to operate as a vendor within the City, they could choose between the straight vendor fee, which allowed vendors to operate anywhere in the City, either at a single location or at an event, or if they wanted to only operate at an event, they could get the mobile food event permit, which had a lower base fee, but also had an annual inspection fee. There was no fee associated with the mobile foot court event itself, there was only an application process.

Mr. Sherman said if he was licensed as a mobile food vendor, he wouldn't need to worry about the mobile food event fee.

Peter said that was correct.

Mr. Sherman said he was happy with that change.

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Mayor Stevenson said the City was trying to do it right; they didn't want to keep having to bring this back to make changes. He said the Council wanted to look closer at impacts to traffic and pedestrians with allowing food trucks in street right of ways.

Mr. Sherman expressed appreciation to the City for taking input from the vendors.

MOTION: Councilmember Freitag moved to continue this item to the February 18, 2016, meeting, leaving the public hearing open. Councilmember Day seconded the motion, which passed unanimously.

The meeting adjourned at 7:40 p.m.

Thieda Wellman, City Recorder

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

Item Number: 5.A.

Subject:

Appoint Kathy Blackner to the Parks and Recreation Commission and Reappoint Sara Beckstead, Rick Brady, Bill Johnson and Don Wilhelm to the Parks and Recreation Commission - Resolution 16-08

Background:

Parks and Recreation Commission member Brigit Gerrard has served the maximum of three consecutive terms on the Parks and Recreation Commission leaving an opening. Kathy Blackner has been selected by Mayor Stevenson to fill the vacancy on the Parks and Recreation Commission.

Parks and Recreation Commission members Sara Beckstead, Rick Brady, Bill Johnson and Don Wilhelm all have served two terms and are eligible to serve a third term. Mayor Stevenson recommends that these four individuals be reappointed to the Parks and Recreation Commission.

The City wishes to express appreciation to Brigit Gerrard for her service to the citizens of Layton City.

Alternatives:

Alternatives are to 1) Adopt Resolution 16-08 appointing Kathy Blackner to serve on the Parks and Recreation Commission and reappoint Sara Beckstead, Rick Brady, Bill Johnson and Don Wilhelm to serve another term on the Parks and Recreation Commission; or 2) Not Adopt Resolution 16-08.

Recommendation:

Staff recommends the Council adopt Resolution 16-08 appointing Kathy Blackner to serve on the Parks and Recreation Commission and reappoint Sara Beckstead, Rick Brady, Bill Johnson and Don Wilhelm to serve on the Parks and Recreation Commission.

RESOLUTION 16-08

A RESOLUTION APPOINTING KATHY BLACKNER TO THE PARKS AND RECREATION COMMISSION AND REAPPOINTING SARA BECKSTEAD, RICK BRADY, BILL JOHNSON AND DON WILHELM TO THAT COMMISSION.

WHEREAS, pursuant to Section 2.36.030 of the Layton Municipal Code, appointments or reappointments of members of the Parks and Recreation Commission, upon recommendation by the Mayor, shall be made by a majority vote of the City Council; and

WHEREAS, the Mayor recommends the appointment of Kathy Blackner to serve on the Parks and Recreation Commission for a designated term; and

WHEREAS, the Mayor recommends the reappointment of Sara Beckstead, Rick Brady, Bill Johnson, and Don Wilhelm to serve on the Parks and Recreation Commission for designated terms; and

WHEREAS, the City Council finds it to be in the best interest of the citizens of Layton to have Kathy Blackner, Sara Beckstead, Rick Brady, Bill Johnson, and Don Wilhelm serve as Parks and Recreation Commissioners, for designated terms, as contemplated by ordinance.

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

1. That upon the recommendation of the Mayor; Kathy Blackner be appointed to serve a term to end February 1, 2018 on the Parks and Recreation Commission.
2. That upon the recommendation of the Mayor; Bill Johnson be reappointed to serve for a term to end February 1, 2018 on the Parks and Recreation Commission.
3. That upon the recommendation of the Mayor; Sara Beckstead, Rick Brady and Don Wilhelm be reappointed to serve for a term to end February 1, 2019 on the Parks and Recreation Commission.

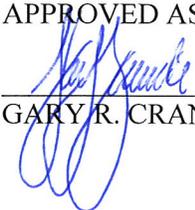
PASSED AND ADOPTED by the City Council of Layton, Utah, this 18 day of February, 2016.

ROBERT J STEVENSON, Mayor

ATTEST:

THIEDA WELLMAN, City Recorder

APPROVED AS TO FORM:



GARY R. CRANE, City Attorney

SUBMITTING DEPARTMENT:



DAVID R. PRICE,
Parks and Recreation Director

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

Item Number: 5.B.

Subject:

Appoint Tracy Chatwin, Vaughn Jacobsen, Brigit Gerrard, Delaney Nalder and David Weaver to the Recreation, Arts, Museum, and Parks (RAMP) Advisory Commission with Rick Smith Serving as an Alternate - Resolution 16-09

Background:

Under Ordinance 16-09, approved on January 21, 2016, the RAMP Advisory Commission was formed. With the formation of the RAMP Advisory Commission there is a need to fill the five at large positions from members within the community.

Mayor Stevenson, Council Member Joyce Brown, and Council Member Joy Petro interviewed eleven candidates for the vacant positions. Of the eleven candidates Mayor Stevenson recommends that Tracy Chatwin and Vaughn Jacobsen be appointed to serve a term to end September 30, 2017, on the RAMP Advisory Commission with Rick Smith as an alternate. Brigit Gerrard, Delaney Nalder and David Weaver be appointed to serve for a term to end September 30, 2018, on the RAMP Advisory Commission.

Alternatives:

Alternatives are to 1) Adopt Resolution 16-09 appointing Tracy Chatwin, Vaughn Jacobsen, Brigit Gerrard, Delaney Nalder, David Weaver to the Recreation, Arts, Museum, and Parks (RAMP) Advisory Commission with Rick Smith serving as an alternate; or 2) Not adopt Resolution 16-09 and remand to Staff with directions.

Recommendation:

Staff recommends the Council adopt Resolution 16-09 appointing Tracy Chatwin, Vaughn Jacobsen, Brigit Gerrard, Delaney Nalder and David Weaver to the Recreation, Arts, Museum, and Parks (RAMP) Advisory Commission with Rick Smith serving as an alternate.

RESOLUTION 16-09

A RESOLUTION APPOINTING TRACY CHATWIN, VAUGHN JACOBSON, BRIGIT GERRARD, DELANEY NALDER, AND DAVID WEAVER, WITH RICK SMITH AS AN ALTERNATE, TO THE RECREATION, ARTS, MUSEUM, AND PARKS (RAMP) ADVISORY COMMISSION.

WHEREAS, pursuant to Section 3.21.070 of the Layton Municipal Code, appointments of members of the RAMP Advisory Commission, upon recommendation by the Mayor, shall be made by a majority vote of the City Council; and

WHEREAS, the Mayor recommends the appointment of Tracy Chatwin, Vaughn Jacobson, Brigit Gerrard, Delaney Nalder, and David Weaver, with Rick Smith as an alternate, to serve on the RAMP Advisory Commission for designated terms; and

WHEREAS, the City Council finds it to be in the best interest of the citizens of Layton to have Tracy Chatwin, Vaughn Jacobson, Brigit Gerrard, Delaney Nalder, and David Weaver, with Rick Smith as an alternate, serve as RAMP Advisory Commissioners, for designated terms, as contemplated by ordinance.

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

1. That upon the recommendation of the Mayor; Tracy Chatwin and Vaughn Jacobson, with Rick Smith as an alternate, be appointed to serve a term to end September 30, 2017, on the RAMP Advisory Commission.
2. That upon the recommendation of the Mayor; Brigit Gerrard, Delaney Nalder, and David Weaver be appointed to serve for a term to end September 30, 2018, on the RAMP Advisory Commission.

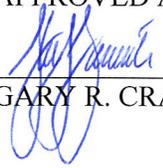
PASSED AND ADOPTED by the City Council of Layton, Utah, this 18 day of February, 2016.

ROBERT J STEVENSON, Mayor

ATTEST:

THIEDA WELLMAN, City Recorder

APPROVED AS TO FORM:

For 

GARY R. CRANE, City Attorney

SUBMITTING DEPARTMENT:



DAVID R. PRICE,
Parks and Recreation Director

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

Item Number: 5.C.

Subject:

Cooperative Agreement between Layton City and Utah Department of Transportation (UDOT) for the Participation in the Cost to Install the New Water Line Known by Layton City as The Hill Field Road Water Line Replacement, Project 15-05 – Resolution 16-10

Background:

Resolution 16-10 authorizes the execution of an agreement between Layton City (City) and UDOT for a cooperative agreement for the participation in the cost to install the new water line known by the City as The Hill Field Road Water Line Replacement, Project 15-05. This agreement is in preparation for the upcoming UDOT project, The Layton City Road Rehabilitation, Project F-0232(9)0; SR-232: I-15 to SR-193 (PROJECT). The PROJECT entails the resurfacing of Hill Field Road from 1225 North to SR-193. The City will design and install a new water line and UDOT will participate in the PROJECT.

Subject to the attached provisions, UDOT will participate in the cost to install the new water line, up to the cost that UDOT would have spent to loop the existing 12-inch water line four times. The estimated cost of each loop is \$12,000 for a total to be paid to the City of \$48,000.

Alternatives:

Alternatives are to 1) Adopt Resolution 16-10 approving the Cooperative Agreement between Layton City and Utah Department of Transportation for the Participation in the Cost to Install the New Water Line Known by Layton City as The Hill Field Road Water Line Replacement, Project 15-05; 2) Adopt Resolution 16-10 with any amendments the Council deems appropriate; or 3) Not Adopt Resolution 16-10 and remand to Staff with directions.

Recommendation:

Staff recommends the Council adopt Resolution 16-10 approving the Cooperative Agreement between Layton City and Utah Department of Transportation for the Participation in the Cost to Install the New Water Line Known by Layton City as The Hill Field Road Water Line Replacement, Project 15-05 and authorize the City Manager to execute the agreement.

RESOLUTION 16-10

A RESOLUTION ADOPTING AND APPROVING A COOPERATIVE AGREEMENT BETWEEN LAYTON CITY AND UTAH DEPARTMENT OF TRANSPORTATION FOR THE PARTICIPATION IN THE COST TO INSTALL THE NEW WATER LINE KNOWN BY LAYTON CITY AS THE HILL FIELD ROAD WATER LINE REPLACEMENT, PROJECT 15-05

WHEREAS, Utah Department of Transportation (hereinafter "UDOT") is engaged in a road rehabilitation project, known as Layton City Road Rehabilitation, Project F-0232(9)0: SR-232: I-15 to SR-193 in Davis County Utah; and

WHEREAS, the UDOT project would require looping the City's existing 12-inch water line at 4 locations to accommodate the installation of storm drain facilities; and

WHEREAS, in lieu of altering the configuration of this older line the installation of a new water line in a location that does not conflict with this PROJECT would be a more effective result; and

WHEREAS, the City has initiated such a project, known as The Hill Field Road Water Line Replacement, Project 15-05; and

WHEREAS, UDOT has agreed to participate with the City in the cost to install the new water line rather than loop the aging water line; and

WHEREAS, the parties have agreed to the terms and conditions contained in the Agreement; and

WHEREAS, it is deemed to be in the best interest of the citizens of Layton City to adopt and approve the Cooperative Agreement with the State of Utah Department of Transportation for the Participation in the Cost to Install the New Water Line Known by Layton City as The Hill Field Road Water Line Replacement, Project 15-05.

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

1. That the Cooperative Agreement with the State of Utah Department of Transportation, which is attached hereto and incorporated herein by this reference, be adopted and approved.
2. That the City Manager is authorized to execute the necessary documents.

PASSED AND ADOPTED by the City Council of Layton, Utah, this 18th day of February, 2016.

ATTEST:

THIEDA WELLMAN, City Recorder

ROBERT J STEVENSON, Mayor

APPROVED AS TO FORM:

SUBMITTING DEPARTMENT:

Gary Crane

For GARY CRANE, City Attorney

Terry Coburn

For TERRY COBURN, Public Works Director

**DOCUMENT WAS
RECEIVED FROM
OUTSIDE SOURCE**

Project No. F-0232(9)0
SR-232; I-15 to SR-193
LAYTON CITY
Road Rehabilitation Project
CID 54216 PIN 12279

COOPERATIVE AGREEMENT

THIS COOPERATIVE AGREEMENT, made and entered into this _____ day of _____, 20____, by and between the **UTAH DEPARTMENT OF TRANSPORTATION**, hereinafter referred to as "**UDOT**", and **LAYTON CITY**, hereinafter referred to as the "**CITY**",

WITNESSETH:

WHEREAS, the **UDOT** is engaged in a road rehabilitation project, known as Project F-0232(9)0; SR-232; I-15 to SR-193 in Davis County, Utah, and;

WHEREAS, the **UDOT** project needs to loop the **CITY'S** existing 12 inch water line at 4 locations in order to install storm drain, and;

WHEREAS, the **CITY** does not want to loop this older line but would rather install a new water line in a location that does not conflict with this project, and;

WHEREAS, the **UDOT** and the **CITY** propose to enter into this **COOPERATIVE AGREEMENT** to establish the terms and conditions the **UDOT** and the **CITY** will be bound to in regard to this agreement; and,

NOW THEREFORE, it is agreed by and between the parties hereto as follows:

1. The **CITY** will design and install a new water line before May 15, 2016. This new water line will be designed and installed at a location that will not conflict with the proposed storm drain improvements.
2. The **UDOT** will participate in the cost to install this new water line, up to the cost that **UDOT** would have spent to loop the existing 12 inch water line 4 times. The estimated cost of each loop is \$12,000 for a total to be paid to the **CITY** of **\$48,000**.
3. The **UDOT** shall pay the **CITY** **\$48,000** and send the check to **LAYTON CITY** at 437 N. Wasatch Dr. Layton, UT 84041 upon execution of this agreement.

4. The **UDOT** and the **CITY** are both governmental entities subject to the Utah Governmental Immunity Act. Each party agrees to indemnify, defend and save harmless the other from and against all claims, suits and costs, including attorneys' fees for injury or damage of any kind, arising out the negligent acts, errors or omissions of the indemnifying party's officers, agents, contractors or employees in the performance of this Agreement. Nothing in this paragraph is intended to create additional rights to third parties or to waive any provision of the Utah Governmental Immunity Act, provided said Act applies to the action or omission giving rise to the protections in this paragraph. The indemnification in this paragraph shall survive the expiration or termination of this Agreement.
5. This Agreement may be executed in one or more counterparts, each of which shall be an original, with the same effect as if the signatures thereto and hereto were upon the same instrument. This Agreement shall become effective when each Party hereto shall have received a counterpart hereof signed by the other Party hereto.
6. This Agreement shall be governed by the laws of the State of Utah both as to interpretation and performance.
7. Nothing contained in this Agreement shall be deemed or construed, either by the parties hereto or by any third party, to create the relationship of principal and agent or create any partnership, joint venture or other association between the Parties.
8. This Agreement contains the entire agreement between the Parties, with respect to the subject matter hereof, and no statements, promises, or inducements made by either Party or agents for either Party that are not contained in this written Agreement shall be binding or valid.
9. If any provision hereof shall be held or deemed to be or shall, in fact, be inoperative or unenforceable as applied in any particular case in any jurisdiction or in all jurisdictions, or in all cases because it conflicts with any other provision or provisions hereof or any constitution or statute or rule or public policy, or for any other reason, such circumstances shall not have the effect of rendering the provision in question inoperative or unenforceable in any other case or circumstance, or of rendering any other provision or provisions herein contained invalid, inoperative, or unenforceable to any extent whatever. The invalidity of any one or more phrases, sentences, clauses, or paragraphs herein contained, shall not affect the remaining portions hereof, or any part thereof.
10. Each party represents that it has the authority to enter into this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed by their duly authorized officers as of the day and year first above written.

ATTEST:

LAYTON CITY

By _____

Title: _____

Title: _____

Date: _____
(IMPRESS SEAL)

Date: _____

RECOMMENDED FOR APPROVAL:

**UTAH DEPARTMENT OF
TRANSPORTATION**

Region Utilities and Railroads
Engineering Coordinator

By _____
Region Director

Date: _____

Date: _____

APPROVED AS TO FORM:

UDOT COMPTROLLER'S OFFICE:

Contract Administrator

Date: _____

APPROVED AS TO FORM
BY *[Signature]* 2/13/2016

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

Item Number: 5.D.

Subject:

Exchange of Property for Public Utility and Drainage Facilities – Resolution 16-11 – 730 North Marshall Way

Background:

In 1997, West Hillfield Road was extended to the west and the intersection of West Hillfield Road and Marshall Way was realigned. At that time, the sanitary sewer and culinary water lines in the Public Utility Easement established with the Layton Industrial Park Amended Subdivision were also relocated to follow the contour of the street right-of-way. The relocation and abandonment of the lines left a large easement that is no longer necessary. The property owner has requested that the City vacate the easement to allow for future development of the property. In order to accommodate the City's public utility and drainage needs, the property owner is willing to grant the City a 10' Public Utility and Drainage Easement that will extend along the entire frontage of the property on West Hillfield Road and Marshall Way. Staff has reviewed the proposal and determined it is adequate to service this and the surrounding properties.

Alternatives:

Alternatives are to 1) Adopt Resolution 16-11 authorizing the exchange of property for public utility and drainage facilities; 2) Adopt Resolution 16-11 with any amendments the Council deems appropriate; or 3) Not adopt Resolution 16-11 and remand to Staff with directions.

Recommendation:

Staff recommends the Council adopt Resolution 16-11 authorizing the exchange of property for public utility and drainage facilities and authorize the Mayor to sign the necessary documents.

RESOLUTION 16-11

A RESOLUTION AUTHORIZING THE EXCHANGE OF PROPERTY FOR PUBLIC UTILITY AND DRAINAGE FACILITIES, LOCATED AT APPROXIMATELY 730 NORTH MARSHALL WAY.

WHEREAS, River Springs Ranch Company owns real property which is located at approximately 730 North Marshall Way; and

WHEREAS, River Springs Ranch Company has deeded a public utility and drainage easement on that property, consisting of approximately .10 acres, to Layton City; and

WHEREAS, Layton City desires to Quit-Claim our interest in an existing public utility and drainage easement on that property because it is less functional, consisting of approximately .29 acres, to River Springs Ranch Company; and

WHEREAS, the City Council of Layton City deems it to be in the best interest of the City to Quit-Claim its interest in said easement.

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

1. That the City Quit-Claim its interest in the public utility and drainage easement, located at approximately 730 North Marshall Way, to River Springs Ranch Company, which is attached hereto as Exhibit "A" and incorporated herein by this reference.

2. That the Mayor be authorized to sign the Quit-Claim Deed and vacate the easement on behalf of the City.

3. That the Mayor be authorized to accept the Deed of Easement, for the new Public Utility and Drainage Easement, located at approximately 730 North Marshall Way, which is attached hereto as Exhibit "B" and incorporated herein by this reference.

PASSED AND ADOPTED by the City Council of Layton, Utah, this 18th day of February, 2016.

ATTEST:

THIEDA WELLMAN, City Recorder

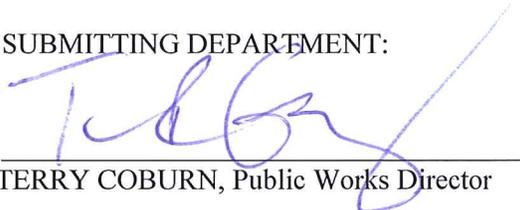
ROBERT J STEVENSON, Mayor

APPROVED AS TO FORM:

SUBMITTING DEPARTMENT:



FOR GARY CRANE, City Attorney



TERRY COBURN, Public Works Director

EXHIBIT "A"

Mail filed copy to:

Layton City Corporation
437 North Wasatch Drive
Layton, Utah 84041

QUIT-CLAIM DEED

LAYTON CITY CORPORTATION of 437 Wasatch Drive, Layton, County of Davis, State of Utah, hereby **QUIT-CLAIM** to RIVER SPRINGS RANCH CO., GRANTEE(S), of 13475 Andalusia Drive, Santa Rosa Valley, Ventura County, State of California, for the sum of Ten Dollars (\$10.00) and/or other valuable consideration, one of the Public Utility and Drainage easements, as noted in the approved plat dated OCTOBER 30, 2001, on the following described tract of land in Davis County, State of Utah:

ALL OF LOT 71 OF THE LAYTON INDUSTRIAL PARK AMENDED SUBDIVISION

The specific Public Utility and Drainage Easement that the city is quit-claiming is located on the following described property:

Easement Vacation Description

A parcel of land located in the Northeast Quarter of Section 19, Township 4 North, Range 1 West, Salt Lake Base and Meridian, Davis County, Utah, described as follows:

BEGINNING at a point on the easterly line of Lot 71, Layton Industrial Park Amended, said point being South 00°11'20" West 1,620.16 feet along the east line of the Northeast Quarter of Section 19, Township 4 North, Range 1 West, Salt Lake Base and Meridian and West 1,230.53 feet from the Northeast Corner of said Section 19, and thence along said easterly line South 12°52'49" West 11.69 feet to the Southeast Corner of said Lot 71 and a point on the arc of a 650.00 foot radius non-tangent curve to the left, the center of which bears South 11°30'27" East; thence along the south and west lines of said Lot 71 the following three courses: 1) Westerly 114.81 feet along said curve through a central angle of 10°07'12" and a long chord of South 73°25'56" West 114.66 feet to a point of reverse curvature of a 15.00 foot radius curve to the right, 2) Westerly 20.03 feet along said curve through a central angle of 76°29'25" and a long chord of North 73°22'57" West 18.57 feet and 3) North 35°08'15" West 295.01 feet; thence along the northerly line of said Lot 71 North 61°47'32" East 0.22 feet to a point on the arc of a 550.32 foot radius non-tangent curve to the left, the center of which bears North 53°14'11" East; thence Southeasterly 368.76 feet along said curve through a central angle of 38°23'34" and a long chord of South 55°57'37" East 361.90 feet to the POINT OF BEGINNING. Said parcel contains 12,741 square feet or 0.29 acres, more or less.

Grantor expressly retains any other easements of any kind on the above described tract of land.

WITNESS the hand of said Grantor(s), this _____ day of _____, 2016.

GRANTOR(S)

ROBERT J STEVENSON, Mayor

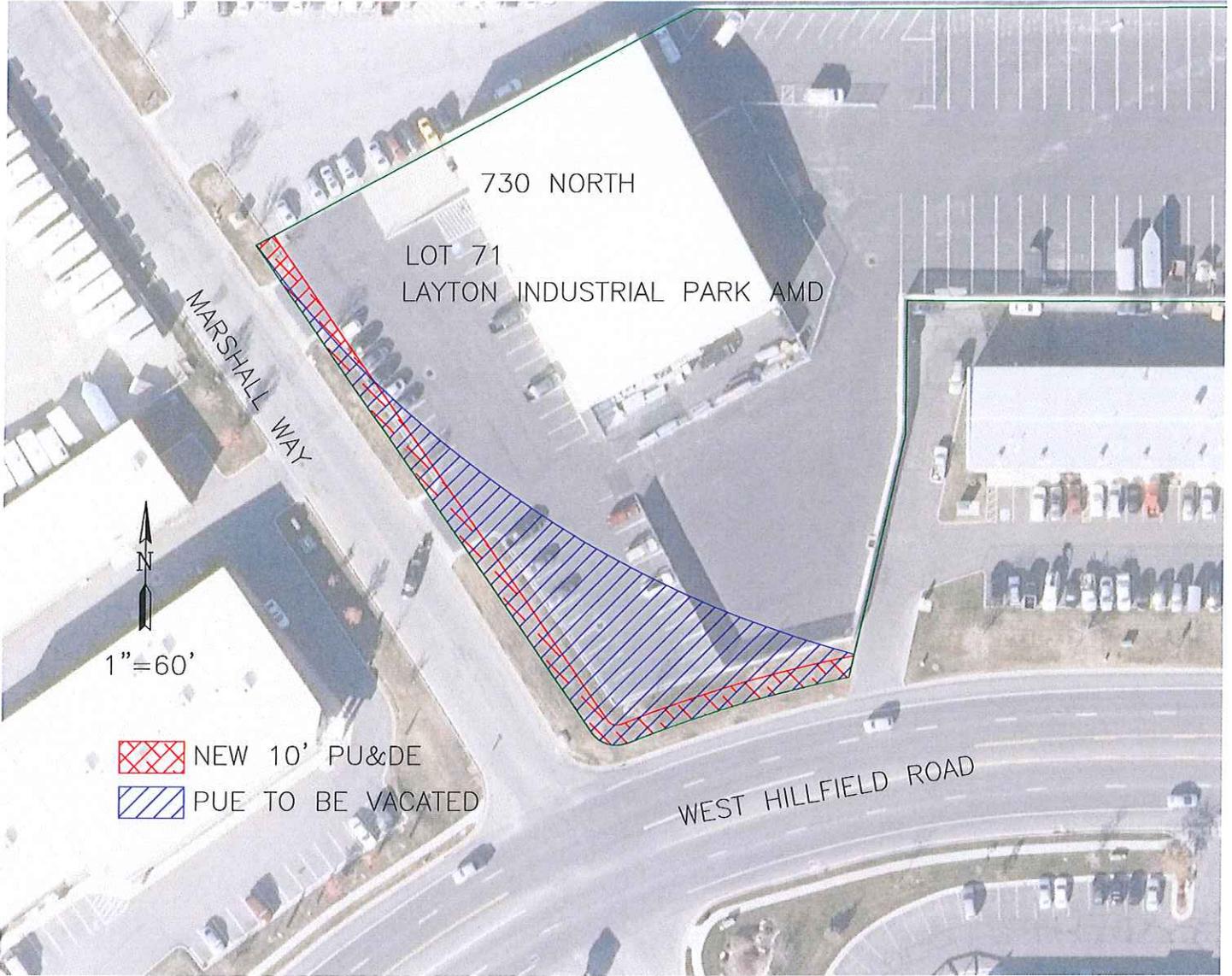
ATTEST:

THIEDA WELLMAN, City Recorder

STATE OF UTAH)
 : ss.
COUNTY OF DAVIS)

On the ____ day of February, 2016, personally appeared before me ROBERT J STEVENSON, who duly acknowledged to me that he is the MAYOR of LAYTON CITY, and that the document was signed by him in behalf of said corporation, and ROBERT J STEVENSON acknowledged to me that said corporation executed the same.

NOTARY PUBLIC



730 NORTH

LOT 71
LAYTON INDUSTRIAL PARK AMD

MARSHALL WAY



1"=60'



NEW 10' PU&DE



PUE TO BE VACATED

WEST HILLFIELD ROAD

EXHIBIT "B"

Mail filed copy to:

Layton City Corporation
437 North Wasatch Drive
Layton, Utah 84041

***Deed of Easement
(New Public Utility and Drainage Easement)***

RIVER SPRINGS RANCH CO., (GRANTORS,)

Hereby CONVEY TO;

Layton City Corporation, (GRANTEES)

For the sum of (\$10.00) Ten Dollars and other good and valuable considerations a Public Utility and Drainage Easement in Layton City, Davis County, State of Utah, described as follows:

Public Utility and Drainage Easement Description

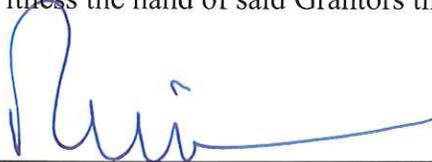
A 10.00 foot wide permanent, non-exclusive easement located in the Northeast Quarter of Section 19, Township 4 North, Range 1 West, Salt Lake Base and Meridian, Davis County, Utah, described as follows:

10' Wide Public Utility Easement

BEGINNING at a point on the easterly line of Lot 71, Layton Industrial Park Amended, said point being South 00°11'20" West 1,620.87 feet along the east line of the Northeast Quarter of Section 19, Township 4 North, Range 1 West, Salt Lake Base and Meridian and West 1,230.69 feet from the Northeast Corner of said Section 19, and thence along said easterly line South 12°52'49" West 10.96 feet to the Southeast Corner of said Lot 71 and a point on the arc of a 650.00 foot radius non-tangent curve to the left, the center of which bears South 11°30'27" East; thence along the south and west lines of said Lot 71 the following three courses: 1) Westerly 114.81 feet along said curve through a central angle of 10°07'12" and a long chord of South 73°25'56" West 114.66 feet to a point of reverse curvature of a 15.00 foot radius curve to the right, 2) Westerly 20.03 feet along said curve through a central angle of 76°29'25" and a long chord of North 73°22'57" West 18.57 feet and 3) North 35°08'15" West 295.01 feet; thence along the northerly line of said Lot 71 North 61°47'32" East 10.07 feet to a point 10.00 feet perpendicularly distant easterly of said west line; thence parallel to said south and west lines the following three courses: South 35°08'15" East 293.79 feet to a point of tangency of a 5.00 foot radius curve to the left, 2) Easterly 6.68 feet along said curve through a central angle of 76°29'25" and a long chord of South 73°22'57" East 6.19 feet to a point of reverse

curvature of a 660.00 foot radius curve to the right and 3) Easterly 121.10 feet along said curve through a central angle of 10°30'46" and a long chord of North 73°37'44" East 120.93 feet to the POINT OF BEGINNING. Said easement encompasses 4,257 square feet or 0.10 acres, more or less.

Witness the hand of said Grantors this 20TH, day of JANUARY, 2016.



(Owner)

RICHARD D. KERN
VP & SECRETARY
RIVER SPRINGS RANCH CO.

(Owner)

The Deed of Easement (New Public Utility and Draining Easement) signed by RICHARD D. KERN, River Springs Ranch Co., dated the 20th day of January, 2016, has been accepted by Layton City on the _____ day of February, 2016.

ROBERT J STEVENSON, Mayor

ATTEST:

THIEDA WELLMAN, City Recorder

STATE OF UTAH)
 : ss.
COUNTY OF DAVIS)

On this _____ day of February, 2016, personally appeared before me ROBERT J STEVENSON, who duly acknowledged to me that he is the MAYOR of LAYTON CITY, and that the document was signed by him in behalf of said corporation, and ROBERT J STEVENSON acknowledged to me that said corporation executed the same.

NOTARY PUBLIC



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

Item Number: 5.E.

Subject:

On-Premise Restaurant Liquor License – JJH Holdings Inc. DBA Café Sabor – 200 South Main Street

Background:

The owner of JJH Holdings Inc. DBA Café Sabor, Skyler Parkhurst, is requesting an on-premise restaurant liquor license. Section 5.16.020 of the Layton City Code regulates liquor licenses with the following location criteria.

(1)An on-premise restaurant liquor license may not be established within 600 feet of any public or private school, church, public library, public playground, school playground or park measured following the shortest pedestrian or vehicular route.

(2)An on-premise restaurant liquor license may not be established within 200 feet of any public or private school, church, public library, public playground, school playground or park measured in a straight line from the nearest entrance of the restaurant to the nearest property line.

The attached map illustrates the 200-foot buffer circle and 600-foot buffer circle. Currently there are no parks, schools, libraries or churches within the 200-foot or 600-foot distances to the restaurant. The location meets the location criteria. A copy of the criminal background check on Skyler Parkhurst has been submitted to the Police Department for review and has been approved.

Alternatives:

Alternatives are to 1) Approve the on-premise restaurant liquor license for JJH Holdings Inc. DBA Café Sabor; or 2) Deny the request.

Recommendation:

Staff recommends the Council approve the on-premise restaurant liquor license for JJH Holdings Inc. DBA Café Sabor.



JJH Holdings Inc.
DBA Cafe Sabor
200 South Main Street



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

Item Number: 5.F.

Subject:

Final Plat – Harmony Place Planned Residential Unit Development (PRUD) Phase 1 – Approximately 2375 West Gentile Street

Background:

The applicant, Perry Homes, is requesting final plat approval for Phase 1 of Harmony Place PRUD. The vacant property for Phase 1 contains 6.99 acres located south of Gentile Street and west of 2200 West. Agricultural property is located to the east, west and north of this phase of Harmony Place; and the Villas at Harmony Place is located to the south.

On October 15, 2015, the Council approved the overall preliminary plat for Harmony Place PRUD. Phase 1 will contain 22 single family detached lots located along the east boundary of the development. This Phase is critical to the development of the PRUD as it connects Sunbrook Way or 2425 West to Gentile Street and begins the groundwork for the looping of water lines through to the Villas at Harmony Place. The looping of the water line is required to provide the necessary fire flow and water pressure for the development.

Alternatives:

Alternatives are to 1) Grant final plat approval to Harmony Place PRUD Phase 1 subject to meeting all Staff requirements; or 2) Deny granting final plat approval to Harmony Place PRUD Phase 1.

Recommendation:

On January 26, 2016, the Planning Commission unanimously recommended the Council grant final plat approval to Harmony Place PRUD Phase 1 subject to meeting all Staff requirements.

Staff supports the recommendation of the Planning Commission.



**COMMUNITY AND ECONOMIC
DEVELOPMENT DEPARTMENT
PLANNING DIVISION**

Staff Report

To: City Council

From: Kem Weaver, Planner II

A handwritten signature in black ink, appearing to read "Kem Weaver", written over a horizontal line.

Date: February 18, 2016

Re: Harmony Place PRUD Phase 1 Final Plat

Location: Approximately 2375 West Gentile Street

Zoning: R-S PRUD (Residential Suburban – Planned Residential Unit Development)

Description:

The applicant, Perry Homes, is requesting final plat approval for Phase 1 of the Harmony Place PRUD, which contains 6.99 acres of vacant land located south of Gentile Street and west of 2200 West. Phase 1 is the first of five phases in the overall Harmony Place PRUD. To the north and across Gentile Street is R-S and Agriculture zoned property, to the west and east are Agriculture properties, and the Villas at Harmony Place PRUD is located to the south.

Background:

On October 15, 2015, the Council approved the overall preliminary plat for Harmony Place PRUD. Phase 1 is proposed to have 22 single family detached lots that will front onto the future 2425 West Street (Sunbrook Way), which will connect to Gentile Street as the main entrance into the development. As the main entrance into the development, 2425 West will incorporate a roundabout that will match the size of the roundabout in the Villas at Harmony Place, which is located a block west of 2200 West. Other common areas will be part of the street entrance as depicted in the attached landscape plan for common areas. The applicant has replaced the previously proposed Ash trees with Linden and Maple trees.

Phase 1 is important for the future infrastructure for this development and the future elementary school site. A storm drain system is required to outfall into the regional detention basin located west of the Villas at Harmony Place PRUD and south of the proposed Harmony Place PRUD. The City has been working with the applicant of Harmony Place PRUD and other developers in the Villas at Harmony Place PRUD to set the final size of the detention basin and to determine who is responsible for their proportionate share to landscape the detention basin.

A land drain system is required throughout the development, which is to be designed to meet City standards and is required due to shallow ground water. A culinary water line and sewer line will be looped and connect with the development of the Harmony Place PRUD and the existing Villas at Harmony Place PRUD. The looping of the culinary water line will enhance fire flow pressure for both developments.

Staff Recommendation:

Staff recommends final plat approval be granted subject to meeting all Staff requirements.

Engineering 

Planning 

Fire 

Planning Commission Action: On January 26, 2016, the Planning Commission voted unanimously to recommend the Council grant final plat approval subject to meeting all Staff requirements.

The 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: Jeff Taylor; jtaylor@perryhomesutah.com
Andy Hubbard; andyh@greatbasinengineering.com

FROM: Ryan Bankhead

CC: Building/Community Development Department/Fire

DATE: January 11, 2016

RE: Harmony Place PRUD No. 1(Final Plan 3rd review)

I have reviewed the Final Plans and Dedication Plat submitted on January 4, 2016, for Harmony Place PRUD located at approximately 2375 West and Gentile Street. The final plans have been stamped **“APPROVED AS CORRECTED”**. The following comments and concerns will need to be addressed prior to scheduling a preconstruction meeting:

Lighting

1. The developer will be required to pay for the street lights and installation. The lights will be purchase by the City and the installation will be done by the City’s contractor. The cost for the lights is \$4,000 and installation is \$2,820 (\$6,820 total) for Phase 1.

Bonding

2. A cost estimate will need to be submitted for all public improvements. The Developer will be required to bond for these improvements.

Water Exactions

3. Layton City passed an ordinance on November 4, 2004 requiring all development to provide irrigation water shares to Layton City. This is required for all development; the water exaction required is 11 acre-feet.
4. A Notice of Intent (NOI) from the State of Utah, Department of Environmental Quality, Division of Drinking Water will need to be submitted.
5. Easements for the temporary turn-a-round and outfall are okay to move forward. A signed and notarized copy of each easement will need to be submitted prior to holding a preconstruction meeting.
6. A letter of approval from Davis Weber Canal Company will need to be submitted for the piping of the flood irrigation system.
7. Layton City will be responsible for the design, bid, and management of the construction of the regional detention basin, structures, grading and outfall pipe to 2700 West. It is anticipated that this pond be constructed in the spring of 2016.

8. An electronic copy (PDF) and a paper copy of 11X17 utility plans will need to be submitted for approval. These plans will be submitted to the Division of Drinking Water for approval. See section 4 – Culinary Water Section item VII (D) located at:
<https://www.laytoncity.org/public/Depts/PubWorks/downloads.aspx>.
9. Approval from Rocky Mountain Power for the irrigation line through their property will need to be submitted.
10. Descriptions for the irrigation easements on the RMP and DSD properties will need to be submitted for review. After the description are approved copies of the recorded easements will need to be submitted.
11. 5 complete sets that have been stamped and signed by a PE will need to be submitted. The plans will need to include the following corrections:

Sheet 1

12. On this sheet and all other applicable sheets, the material for the main line will need to be C-900 DR14 PVC, the material for the ¾" lateral in note 4 will need to be HDPE CTS-OD SDR9 poly.
13. The irrigation diversion box at the northwest corner of 2425 West appears to impact the 6' abutting sidewalk. This will be brought up in the preconstruction meeting and will need to be addressed prior to the construction of the sidewalk.

Sheet 2 & 7

14. ADA ramp locations will need to be as follows: Sheet 2 north of round-a-bout, approximate STA 4+72 at the secondary waterline sleeve location, the sleeve will need to be shifted to the south; south of the round-a-bout, north lot line of lot 198, the storm drain inlet box will need to be shifted to the south so that the storm drain line runs perpendicular to the street CL, the fire hydrant will need to be shifted to the north; Sheet 7, west of the round-a-bout, north side between the fire hydrant and inlet box and parallel on the south side; east of the round-a-bout, will be completed with the extension of the street (future development).
15. The location of the culinary meter for the open space will need to be shown on the plans.

Sheet 3

16. Conflicts between the proposed storm drain and land drain laterals on lots 179, 178, & 177 may exist. This will be brought up to the contractor in the pre-construction meeting so that the necessary steps can be taken to eliminate any such conflicts.

Sheets 4-6

17. Manholes in the outfall will need to be placed 2' above finished grade with 10' pole and orange hazard diamonds placed at the manhole (detail is attached).

Sheet 7

18. The ends of the proposed waterline at the east and west boundaries of the development will need to be plugged & blocked.
19. The engineering department recommends that the SS & LD outfall from STA 4+52 to 8+30 be installed in conjunction with the construction of the regional detention pond. The developer's contractor will need to coordinate construction of these lines with the city's contractor.

Sheet 13

20. Sufficient cover between the future LD and the existing SD at STA 0+90.86 will not be provided. A detail of the proposed solution to this issue will need to be provided on final plans.

SWPPP

A SWPPP will need to be added to the plan set and include the following revisions from the previous submittal:

21. The inspector's name, contact information and certification information will need to be listed on the plan.
22. A sample inspection form will need to be submitted.
23. The total area and area to be disturbed will need to be included in the plan.
24. The BMP sheets included in the plan are not legible.



Community • Prosperity • Choice

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

• Fire Department •
Kevin C. 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: Christy Wixom

FROM: Dean Hunt, Fire Marshal

RE: Harmony Place PRUD @2375 West Gentile Street

CC: 1) Engineering
2) Jeff Taylor, jtaylor@perryhomesutah.com
3) Andy Hubbard, andyh@greatbasinengineering.com

DATE: December 11, 2015

I have reviewed the site plan submitted on December 9, 2015 for the above referenced project. The Fire Prevention Division of this department has no further comments or concerns at this time. Ensure all items addressed on the previous memos are met during the construction of this development.

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

DBH/Harmony Place :kn
Plan #S15-167, District #42
Project Tracker #LAY 0912071080
ERS# 8726



Community • Prosperity • Choice

● Parks & Recreation Department ●
JoEllen Grandy ● Parks Planner
Telephone: (801) 336-3926
Fax: (801) 336-3909

Memorandum

To: Jeff Taylor, Andy Hubbard
CC: Community Development, Fire, & Engineering
From: JoEllen Grandy, Parks Planner – Parks & Recreation
Date: January 6, 2016
Re: Harmony Place PRUD, Final Approval III – Approx. 2375 West & Gentile St.

The Parks and Recreation Department has reviewed the Harmony Place PRUD No. 1 final plans resubmitted for the Harmony Place PRUD to be located at 2375 West and Gentile Street. Our primary interests remain with the 6.734 acres of open space that is planned as a future neighborhood park.

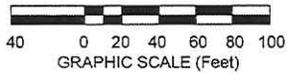
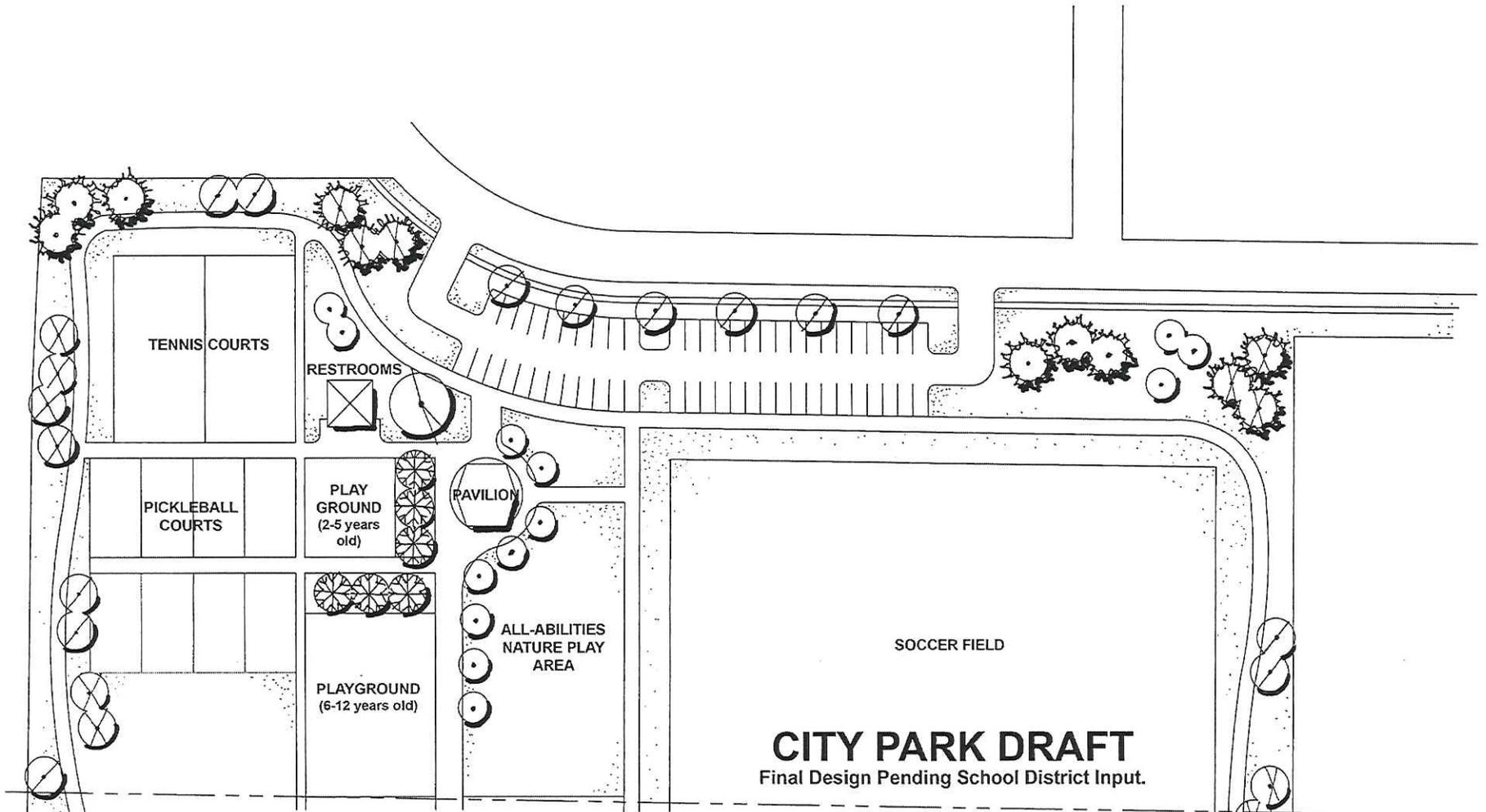
The Parks & Recreation Department has no comments or concerns regarding final plans for Harmony Place PRUD No.1; however, we would ask that the following landscape plans be addressed and resubmitted based off the following note provided from 12/21/15:

- 1) "Please use the attached draft provided of the future Harmony Place Park plans in place of what is currently depicted on the "Landscaping Plans Commons Areas" Sheet 1 of 3 and "Landscaping Plan – City Park (Preliminary)" Sheet 1 of 1. Note that the draft provided is only a preliminary drawing and subject to change. When Harmony Place Phase 4 is ready to develop, we ask that the park plans for developing and constructing the space be revisited together."

Please resubmit these plans. Thank you.

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.





- WEeping BIRCH - 2"
Betula pendula
- AUSTRIAN PINE - 6-7"
Pinus nigra
- BLUE SPRUCE - 6-7"
Picea pungens



- RED SUNSET MAPLE - 2"
Acer rubrum 'Red Sunset'
- LONDON PLANETREE - 2"
Platanus x acerifolia
- LITTLELEAF LINDEN - 2"
Tilia cordata
- CHANTICLEER FLOWERING PEAR - 2"
Pyrus calleryana

CITY COUNCIL

Harmony Place PRUD Phase 1 Final Plat

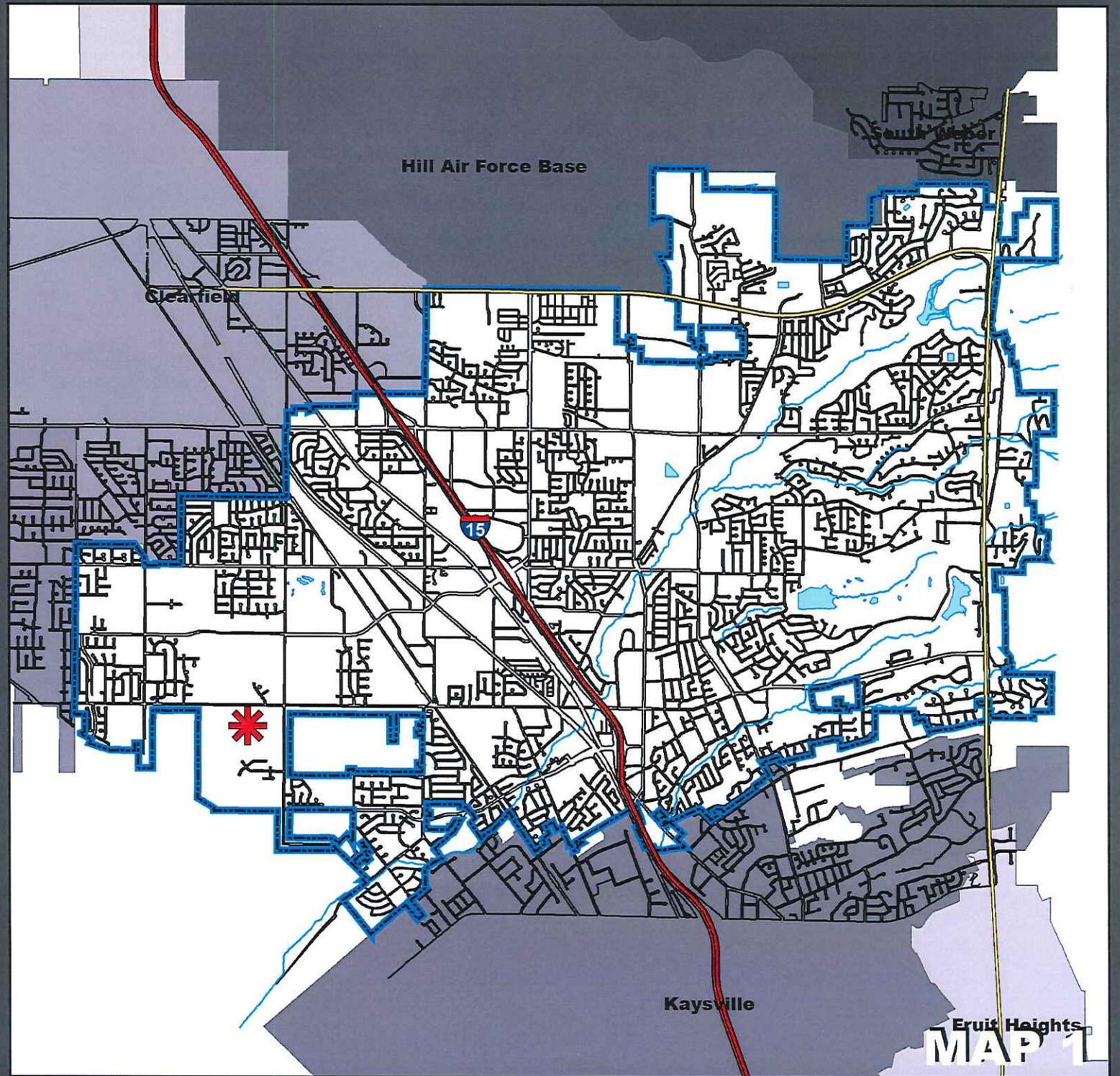
Legend

-  City Boundary
-  Interstate 15
-  Highways
-  Lakes
-  Streams

 - Project Site



1 inch = 5,000 feet



Fruit Heights
MAP 1

CITY COUNCIL

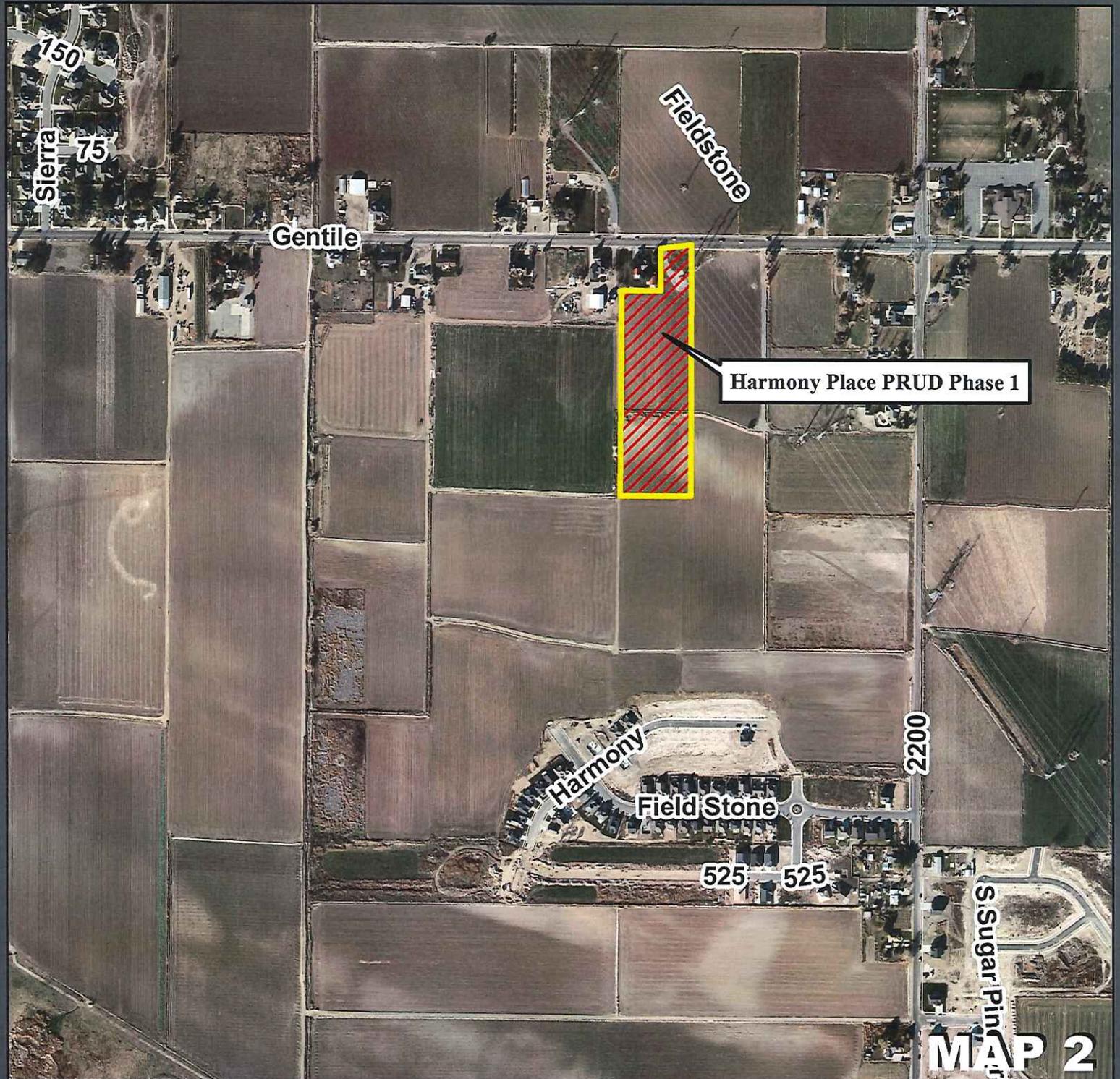
Harmony Place PRUD Phase 1 Final Plat

Legend

- Centerlines
-  City Boundary
-  Interstate 15
-  Highways
-  Lakes
-  Streams



1 inch = 580 feet

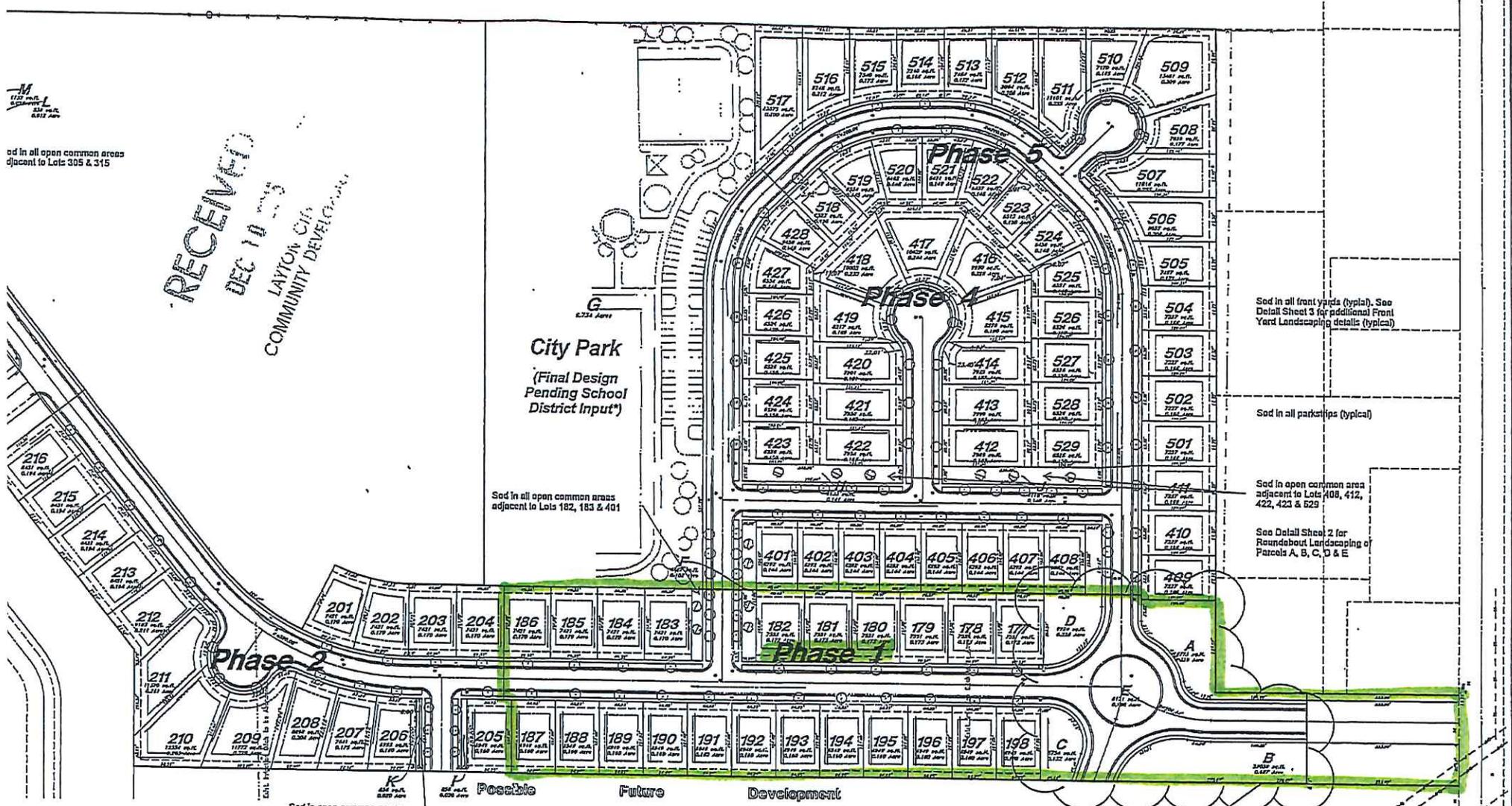


MAP 2

HARMONY PLACE PHUD

RECEIVED
DEC 10 2015
LAYTON CITY
COMMUNITY DEVELOPMENT

Sod in all open common areas adjacent to Lots 305 & 315



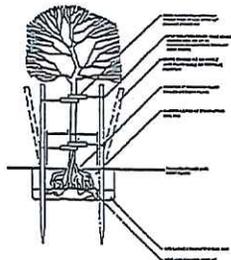
PLANTING SCHEDULE

TREES

- ① 2" Little Leaf Linden
- N/A - 2" Norway Maple
- ⊙ 2" Chapinpear Flowering Pear
- N/A - 2" Crimson Seabury Maple
- N/A - 6"-7" Doornian Pine
- N/A - 1 1/2" Blue Spruce

SHRUBS (See Detail Sheets 2 & 3 for more detail on shrubs)

- N/A - 5 gal. Variegated Dogwood
- N/A - 5 gal. Gold mound Spirea
- N/A - 5 gal. Grow low sumac
- N/A - 5 gal. Dwarf Mugo Pine
- N/A - 3' - 4' Large Rock Boulders



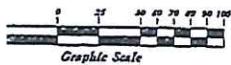
* Note: Per 4.3.1 of the Development Agreement with Layton City dated May 6, 2010, Layton City and Developer will agree upon a land dedication plan and a phasing plan for the Improvements of the City Park to be made in conjunction with the construction of the subdivision and the timing of the elementary school improvements. Developer shall be responsible for the following material and installation costs of the park improvements:

- Broadcast Seed Mix
- Underground Irrigation System
- Water and Sewer Laterals
- A Park Bowery and/or a Composite Play Structure

Landscaping Plan - Common Areas
 Harmony Place
 A part of the East 1/2 of Section 25,
 T4N, R22W, S21E84, U.S. Survey
 Layton City, Davis County, Utah



Scale: 1" = 50'



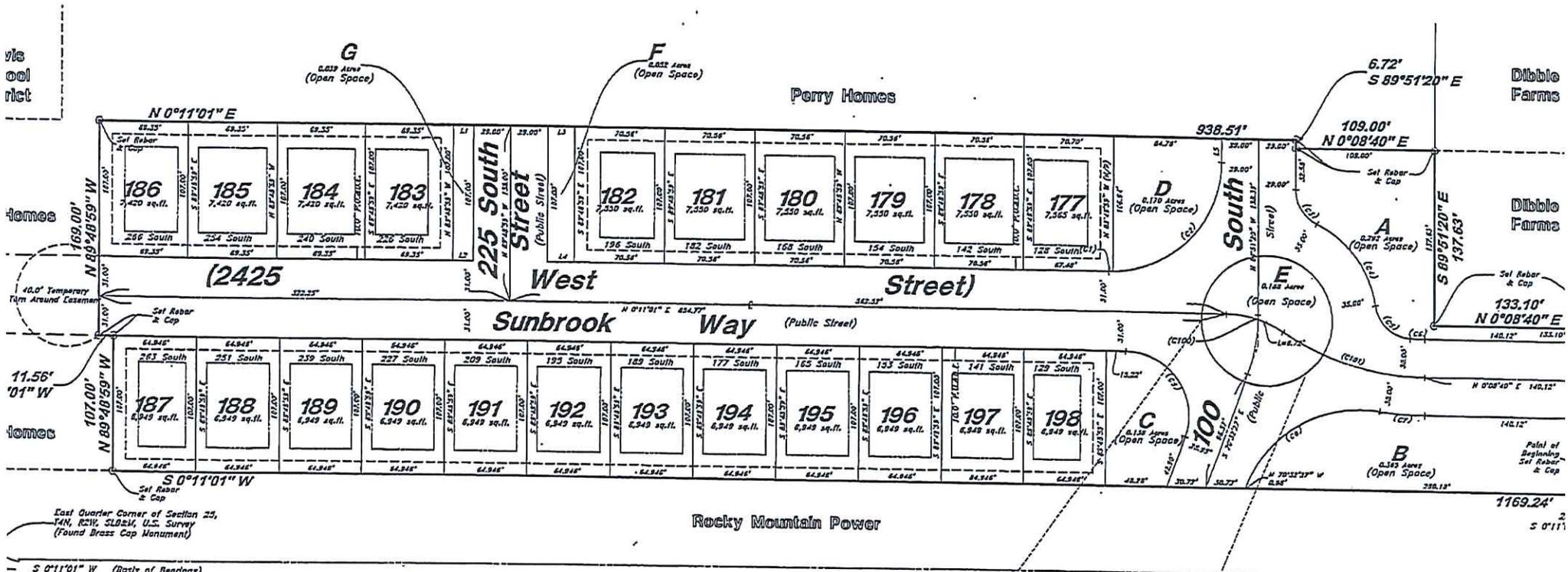
Legend

- ▲ Set Nail & Washer
- Set Rebar & Cap
- ⊙ w/ Anticorros
- ⊙ Set Hub & Tack
- ⊙ Monument to be set
- (Red.) Radial Line
- (Dashed) Non-Radial Line
- (D.C.S.) Davis County Surveyor
- Building Setback Line

Harmony Place PRUD No. 1

A part of the Northeast Quarter of Section 25, T4N, R2W, SLB&M, U.S. Survey
 Layton City, Davis County, Utah
 January 2016

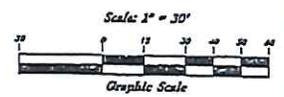
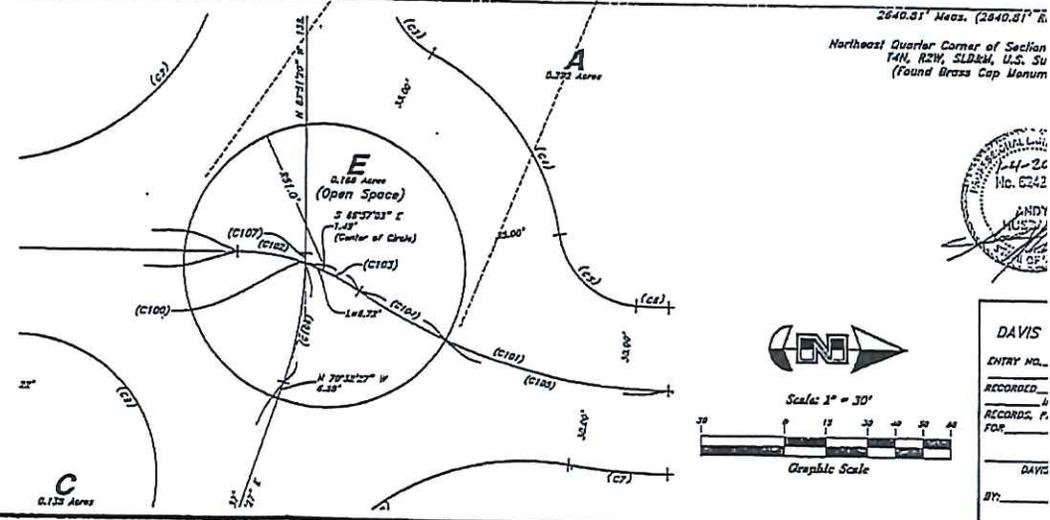
Northeast Quarter Corner of Section 25,
 T4N, R2W, SLB&M, U.S. Survey
 (Found Brass Cap Monument)



LOT LINE CURVE DATA			
α	Radius	Length	Chord Bearing
16°	88.00	3.22	3.22' N 0°51'57" W
25°	88.00	133.07	122.18' N 43°33'28" W
10°	30.00	33.13	31.47' N 88°30'35" E
33°	88.00	81.67	78.63' N 54°04'46" E
57°	30.01	40.44	37.45' N 42°39'58" E
4°	170.00	11.58	11.58' N 2°03'47" E
13°	210.00	35.53	35.53' N 4°34'36" E
20°	35.00	131.80	121.56' N 30°45'31" W
12°	50.00	85.38	81.55' N 54°49'17" E

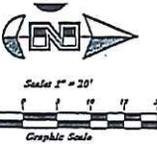
CENTERLINE CURVE DATA					
Curve	Delta	Radius	Length	Chord	Chord Bearing
(C100)	33°47'09"	80.00'	47.17'	46.49'	N 17°04'35" E
(C101)	33°49'30"	200.00'	118.07'	118.36'	N 17°03'25" E
(C102)	18°03'22"	80.00'	35.21'	35.11'	N 9°12'42" E
(C103)	15°43'47"	80.00'	21.98'	21.89'	N 26°06'17" E
(C104)	10°12'51"	200.00'	35.63'	35.61'	N 28°51'45" E
(C105)	23°36'40"	200.00'	62.42'	61.64'	N 11°57'06" E
(C106)	17°56'54"	140.43'	45.99'	45.81'	N 79°29'48" W
(C107)	1°28'28"	141.00'	3.55'	3.55'	N 89°08'08" W

OPEN SPACE LOT LINE DATA		
Line	Bearing	Length
L1	N 0°11'01" E	15.83
L2	N 0°11'01" E	15.85
L3	N 0°11'01" E	21.00
L4	N 0°11'01" E	21.00
L5	N 89°51'20" W	18.84
L6	S 89°51'20" E	11.01

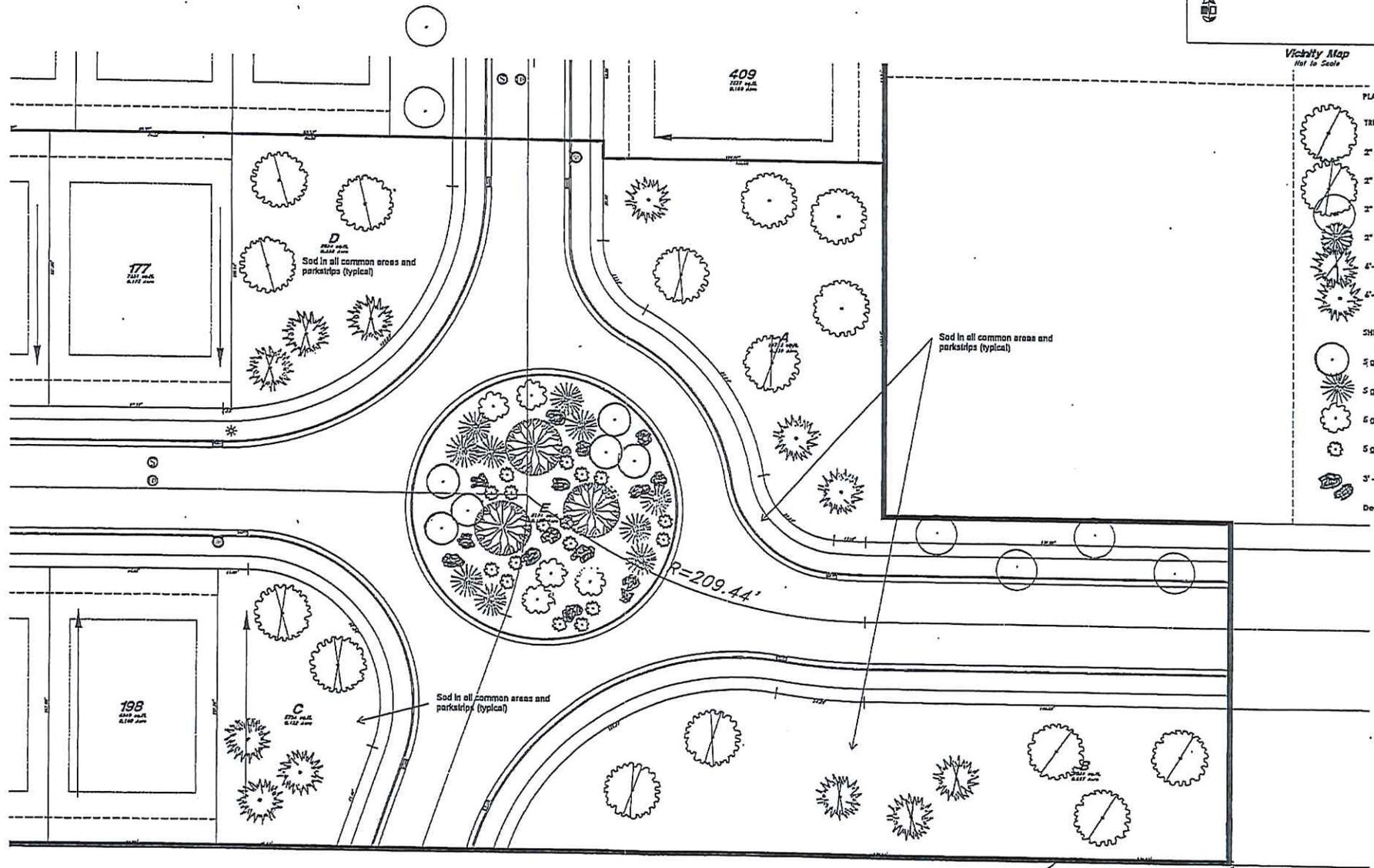
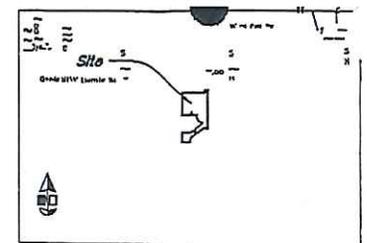


DAVIS
 ENTRY NO. _____
 RECORDED _____
 RECORDS F. FOR _____
 DATE _____
 BY _____

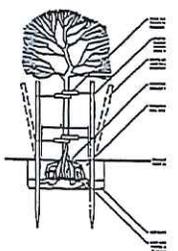
GREAT BASIN ENGINEERING
 1475 EAST OGDEN, UTAH 84403
 110 SOUTH 1001 WEST, OGDEN, UTAH 84403
 GREAT BASIN ENGINEERING, P.C.



Harmony - lace PRUD



- PLANTING SCHEDULE**
- TREES**
- 2" Illinois Leaf Linden
 - 2" Norway Maple
 - 2" Chanticleer Flowering Pear
 - 2" Crimson Sentry Maple
 - 4"-7" Samson Pine
 - 4"-7" Blue Spruce
- SHRUBS**
- 5 gal. Variegated Dogwood
 - 5 gal. Gold mound Spirea
 - 5 gal. Glow low sumac
 - 5 gal. Dwarf Mugo Pine
 - 3' - 4' Large Rock Boulders
- Decorative stained mulch in all plantings



Landscaping Plan - Common Areas		Harmony Place A part of the East 1/2 of Section 14N, 20W, 5E, 034, U.S. Survey Layton City, Davis County, Utah	
Quality Landscaping, Inc. South Jordan, UT 84095	SCALE: 1" = 20'	DATE: 4 Dec, 2015	DRWG. NO. 2
	DRAWN: MP	REVISIONS:	

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

Item Number: 6.A.

Subject:

Community Development Block Grant (CDBG) Annual Action Plan for Fiscal Year 2016-2017

Background:

As an entitlement Grantee of Housing and Urban Development's (HUD) Community Development Block Grant, Layton City is required to develop an Annual Action Plan (Plan). The Plan outlines how the City will allocate its allotment of CDBG funds during the upcoming program year, July 1, 2016, to June 30, 2017. HUD regulations require two public hearings during the preparation of the Plan.

This is the first public hearing which is being held to gather information from the public concerning the needs within Layton City. Community organizations may present requests for assistance with their operational costs. There is no action required on this item. The finalized Plan will be presented to the Council in May.

Alternatives:

N/A

Recommendation:

N/A

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

Item Number: 6.B.

Subject:

Rezone and Parcel Split Request – Preston Cox – A (Agriculture) to R-S (Residential-Suburban) – Ordinance 16-08 – Approximately 257 South 3200 West

Background:

The property proposed for parcel split and rezone from A to R-S is .38 acres. (16,600 square feet) located on the east side of 3200 West at approximately 257 South. The new .38-acre parcel is to be split from an existing .61-acre parcel with the remaining .23 acres to be combined with the 1.01-acre parcel to the south (see Map 2 and Land Survey Map). The lot to the south is occupied by a single family home and will be 1.24 acres in size and remain in the Agricultural zoning district.

The rezone and parcel split area is surrounded by R-S zoning to the north, unincorporated county to the east; A zoning to the south; and A and R-S zoning to the west.

Alternatives:

Alternatives to the first motion: Alternatives are to 1) Adopt Ordinance 16-08 approving the rezone request from A to R-S based on consistency with General Plan land use and density recommendations; or 2) Not adopt Ordinance 16-08 denying the rezone request.

Alternatives to the second motion: Alternatives are to 1) Approve the parcel split subject to meeting the requirements of the R-S zone; or 2) Not approve the parcel split.

Recommendation:

The Planning Commission recommends the Council adopt Ordinance 16-08 approving the rezone request from A to R-S and the parcel split based on consistency with General Plan recommendations and with the lot area regulations of the R-S zone.

Staff supports the recommendation of the Planning Commission.

ORDINANCE 16-08
(Preston Cox Rezone)

AN ORDINANCE AMENDING THE ZONING ORDINANCE BY CHANGING THE ZONING CLASSIFICATION OF THE HEREINAFTER DESCRIBED PROPERTY LOCATED AT APPROXIMATELY 257 SOUTH 3200 WEST FROM A (AGRICULTURE) TO R-S (RESIDENTIAL SUBURBAN) 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 petition and has recommended that the petition to rezone said property from A to R-S 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 A (Agriculture) to R-S (Residential Suburban).

BEGINNING ON THE EAST LINE OF 3200 WEST STREET BEING SOUTH 00°11'56" WEST ALONG THE SECTION LINE AND SOUTH 89°48'04" EAST 33.00 FEET FROM THE NORTHWEST CORNER OF SECTION 25, AND RUNNING THENCE SOUTH 89°48'04" EAST 166.00 FEET; THENCE SOUTH 00°11'56" WEST 100.00 FEET TO THE SOUTH LINE OF THE NORTH ½ OF THE NORTHWEST ¼ OF SAID SECTION 25; THENCE NORTH 89°48'04" WEST 166.00 FEET ALONG SAID LINE OF SAID STREET; THENCE NORTH 00°11'56" EAST 100.00 FEET TO THE POINT OF BEGINNING.

CONTAINS 0.381 ACRES OR 16,600 SQUARE FEET.

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 _____, 2016.

ROBERT J STEVENSON, Mayor

ATTEST:

THIEDA WELLMAN, City Recorder

APPROVED AS TO FORM:

G. Crane

GARY CRANE, City Attorney

SUBMITTING DEPARTMENT:

William T. Wright

WILLIAM T. WRIGHT, Director
Community & Economic Development



**COMMUNITY AND ECONOMIC
DEVELOPMENT DEPARTMENT
PLANNING DIVISION**

STAFF REPORT

TO: City Council
FROM: Peter Matson, AICP - City Planner 
DATE: February 18, 2016
RE: Rezone and Parcel Split Request – Preston Cox – A to R-S – Ordinance 16-08

LOCATION: 257 South 3200 West
CURRENT ZONING: A (Agriculture)
CURRENT MINIMUM LOT SIZE: 1 Acre
PROPOSED ZONING: R-S (Single Family Residential)
PROPOSED MINIMUM LOT SIZE: 15,000 square feet

DESCRIPTION OF REZONE AREA

The property proposed for parcel split and rezone to R-S is .38 acres. (16,600 square feet) located on the east side of 3200 West at approximately 257 South. The new .38-acre parcel is to be split from an existing .61-acre parcel with the remaining .23 acres to be combined with the 1.01-acre parcel to the south (see Map 2 and Land Survey Map). The lot to the south is occupied by a single family home and will be 1.24 acres in size and remain in the Agricultural zoning district.

The rezone and parcel split area is surrounded by R-S zoning to the north, unincorporated county to the east; A zoning to the south; and A and R-S zoning to the west.

BACKGROUND INFORMATION AND STAFF REVIEW

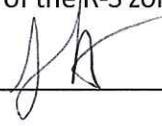
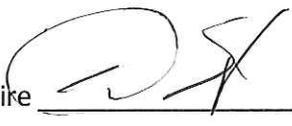
The applicant for this rezone and parcel split is Preston Cox, owner of the property. The parcel split is to create a new lot for construction of a single family home. The remaining land to the east of the new parcel is to be combined with the larger parcel to the south, which is occupied by two accessory structures and Mr. Cox's home.

The minimum lot size in the R-S zone is 15,000 square feet and the proposed building lot is 16,600 square feet. The minimum lot width in the R-S zone is 100 feet. The proposed parcel will have 100 feet of lot width/frontage on 3200 West and the remaining parcel with the existing home will have approximately 188 feet of lot width/frontage.

The General Plan recommendation for this portion of the City is for low density single-family residential within a density range of 0 to 3 dwelling units per acre. The proposed R-S zone is consistent with this recommendation.

STAFF RECOMMENDATION

Staff recommends the Council adopt Ordinance 16-08 approving the rezone request from A to R-S and the parcel split based on consistency with General Plan recommendations and with the lot area requirements of the R-S zone.

Engineering  Planning  Fire 

PLANNING COMMISSION PROCEEDINGS AND RECOMMENDATION

The Planning Commission reviewed this rezone and parcel split request on January 12, 2016. There were no comments from the public. The Planning Commission unanimously recommended approval of the rezone from A to R-S and the parcel split based on consistency with General Plan recommendations for this area of the City and based on parcels conforming to the lot area and dimension requirements of the R-S zone.



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: Preston Cox; prestoncox@perennialfacoritesnursery.com
FROM: Shannon Hansen, Assistant City Engineer - Development
CC: Fire Department/Community Planning and Development Department
DATE: December 23, 2015
RE: Preston Cox Rezone
257 South 3200 West

I have reviewed the Petition for Amending the Zoning Ordinance for one parcel containing approximately 0.381 acres submitted on December 15, 2015 for the property located at approximately 257 South 3200 West. The applicant is requesting a rezone change for A to R-S. The Engineering Department has no comments or concerns regarding the approval of the rezone.

The following items are provided for informational purposes and are applicable to a building permit.

Street – 3200 West street improvements will need to be installed and include street widening, curb/gutter, and sidewalk.

Water – There is an existing water meter on the parcel. It is assumed this meter will be used for the new residence.

Sewer – There is an existing 8" North Davis Sewer District sanitary sewer line on the east side of 3200 West. The District will need to approve any connection to their main

Land Drain – The foundation drain for the home will need to connect to the existing storm drain on the east side of 3200 West.

Secondary Water – Secondary water is unavailable in this area.

Water Exactions - Layton City passed a water exaction ordinance on November 4, 2004 requiring all developments to purchase and bring a quantity of water for a single home to be based on culinary meter size. The water exaction will be charged only if a new meter is installed.

Street Cut Permits – Street cut permits will need to be obtained for the culinary water, land drain, and sanitary sewer laterals. They are available online at <https://www.laytoncity.org/secure1/lwlogin.aspx?url=/secure1/StreetCut/scDefault.aspx>



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: Preston Cox; prestoncox@perennialfacoritesnursery.com

FROM: Shannon Hansen, Assistant City Engineer - Development

CC: Fire Department/Community Planning and Development Department

DATE: January 6, 2015

RE: Preston Cox Parcel Split
257 South 3200 West

I have reviewed the parcel split submitted on December 15, 2015 for the property located at approximately 257 South 3200 West. I recommend that the parcel split be approved with the following comments.

1. A current title report will need to be submitted.
2. The distance for the first locating call (South 0d11'56" West) is missing from the new descriptions for parcel -0017 and the ground from -0017 to -0073.
3. Typical Public Utility and Drainage Easements along property lines will need to be established by separate document. The description will need to be submitted to verify placement on the parcels prior to recording. The easement description will then need to be inserted into the attached Deed of Easement. The owners will need to sign the document and have their signatures notarized prior to submittal. The document will go before the City Council in conjunction with the parcel split for City approval and acceptance.

The following items are for informational purposes only.

1. Prior to issuing a building permit for the vacant parcel, a site plan will need to be submitted for review and approval. Some items to be included on the plan are the installation of the sewer and water laterals and connections, sidewalk, and curb and gutter.
2. The property owner should note that Layton City passed an ordinance on November 4, 2004 requiring all development to provide irrigation water shares for water supply. This is required for all development regardless of secondary water use. The developer is required to provide Layton City with 3 acre-ft of water per acre of development. This will be required when the new parcel develops.
3. There is an 8" culinary waterline on the west side of 3200 West.
4. There is an 8" sanitary sewer main on the east side of 3200 West. This is a North Davis Sewer District main. They will need to be contacted for any requirements to connect to their main.



Community • Prosperity • Choice

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

• Fire Department •
Kevin C. 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: Christy Wixom

FROM: Douglas K. Bitton, Fire Prevention Specialist

RE: Preston Cox Rezone @ 257 South 3200 West

CC: 1) Engineering
2) Preston Cox, prestoncox@perrenialfavoritesnursery.com

DATE: December 16, 2015

I have reviewed the petition for amending the zoning ordinance from agriculture to R-S Zone and site plan received on December 15, 2015 for the above referenced project. The Fire Department, with regards to the rezone, has the following comments for future development:

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. It is not documented or identified what the proposed or existing access is for the rear east commercial building. Department access will be required. If these buildings' set back are greater than 150 feet, provide documentation how this access will be accomplished. It shall be noted that 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 this is agricultural or residential type of building, a minimum 20-foot private lane shall be required as defined in the Engineering Standards for the City. 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. Our records indicate that there is an existing fire hydrant which appears to be acceptable.

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\Preston Cox S15-127:kn
Plan # S15-172, District #40
Project Tracker #LAY 1512151576





Community • Prosperity • Choice

● Parks & Recreation Department ●
JoEllen Grandy ● Parks Planner
Telephone: (801) 336-3926
Fax: (801) 336-3909

Memorandum

To: Preston Cox
CC: Community Development, Fire, & Engineering
From: JoEllen Grandy, Parks Planner – Parks & Recreation
Date: December 17, 2015
Re: Preston Cox Rezone, Rezone – 257 S. 3200 W.

Parcel 12-110-0017 containing 0.381 acres located at 257 S. 3200 W. is within the service area of Legacy Park. The applicant's proposed rezone from A to R-S would not impact the Parks & Recreation Department.

The Parks & Recreation Department has no comments or concerns regarding the approval of the rezone.

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.





Community • Prosperity • Choice

● Parks & Recreation Department ●
JoEllen Grandy ● Parks Planner
Telephone: (801) 336-3926
Fax: (801) 336-3909

Memorandum

To: Preston Cox
CC: Community Development, Fire, & Engineering
From: JoEllen Grandy, Parks Planner – Parks & Recreation
Date: December 17, 2015
Re: Preston Cox Parcel Split, For Review and Comment – 257 S. 3200 W.

Parcel 12-110-0017 located at 257 S. 3200 W. is within the service area of Legacy Park. The applicant's proposed parcel split would not impact the Parks & Recreation Department.

The Parks & Recreation Department has no comments or concerns regarding the approval of the parcel split.

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.



City Council Meeting

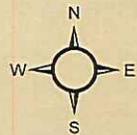
Preston Cox Parcel Split and Rezone

A to R-S

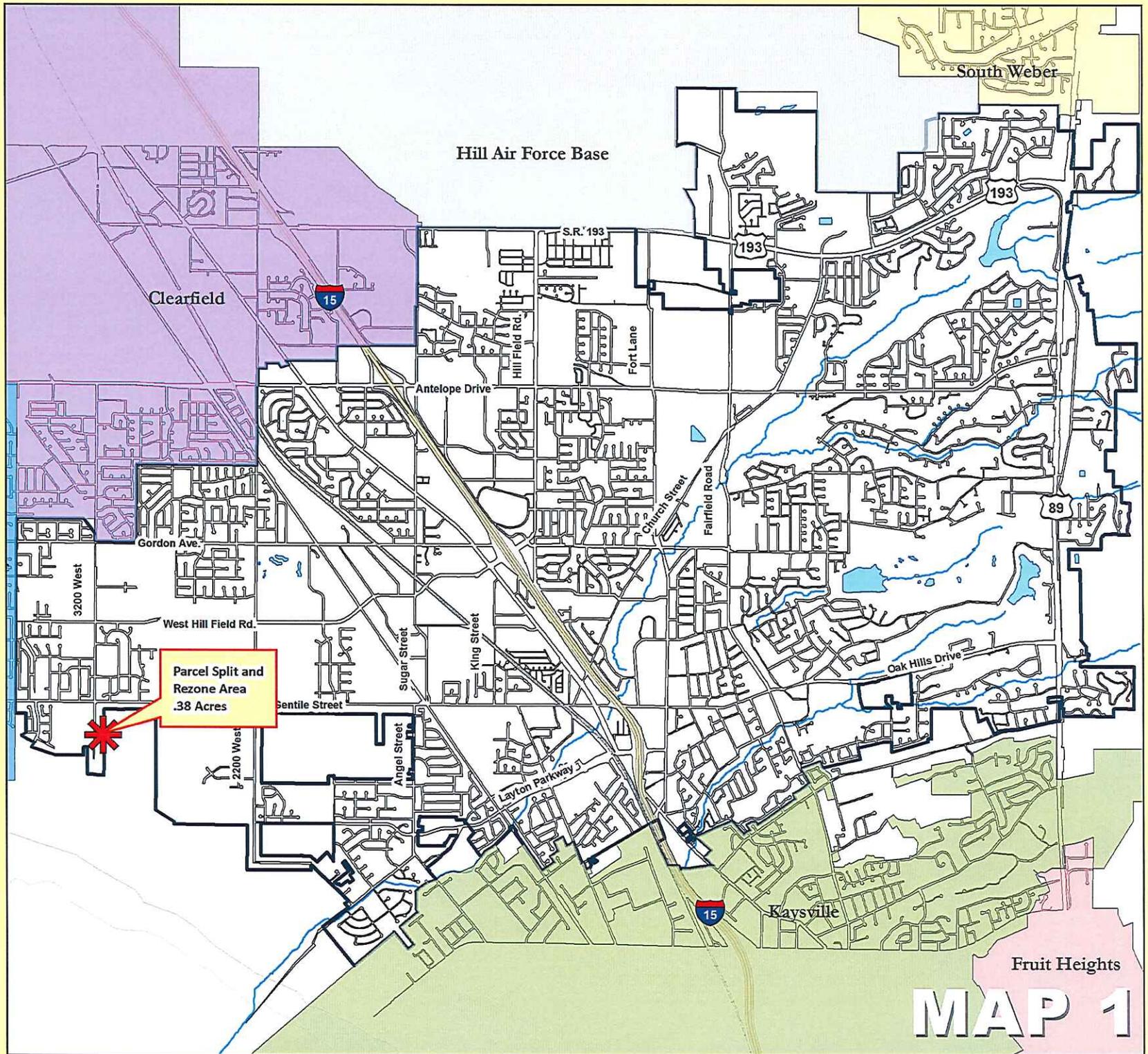
Approximately
257 South
3200 West

.38 Acres

-  Rail Lines
-  Interstate 15
-  Layton City Boundary
-  Rights of Way
-  Lakes
-  Streams
-  Parcel Split and Rezone Area



1 inch = 4,250 feet



City Council Meeting

Preston Cox Parcel Split and Rezone

A to R-S

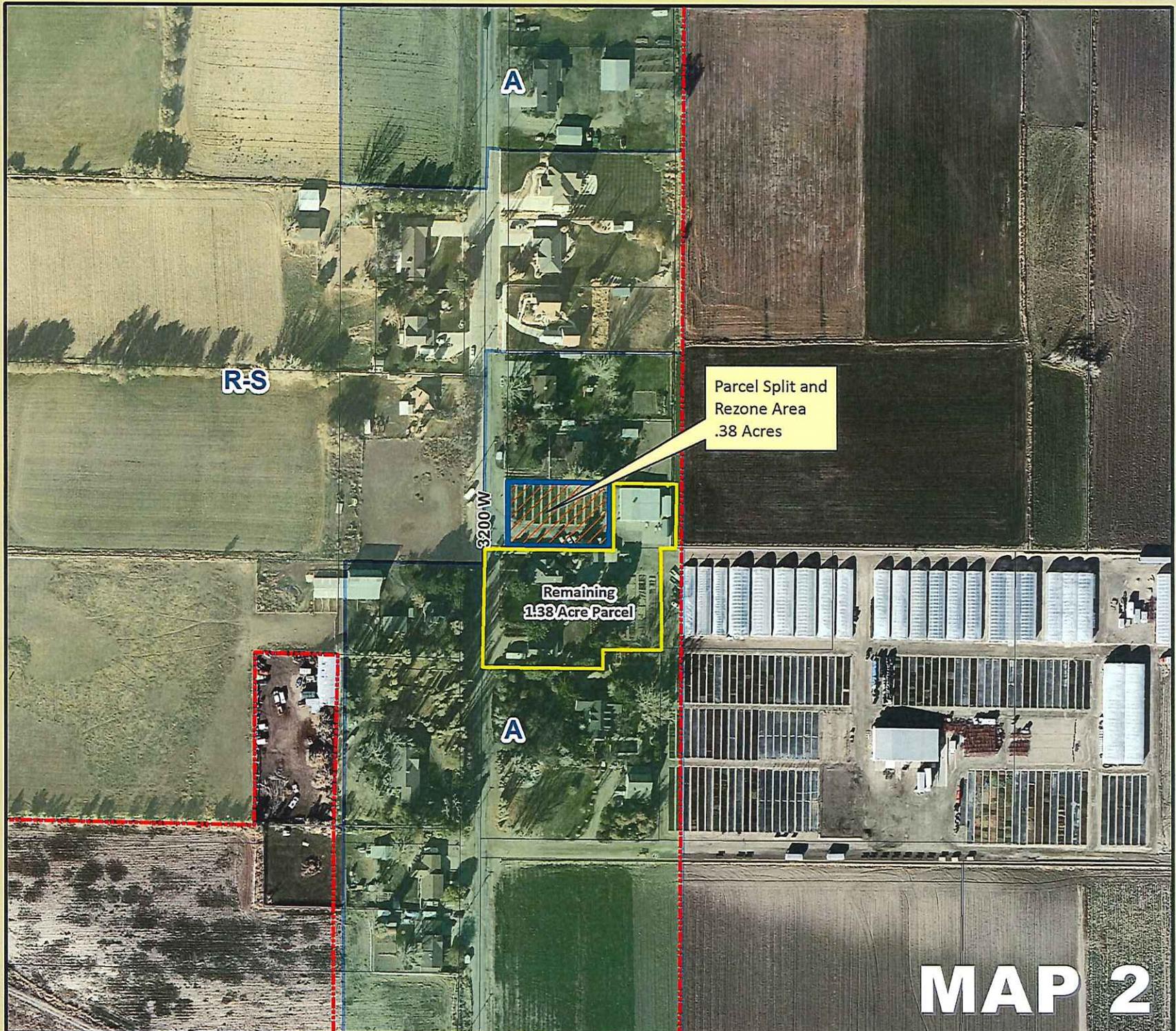
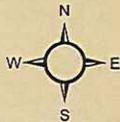
**Approximately
257 South
3200 West**

.38 Acres

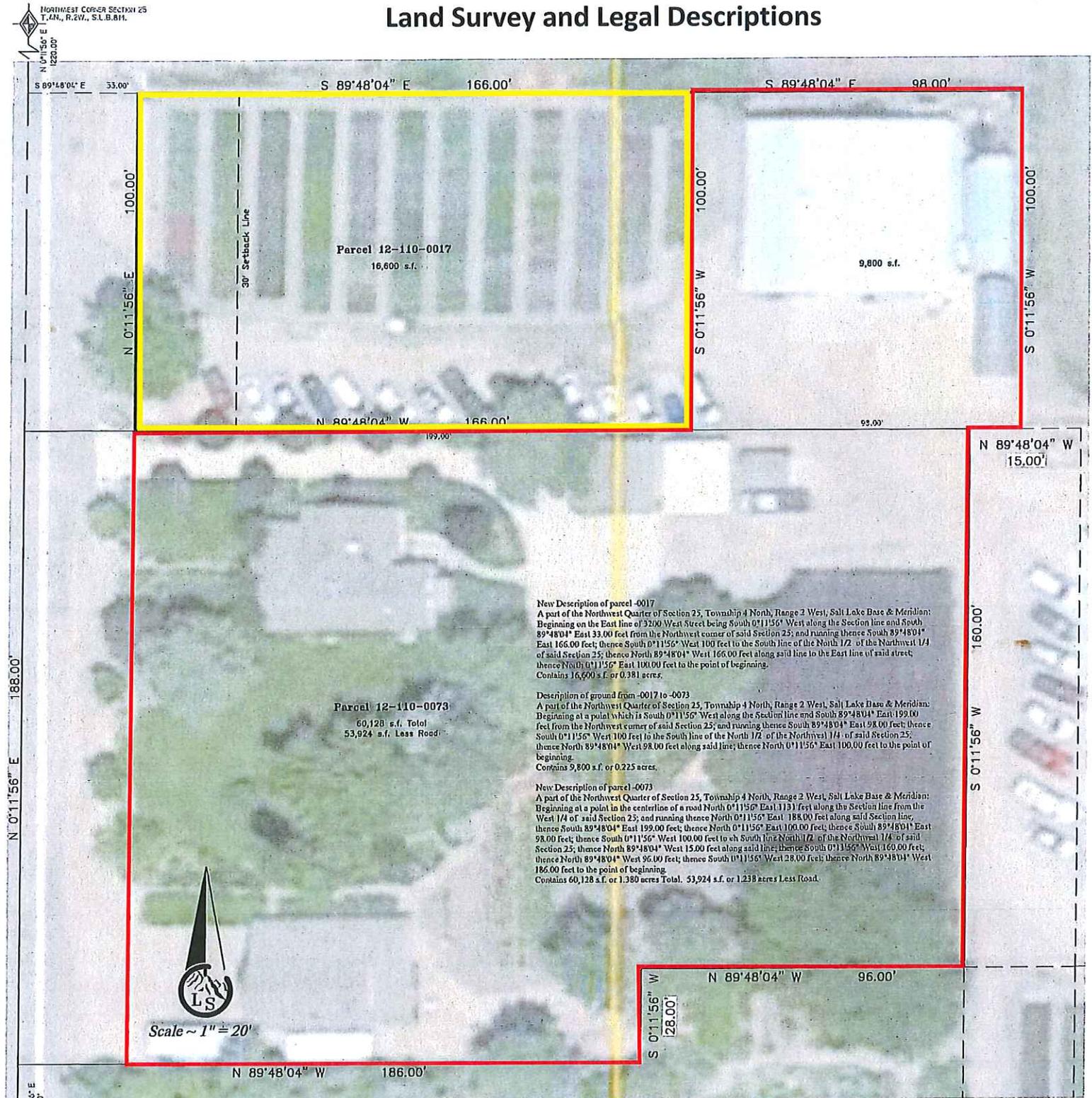
LEGEND

-  Layton City Boundary
-  Property
-  Lakes
-  Streams

 Parcel Split and Rezone Area



Land Survey and Legal Descriptions



WEST 1/4 CORNER SECTION 25
T.4N., R.2W., S.L.B.8M.

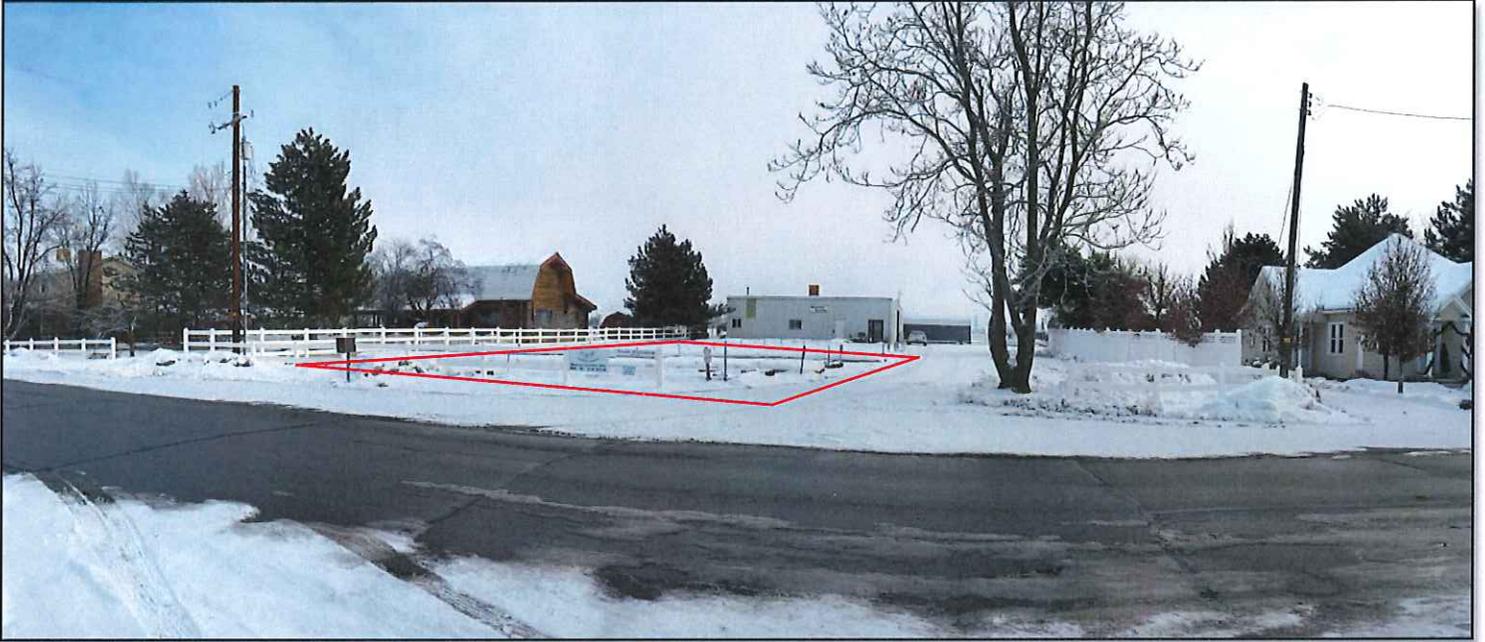
- .38-acre parcel split and rezone area
- Remaining 1.24 acres

Landmark Surveying, Inc.
 A Complete Land Surveying Service
www.LandmarkSurveyUtah.com

4646 South 3500 West - #A-3
 West Haven, UT 84401
 801-731-4075

EXHIBIT DRAWING 12-11-2015

SITE PHOTO



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

Item Number: 6.C.

Subject:

Amend Layton Municipal Code – Title 3 (Revenue & Finance), Section 3.15.10 (Consolidated Fee Schedule of Layton City Corporation); and Title 19 (Zoning), Sections 19.06.010 (Definitions), 19.21.020(8) (General Regulations) and 19.21.045 (Mobile Food Vendor) Establishing Regulations for Mobile Food Vendors – Ordinance 16-06

Background:

Within the last few years mobile food vendors (food trucks and trailers) have become a fast growing segment within the dining industry. This past spring and summer, Staff has seen an increased desire for food trucks to locate within Layton City, as well as businesses requesting food trucks to operate temporarily or long term at their location. The existing City code does not adequately address issues specific to food trucks and trailers, such as, requested flexibility of locations, vendor size, and safety concerns that come with mobile food vending.

This proposed amendment to the zoning ordinance provides regulations and guidelines for mobile food vendors. Staff first presented research to the Planning Commission for mobile food vendors on September 22, 2015, during a work meeting. Staff continued to compile research and on October 13, 2015, during a work meeting the Planning Commission continued their review of the mobile food vendor ordinance and requested Staff make adjustments to the ordinance. On November 10, 2015, the Planning Commission held a public hearing and forwarded a positive recommendation to the Council to approve regulations and guidelines for mobile food vendors.

On December 17, 2015, the Council held a public hearing to review the proposed mobile food vendor ordinance. It was mentioned that mobile food vendors wanting to operate within the City for any period of time would have to obtain a commercial license at the cost of \$120 dollars, plus \$50 dollars for an annual inspection conducted by the Fire Department. In addition, a mobile food court would be permitted under a single event permit which can only last for seven consecutive days. Some Council Members were concerned the fee structure was too high, especially for vendors that want to operate a food court on a weekly schedule. Since that time, Staff has collected feedback from mobile food vendors and The Food Truck League (a local food truck event organizer) to determine appropriate language for regulating mobile food vendors and fees.

The ordinance amendment includes permitting mobile food courts under a mobile food court permit and allowing mobile food vendors to operate under one of two types of licenses; (1) Mobile Food Vendor License or (2) Mobile Food Event License. Event and individual vendor fees are outlined in the attached amendment to the Consolidated Fee Schedule. An Event License allows vendors to only operate at pre-approved mobile food court locations. Individually licensed vendors are permitted to operate at food court locations, in the public right-of-way on roads with speed limits 35 miles per hour or less and to operate on private property within the B-RP, C-H, CP-1, CP-2, CP-3, M-1, M-2, MU and MU-TOD zoning districts. Additional requirements for mobile food vendors include a 200 foot buffer from restaurants, schools and parks, Fire Department standards, and criminal background check requirements. Included are map examples illustrating

permitted areas and buffers.

Alternatives:

Alternatives are to 1) Adopt Ordinance 16-06 approving the amendments to the Layton Municipal Code Title 3 (Revenue & Finance), Section 3.15.10 (Consolidated Fee Schedule of Layton City Corporation); and Title 19 (Zoning), Sections 19.06.010 (Definitions), 19.21.020(8) (General Regulations) and 19.21.045 (Mobile Food Vendor) establishing regulations for mobile food vendors; 2) Adopt Ordinance 16-06 with modifications or additions; or 3) Not adopt Ordinance 16-06.

Recommendation:

On November 10, 2015, the Planning Commission unanimously recommended the Council adopt Ordinance 16-06 approving the amendments to Title 19 (Zoning), Sections 19.06.010 (Definitions), 19.21.020(8) (General Regulations) and 19.21.045 (Mobile Food Vendor) of the Layton Municipal Code establishing regulations for mobile food vendors.

Staff supports the recommendation of the Planning Commission in regards to amending Sections 19.06.010, 19.21.010, 19.21.020 and 19.21.045 of the Layton Municipal Code. Staff also supports amending Title 3 (Revenue & Finance), Section 3.15.10 (Consolidated Fee Schedule of Layton City Corporation) as outlined in the attached amendment.

ORDINANCE 16-06

AN ORDINANCE AMENDING TITLE 3, SECTION 3.15.010 ENTITLED “CONSOLIDATED FEE SCHEDULE OF LAYTON CITY CORPORATION” BY ADDING MOBILE FOOD VENDOR BUSINESS LICENSING FEES; TITLE 19, SECTION 19.06.010 TABLES 6-1 AND 6-2 ENTITLED “TABLE OF LAND USE REGULATIONS” DESIGNATING MOBILE FOOD VENDOR AS A PERMITTED USE IN THE B-RP, C-H, CP-1, CP-2, CP-3, M-1, MU, AND MU-TOD ZONING DISTRICTS; AND ADDING TITLE 19, SECTION 19.21.010 ENTITLED “DEFINITIONS” BY ADDING DEFINITIONS RELATED TO MOBILE FOOD VENDORS; SECTION 19.21 ENTITLED “TEMPORARY AND SEASONAL USES” BY AMENDING SUBSECTION 19.21.020(8) ENTITLED “GENERAL REGULATIONS” AND ENACTING SUBSECTION 19.21.045 ENTITLED “MOBILE FOOD VENDOR” ESTABLISHING REGULATIONS FOR MOBILE FOOD VENDORS ON PRIVATE AND PUBLIC PROPERTY; PROVIDING FOR REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE

WHEREAS, upon evaluating this issue and after receiving a recommendation from the Planning Commission, the City Council has determined to allow mobile food vendors; and

WHEREAS, mobile food vendors are a growing industry; and

WHEREAS, current ordinances do not provide regulations for mobile food vendors; and

WHEREAS, the provisions require mobile food trucks to comply with applicable Utah State, Davis County Health Department, and City regulations for better protection and management of mobile food vendors; and

WHEREAS, these provisions will enhance the general health, safety, and welfare of the general public.

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

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

SECTION II: Enactment. Title 3, Chapter 3.15, Section 3.15.010 shall be amended and enacted to read as follows:

3.15.010 – Consolidated Fee Schedule of Layton City Corporation

Street Vendor:	
base fee	\$40
inspection fee	\$50
...	
Mobile Food Vendor	
base fee	\$70
inspection fee	\$50
Mobile Food Event	
base fee	\$35
inspection fee	\$50
...	

Tent Vendor
 Auto glass repair:
 base fee \$120
 Inspection fee: \$50

SECTION III: Enactment. Title 19, Chapter 19.06, Section 19.06.010, Table 6-1 and Table 6-2 shall be amended and enacted to read as follows:

Tables 6-1 and 6-2 Land Use Regulations

Table 6-1

COMMERCIAL AND RELATED SERVICES										
LAND USE DESCRIPTION	A	R-S	R-1-6	R-1-8	R-1-10	R-MH	R-2	RM-1	RM-2	R-H
Mixed Use building										
...										
Mobile food vendor										
...										
Open Storage & Sales of Machinery and Appliances										

Table 6-2

COMMERCIAL AND RELATED SERVICES										
LAND USE DESCRIPTION	B-RP	P-B	CP-1	CP-2	CP-3	C-H	M-1	M-2	MU	MU-TOD
Mixed Use building									C	C
...										
Mobile food vendor	P		P	P	P	P	P	P	P	P
...										
Open Storage & Sales of Machinery and Appliances					C	C	C	C		

SECTION IV: Enactment. Title 19, Chapter 19.21, Section 19.21.010 “Definitions” shall be amended and enacted to read as follows:

19.21.010 - Definitions:

...
 “Mobile food court” Where a clustering of three (3) or more mobile food vendors and or street vendors congregate to serve food or beverages to the public located within three hundred feet (300’) of each other, shall be considered a mobile food court. At least one vender must be a mobile vehicle or trailer to be considered a mobile food court.

“Mobile food trailer” A vendor that serves food or beverages from a non-motorized trailer on wheels that is normally pulled behind a motorized vehicle and is readily moveable without disassembling for transport to another location.

“Mobile food vehicle” A vendor that serves food or beverages from a self-contained unit that is a motorized vehicle on wheels, and is readily moveable for transport to another location without disassembling.

“Mobile food vendor” A vendor that serves food or beverages from a self-contained unit either motorized or in a trailer on wheels and is readily movable. A mobile food vendor shall solely include mobile food trailer(s) and mobile food vehicle(s) as defined within this section.

...

SECTION V: Enactment. Title 19, Chapter 19.21, Section 19.21.020 “General regulations” shall be amended and enacted to read as follows:

19.21.020 – General regulations

...

(8) With the exception of kiosks, street vendors, and mobile food vendors; no temporary use shall be located within three hundred feet (300’) of any other use in this Chapter which is classified under the same definition, except where separated by a public right-of-way.

...

SECTION VI: Enactment. Title 19, Chapter 19.21, Section 19.21.045 “Mobile Food Vendor” shall be amended and enacted to read as follows:

...

19.21.045 – Mobile Food Vendor

(1) Mobile food vendor. The purpose of this section is to provide the general regulations for mobile food vehicle(s) trailer(s), and mobile food court(s).

- (a) Mobile food vendors shall be permitted to operate in all B-RP, C-H, CP-1, CP-2, CP-3, M-1, M-2, MU, and MU-TOD zoning districts;
- (b) Shall not operate within a two-hundred foot (200’) radius of any restaurant unless prior written permission from the property owner or authorized agent of said restaurant is provided. The proximity requirements shall be measured in a straight line from the nearest façade of the mobile food vendor to the main entrance of the restaurant;
- (c) Shall not operate within a two hundred foot (200’) radius of any public or private elementary, Jr. High, or High School, during operational school hours unless prior written permission from the school or authorized agent is provided;
- (d) Shall not operate within a two hundred foot (200’) radius of any public park unless prior permission is given by the director of the Parks and Recreation Department or their designee;
- (e) The proximity requirements shall be measured in a straight line from the nearest façade of the mobile food vendor to the nearest property line of the school or park;
- (f) A mobile food court shall be permitted under the following conditions:

- (i) Approval of a mobile food court permit as described in Section 19.21.045(3); or
 - (i) Approval of a special events permit as issued by the Parks and Recreation Department, including information regarding all mobile food vendors; or
 - (ii) Invited by the City to attend a special event;
- (g) All signage must be permanently attached to the mobile food vendor, except for one menu sign that shall not exceed three feet (3') by four feet (4') and shall be placed on a hard surface no more than ten feet (10') from the mobile food vendor;
 - (h) Mobile food vendors and associated signage shall comply with the clear view requirements set forth in Section 19.16.080;
 - (i) The operator shall provide trash containers which shall be removed from the site when the mobile food vendor leaves the site;
 - (j) Mobile food vehicles and trailers shall be maintained in a neat and professional manner;
 - (k) Shall only operate when parked on a hard surface;
 - (l) Shall not cause noise, light, or glare which adversely impacts surrounding uses. Flashing, scintillating, blinking, or traveling lights shall not be permitted;
 - (m) The use shall be placed so as not to disrupt the vehicle and pedestrian traffic flow into or out of a site;
 - (n) Shall not operate as a drive-through;
 - (o) The performance of professional or personal services shall not be provided from a mobile food vendor;
 - (p) Permitted hours of operation shall be between 7:00 a.m. and 10:00 p.m.;
 - (q) Shall not extend for more than twelve hours (12) within a twenty-four hour (24) period at any one location;
 - (r) Shall comply with all applicable Utah State and Davis County Health Department requirements;
 - (s) Shall comply with all State, County, and City retail sales tax regulations;
 - (t) No person shall operate a mobile food vendor, without first having obtained a mobile food vendor license or a mobile food event permit from Layton City. Each license shall be valid for one (1) year from date of issue. A mobile food vendor owner that lives within the City may operate under a home occupation license;
 - (i) Vendors that are licensed under a mobile food event license shall be permitted to operate only at pre-approved mobile food court locations.
 - (u) The storage of mobile food trucks and trailers for any period of time on property used or zoned for residential use shall meet the home occupation requirements set forth in Section 19.06.030; and
 - (v) Mobile food vendors shall comply with all City Fire Department requirements including but not limited to:
 - (i) An annual inspection conducted by the City Fire Department. Inspections are current for one year (1) from the approval date of the inspection. An inspection is required for every mobile food vehicle or mobile food trailer intended to operate within the City;
 - (ii) A fire extinguisher with a minimum rating of 20BC shall be mounted and maintained inside the mobile food vendor. Fire extinguishers are to have a current tag from a licensed service company as required by Utah Code Annotated;
 - (iii) All electrical, cooking and heating equipment shall meet all applicable requirements as outlined in the National Fire Protection Association Codes and Standards;
 - (iv) LP gas equipment such as tanks, piping, hoses, fittings, valves, tubing, and other related components shall be listed as being compatible with propane (LPG) and

in accordance with chapter 61 of the International Fire Code (IFC), the International Fuel Gas Code (IFGC), the International Mechanical Code (IMC) and NFPA 58;

- (v) LP gas tanks are not to be mounted on the rear of the mobile food trailer/vehicle where it will be susceptible to vehicular damage in the event of a crash;
- (vi) A gas leak detection device must be installed and maintained at all times for the LPG system;
- (vii) Mobile food vendors shall be at least twelve feet (12) from any other food preparation or serving operations;
- (viii) Any mobile food vendor that has a Type I hood ventilation system with a fire protection system installed must be maintained and have current tags from a licensed provider; and
- (ix) When fueling vehicle all cooking appliances along with any pilot lights must be shut off.

(2) The application for a mobile food vendor license and mobile food event license shall include:

- (a) The location of all places of business;
- (b) Written permission from the property owner or authorized agent for each location in which the mobile food vendor shall operate;
- (c) Documentation showing Davis County Health Department permit approval;
- (d) Copy of a BCI Name Check or Layton City Police Department Right of Access application, no more than 180 days old; and
- (e) A separate site plan for all places of business which shall include:
 - (i) Location (address);
 - (ii) North Arrow;
 - (iii) Adjacent Streets;
 - (iv) Specific location and dimensions of the mobile food vendor;
 - (v) Any applicable school, park, or restaurant buffer requirements;
 - (vi) Parking lot layout; and
 - (vii) Location of adjacent building(s).
- (f) An application shall not be approved and no license shall be issued or renewed to an applicant if a criminal background check, administrative records search or application materials uncover information showing either the applicant or any employee has a record for any of the following:
 - (i) A conviction within the past three years (3) of driving under the influence of drugs or alcohol; alcohol or drug related reckless driving, impaired driving, driving with any measureable amount of controlled substance or automobile homicide; and
 - (ii) Any criminal conviction within the past three years (3) for an offense involving violence, theft, possession or use of a deadly weapon, possession of controlled substances with the intent to distribute to another person or any conviction for a crime of moral turpitude.

(3) Mobile Food Court permit regulations:

- (a) Mobile food vendors associated with a mobile food court permit shall comply with all requirements as described in 19.21.045 including obtaining a business license as described in Section 19.21.045 (1)(t);
- (b) A mobile food court permit shall be limited to a maximum of six (6) months, beginning on the day the license is approved;

- (c) No fee shall be associated with a mobile food court permit;
- (d) A mobile food court permit shall not occupy more than fifteen percent (15%) of parking stalls on the lot where the mobile food court has been approved;
- (e) A mobile food court permit shall not operate within the public right of way unless otherwise permitted by the Parks and Recreation Department as part of a special event;
- (f) The application for a mobile food court permit shall be submitted ten (10) business days before the event and shall include:
 - (i) A list of each vendor that will be a part of the event; and
 - (ii) A location map that includes:
 1. Address;
 2. North Arrow;
 3. Adjacent Streets;
 4. Parking lot layout;
 5. Location of event;
 6. Location of adjacent building(s);
 7. Any applicable school, park, or restaurant buffer requirements;
- (g) Any change of location or expansion in number of vendors shall require prior approval from the Community & Economic Development Director or their designee.

....

SECTION VII: 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 this ordinance.

SECTION VIII: 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 the most remote from the date of passage thereof.

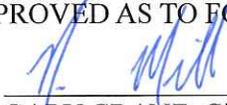
PASSED AND ADOPTED by the City Council of Layton, Utah, this **18th day of February, 2016.**

ATTEST:

By: _____
THIEDA WELLMAN, City Recorder

By: _____
ROBERT J STEVENSON, Mayor

APPROVED AS TO FORM:

By:  _____
FOR GARY CRANE, City Attorney

SUBMITTING DEPARTMENT:

By:  _____
WILLIAM T. WRIGHT, Director
Community & Economic Development

ORDINANCE 16-06

AN ORDINANCE AMENDING TITLE 3, SECTION 3.15.010 ENTITLED "CONSOLIDATED FEE SCHEDULE OF LAYTON CITY CORPORATION" BY ADDING MOBILE FOOD VENDOR BUSINESS LICENSING FEES; TITLE 19, SECTION 19.06.010 TABLES 6-1 AND 6-2 ENTITLED "TABLE OF LAND USE REGULATIONS" DESIGNATING MOBILE FOOD VENDOR AS A PERMITTED USE IN THE B-RP, C-H, CP-1, CP-2, CP-3, M-1, MU, AND MU-TOD ZONING DISTRICTS; AND ADDING TITLE 19, SECTION 19.21.010 ENTITLED "DEFINITIONS" BY ADDING DEFINITIONS RELATED TO MOBILE FOOD VENDORS; SECTION 19.21 ENTITLED "TEMPORARY AND SEASONAL USES" BY AMENDING SUBSECTION 19.21.020(8) ENTITLED "GENERAL REGULATIONS" AND ENACTING SUBSECTION 19.21.045 ENTITLED "MOBILE FOOD VENDOR" ESTABLISHING REGULATIONS FOR MOBILE FOOD VENDORS ON PRIVATE AND PUBLIC PROPERTY; PROVIDING FOR REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE

WHEREAS, upon evaluating this issue and after receiving a recommendation from the Planning Commission, the City Council has determined to allow mobile food vendors; and

WHEREAS, mobile food vendors are a growing industry; and

WHEREAS, current ordinances do not provide regulations for mobile food vendors; and

WHEREAS, the provisions require mobile food trucks to comply with applicable Utah State, Davis County Health Department, and City regulations for better protection and management of mobile food vendors; and

WHEREAS, these provisions will enhance the general health, safety, and welfare of the general public.

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

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

SECTION II: Enactment. Title 3, Chapter 3.15, Section 3.15.010 shall be amended and enacted to read as follows:

3.15.010 – Consolidated Fee Schedule of Layton City Corporation

Street Vendor:

base fee	\$40
inspection fee	\$50

...

Mobile Food Vendor

<u>base fee</u>	<u>\$70</u>
<u>inspection fee</u>	<u>\$50</u>

Mobile Food Event

<u>base fee</u>	<u>\$35</u>
<u>inspection fee</u>	<u>\$50</u>

...

Tent Vendor
 Auto glass repair:
 base fee \$120
 Inspection fee: \$50

SECTION III: Enactment. Title 19, Chapter 19.06, Section 19.06.010, Table 6-1 and Table 6-2 shall be amended and enacted to read as follows:

Tables 6-1 and 6-2 Land Use Regulations

Table 6-1

COMMERCIAL AND RELATED SERVICES										
LAND USE DESCRIPTION	A	R-S	R-1-6	R-1-8	R-1-10	R-MH	R-2	RM-1	RM-2	R-H
Mixed Use building										
...										
Mobile food vendor										
...										
Open Storage & Sales of Machinery and Appliances										

Table 6-2

COMMERCIAL AND RELATED SERVICES										
LAND USE DESCRIPTION	B-RP	P-B	CP-1	CP-2	CP-3	C-H	M-1	M-2	MU	MU-TOD
Mixed Use building									C	C
...										
Mobile food vendor	<u>P</u>		<u>P</u>							
...										
Open Storage & Sales of Machinery and Appliances					C	C	C	C		

SECTION IV: Enactment. Title 19, Chapter 19.21, Section 19.21.010 “Definitions” shall be amended and enacted to read as follows:

19.21.010 - Definitions:

...
 “Mobile food court” Where a clustering of three (3) or more mobile food vendors and or street vendors congregate to serve food or beverages to the public located within three hundred feet (300’) [of each other](#), shall be considered a mobile food court. At least one vender must be a mobile vehicle or trailer to be considered a mobile food court.

“Mobile food trailer” A vendor that serves food or beverages from a non-motorized trailer on wheels that is normally pulled behind a motorized vehicle and is readily moveable without disassembling for transport to another location.

“Mobile food vehicle” A vendor that serves food or beverages from a self-contained unit that is a motorized vehicle on wheels, and is readily moveable for transport to another location without disassembling.

“Mobile food vendor” A vendor that serves food or beverages from a self-contained unit either motorized or in a trailer on wheels and is readily movable. A mobile food vendor shall solely include mobile food trailer(s) and mobile food vehicle(s) as defined within this section.

...

SECTION V: Enactment. Title 19, Chapter 19.21, Section 19.21.020 “General regulations” shall be amended and enacted to read as follows:

19.21.020 – General regulations

...

(8) With the exception of kiosks, ~~and~~ street vendors, and mobile food vendors; no temporary use shall be located within three hundred feet (300’) of any other use in this Chapter which is classified under the same definition, except where separated by a public right-of-way.

...

SECTION VI: Enactment. Title 19, Chapter 19.21, Section 19.21.045 “Mobile Food Vendor” shall be amended and enacted to read as follows:

...

19.21.045 – Mobile Food Vendor

(1) Mobile food vendor. The purpose of this section is to provide the general regulations for mobile food vehicle(s) trailer(s), and mobile food court(s).

- (a) Mobile food vendors shall be permitted to operate in all B-RP, C-H, CP-1, CP-2, CP-3, M-1, M-2, MU, and MU-TOD zoning districts;
- (b) Shall not operate within a two-hundred foot (200’) radius of any restaurant unless prior written permission from the property owner or authorized agent of said restaurant is provided. The proximity requirements shall be measured in a straight line from the nearest façade of the mobile food vendor to the main entrance of the restaurant;
- (c) Shall not operate within a two hundred foot (200’) radius of any public or private elementary, Jr. High, or High School, during operational school hours unless prior written permission from the school or authorized agent is provided;
- (d) Shall not operate within a two hundred foot (200’) radius of any public park unless prior permission is given by the director of the Parks and Recreation Department or their designee;
- (e) The proximity requirements shall be measured in a straight line from the nearest façade of the mobile food vendor to the nearest property line of the school or park;

- (f) A mobile food court shall ~~not~~ be permitted ~~unless approved~~ under the following conditions and permitting of a special event or single event permit:
- (i) Approval of a mobile food court permit as described in Section 19.21.045(4)(3);
or
 - (i) Approval of a special events permit as issued by the Parks and Recreation Department, including information regarding all mobile food vendors; or
 - (ii) Invited by the City to attend a special event;
- (g) All signage must be permanently attached to the mobile food vendor, except for one menu sign that shall not exceed three feet (3') by four feet (4') and shall be placed on a hard surface no more than ten feet (10') from the mobile food vendor;
- (h) Mobile food vendors and associated signage shall comply with the clear view requirements set forth in Section 19.16.080;
- (i) The operator shall provide trash containers which shall be removed from the site when the mobile food vendor leaves the site;
- (j) Mobile food vehicles and trailers shall be maintained in a neat and professional manner;
- (k) Shall only operate when parked on an ~~improved~~ hard surface;
- (l) Shall not cause noise, light, or glare which adversely impacts surrounding uses. Flashing, scintillating, blinking, or traveling lights shall not be permitted;
- (m) The use shall be placed so as not to disrupt the vehicle and pedestrian traffic flow into or out of a site;
- (n) Shall not operate as a drive-through;
- (o) The performance of professional or personal services shall not be provided from a mobile food vendor;
- (p) Permitted hours of operation shall be between 7:00 a.m. and 10:00 p.m.;
- (q) Shall not extend for more than twelve hours (12) within a twenty-four hour (24) period at any one location;
- (r) Shall comply with all applicable Utah State and Davis County Health Department requirements;
- (s) Shall comply with all State, County, and City retail sales tax regulations;
- (t) No person shall operate a mobile food vendor, without first having obtained a mobile food vendor license or a mobile food event permit from Layton City. Each license shall be valid for one (1) year from date of issue. ~~except as specified otherwise.~~ A mobile food vendor owner that lives within the City may operate under a home occupation license;
- (i) Vendors that are licensed under a mobile food event license shall be permitted to operate only at pre-approved mobile food court locations.
- ~~(u) A separate commercial business license application shall be required for each mobile food vendor;~~
- (u) The storage of mobile food trucks and trailers for any period of time on property used or zoned for residential use shall meet the home occupation requirements set forth in Section 19.06.030; and
- (v) Mobile food vendors shall comply with all City Fire Department requirements including but not limited to:
- (i) An annual inspection conducted by the City Fire Department. Inspections are current for one year (1) from the approval date of the inspection. An inspection is required for every mobile food vehicle or mobile food trailer intended to operate within the City;
 - (ii) A fire extinguisher with a minimum rating of 20BC shall be mounted and maintained inside the mobile food vendor. Fire extinguishers are to have a current tag from a licensed service company as required by Utah Code Annotated;

- (iii) All electrical, cooking and heating equipment shall meet all applicable requirements as outlined in the National Fire Protection Association Codes and Standards;
- (iv) LP gas equipment such as tanks, piping, hoses, fittings, valves, tubing, and other related components shall be listed as being compatible with propane (LPG) and in accordance with chapter 61 of the International Fire Code (IFC), the International Fuel Gas Code (IFGC), the International Mechanical Code (IMC) and NFPA 58;
- (v) LP gas tanks are not to be mounted on the rear of the mobile food trailer/vehicle where it will be susceptible to vehicular damage in the event of a crash;
- (vi) A gas leak detection device must be installed and maintained at all times for the LPG system;
- (vii) Mobile food vendors shall be at least twelve feet (12) from any other food preparation or serving operations;
- (viii) Any mobile food vendor that has a Type I hood ventilation system with a fire protection system installed must be maintained and have current tags from a licensed provider; and
- (ix) When fueling vehicle all cooking appliances along with any pilot lights must be shut off.

~~(2)~~ Mobile food vendors operating in the public right-of-way shall meet the following requirements:

- ~~(a) Shall not be permitted to operate in the public right of way unless the mobile food trailer is invited to a special event that is permitted by the Parks and Recreation Department;~~
- ~~(b) Provide a signed statement that the licensee shall hold the City, its officers and employees harmless from any liability and shall indemnify the City, its officers and employees from any claims for damage to property or injury to persons arising from any activity carried on under the terms of the license;~~
- ~~(c) Serving window shall face the sidewalk; no sales shall be made to any persons standing in a roadway, unless otherwise permitted;~~
- ~~(d) Mobile food vendors shall not operate on the public right of way streets where the speed limit exceeds 35 miles per hour; and~~
- ~~(e) All mobile food vendors shall vacate from the public right of way at the close of business each day.~~

~~(3)~~(2) The application for a mobile food vendor license and mobile food event license shall include:

- ~~(a) A certificate of insurance executed that is effective during the course of the business license. A current certificate of insurance shall be kept on file with the City verifying such continuing coverage and naming the City as the additional insured.

 - ~~(i) In the amount not less than two hundred and fifty thousand dollars (\$250,000) for bodily injury to each person, five hundred thousand dollars (\$500,000) on a per-occurrence basis, and five hundred thousand dollars (\$500,000) for each occurrence involving property damage; or~~
 - ~~(ii) A single limit policy for not less than five hundred thousand dollars (\$500,000) covering all claims per occurrence;~~
 - ~~(iii) Policy or policies shall also include coverage of all motor vehicles used in connection with the applicant's business.~~~~
- ~~(b)(a) The location of all-places of business;~~
- ~~(c)(b) Written permission from the property owner or authorized agent for each locations in which the mobile food vendor shall operate;~~
- ~~(d)(c) Documentation showing Davis County Health Department permit approval;~~

~~(e)~~(d) Copy of a BCI Name Check or Layton City Police Department Right of Access application, no more than 180 days old; and

~~(f)~~(e) A separate site plan for all places of business which shall include:

- (i) Location (address);
- (ii) North Arrow;
- (iii) Adjacent Streets;
- (iv) Specific location and dimensions of the mobile food vendor;
- (v) Any applicable school, park, or restaurant buffer requirements;
- (vi) Parking lot layout; and
- (vii) Location of adjacent building(s).

~~(g)~~(f) An application shall not be approved and no license shall be issued or renewed to an applicant if a criminal background check, administrative records search or application materials uncover information showing either the applicant or any employee has a record for any of the following:

- (i) A conviction within the past three years (3) of driving under the influence of drugs or alcohol; alcohol or drug related reckless driving, impaired driving, driving with any measureable amount of controlled substance or automobile homicide; and
- (ii) Any criminal conviction within the past three years (3) for an offense involving violence, theft, possession or use of a deadly weapon, possession of controlled substances with the intent to distribute to another person or any conviction for a crime of moral turpitude.

~~(4)~~(3) **Mobile Food Court permit regulations:**

- (a) Mobile food vendors associated with a mobile food court permit shall comply with all requirements as described in 19.21.045 including obtaining a business license as described in Section 19.21.045 (1)(t);
- (b) A mobile food court permit shall be limited to a maximum of six (6) months, beginning on the day the license is approved;
- (c) No fee shall be associated with a mobile food court permit;
- (d) A mobile food court permit shall not occupy more than fifteen percent (15%) of parking stalls on the lot where the mobile food court has been approved;
- (e) A mobile food court permit shall not operate within the public right of way unless otherwise permitted by the Parks and Recreation Department as part of a special event;
- (f) The application for a mobile food court permit shall be submitted ten (10) business days before the event and shall include:
 - (i) A list of each vendor that will be a part of the event; and
 - (ii) A location map that includes:
 - 1. Address;
 - 2. North Arrow;
 - 3. Adjacent Streets;
 - 4. Parking lot layout;
 - 5. Location of event;
 - 6. Location of adjacent building(s);
 - 7. Any applicable school, park, or restaurant buffer requirements;
- (g) Any change of location or expansion in number of vendors shall require prior approval from the Community & Economic Development Director or their designee.

~~(5)(4)~~ Mobile food vendors exempt from these regulations

~~(a) Non profit or charity functions held on private property lasting three days (3) or fewer are exempt from business licensing fees.~~

....

SECTION VII: 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 this ordinance.

SECTION VIII: 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 the most remote from the date of passage thereof.

PASSED AND ADOPTED by the City Council of Layton, Utah, this **18th day of February, 2016.**

ATTEST:

By: _____
THIEDA WELLMAN, City Recorder

By: _____
ROBERT J STEVENSON, Mayor

APPROVED AS TO FORM:

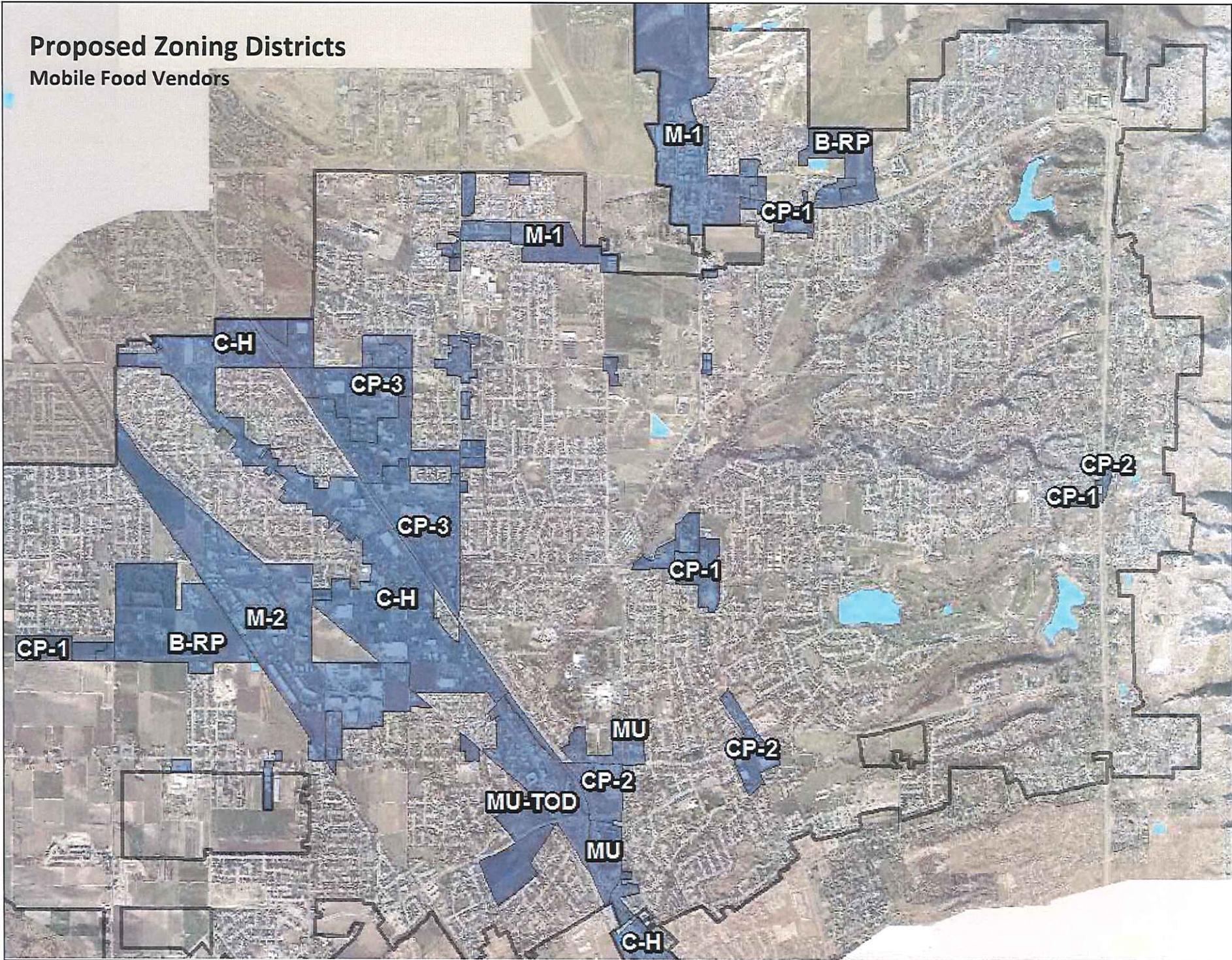
By: *Gary Crane*
FOR GARY CRANE, City Attorney

SUBMITTING DEPARTMENT:

By: *William T. Wright*
WILLIAM T. WRIGHT, Director
Community & Economic Development

Proposed Zoning Districts

Mobile Food Vendors



Mobile Food Truck Examples



Mobile Food Trailer Examples



CITY COUNCIL

Mobile Food Vendor: Proposed Zones & Buffers

Antelope Dr & Heritage Park Blvd

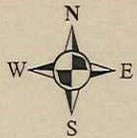
Legend

 Proposed Zones

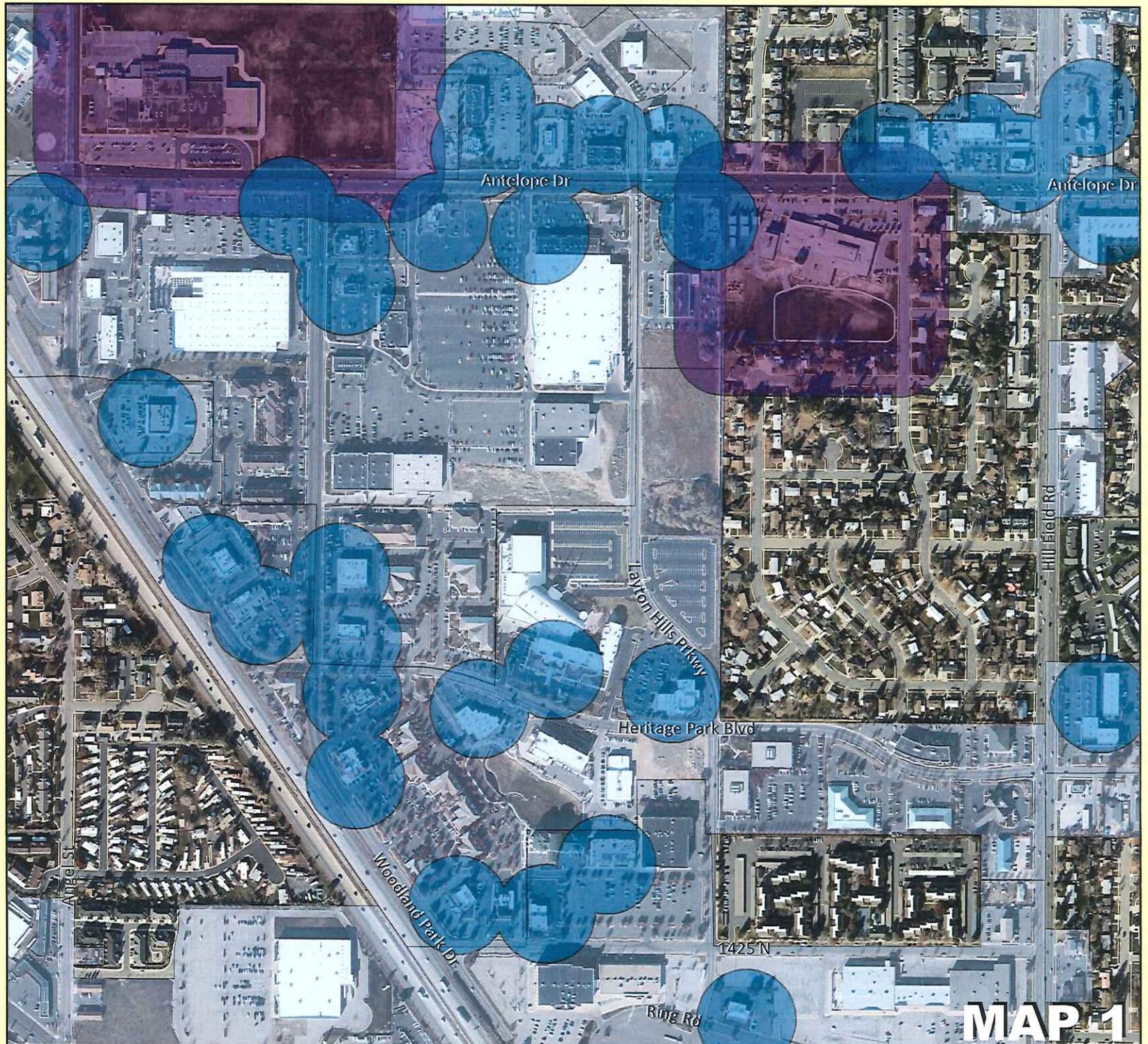
200 Foot Buffer

 Restaurant

 Schools/Parks



1 inch = 539 feet



CITY COUNCIL

Mobile Food Vendor: Proposed Zones & Buffers

Hill Field Rd &
Main St

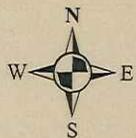
Legend

 Proposed Zones

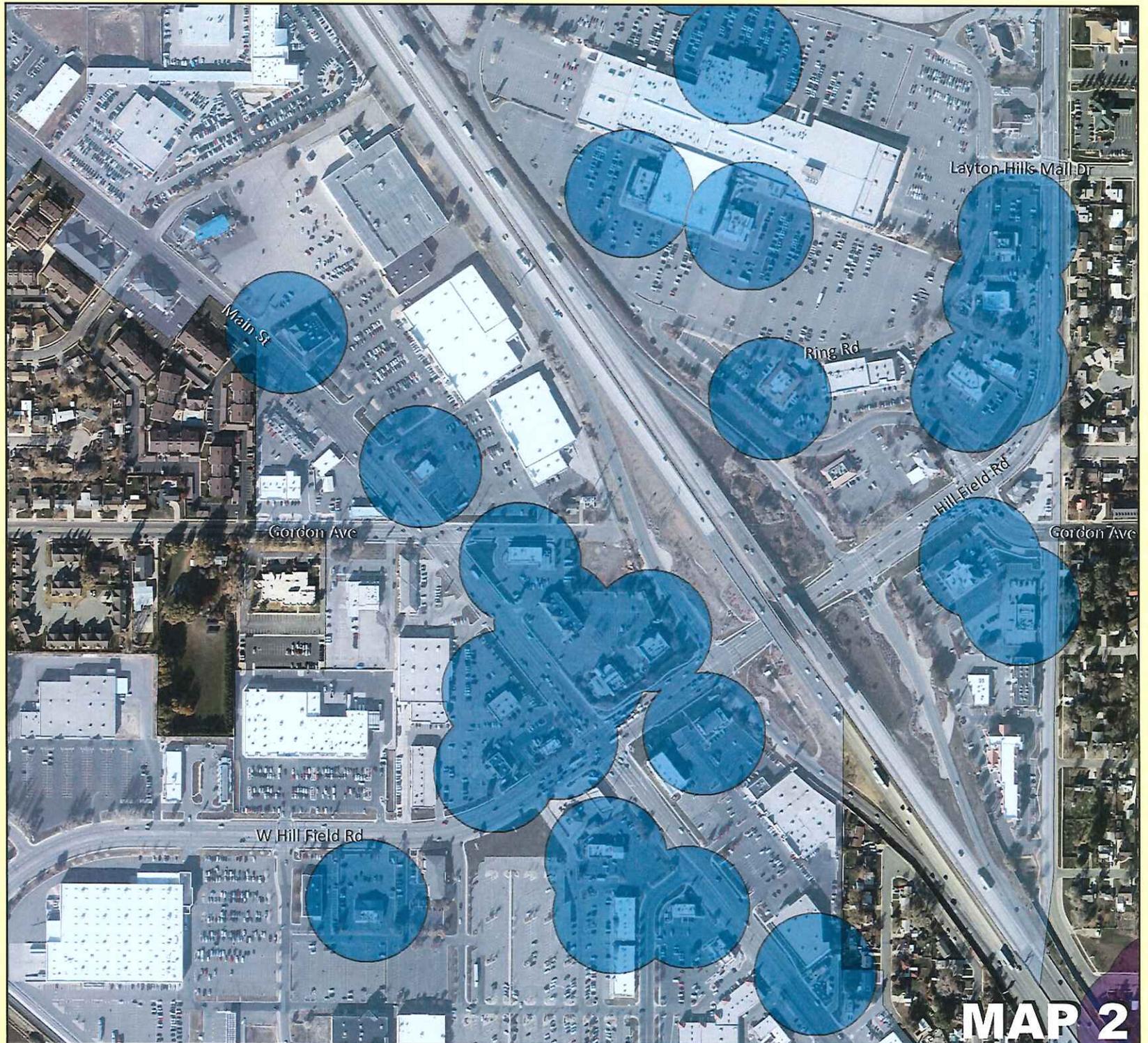
200 Foot Buffer

 Restaurant

 Schools/Parks



1 inch = 435 feet



CITY COUNCIL

Mobile Food Vendor: Proposed Zones & Buffers

Gordon Ave & Fairfield Rd

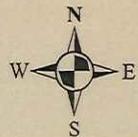
Legend

 Proposed Zones

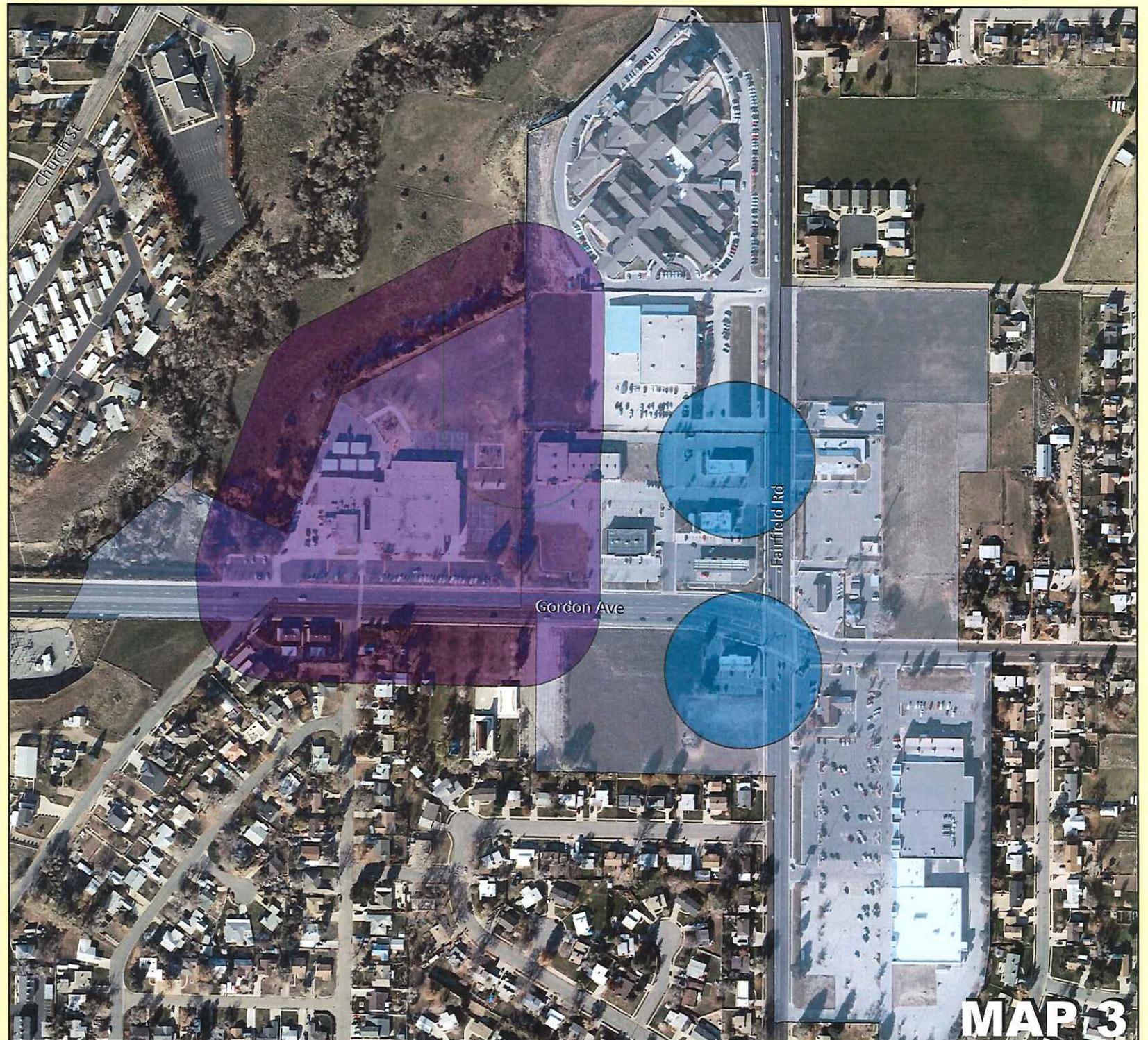
200 Foot Buffer

 Restaurant

 Schools/Parks



1 inch = 337 feet



MAP 3

CITY COUNCIL

Mobile Food Vendor: Proposed Zones & Buffers

Gentile St &
Fairfield Rd

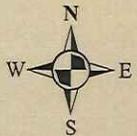
Legend

 Proposed Zones

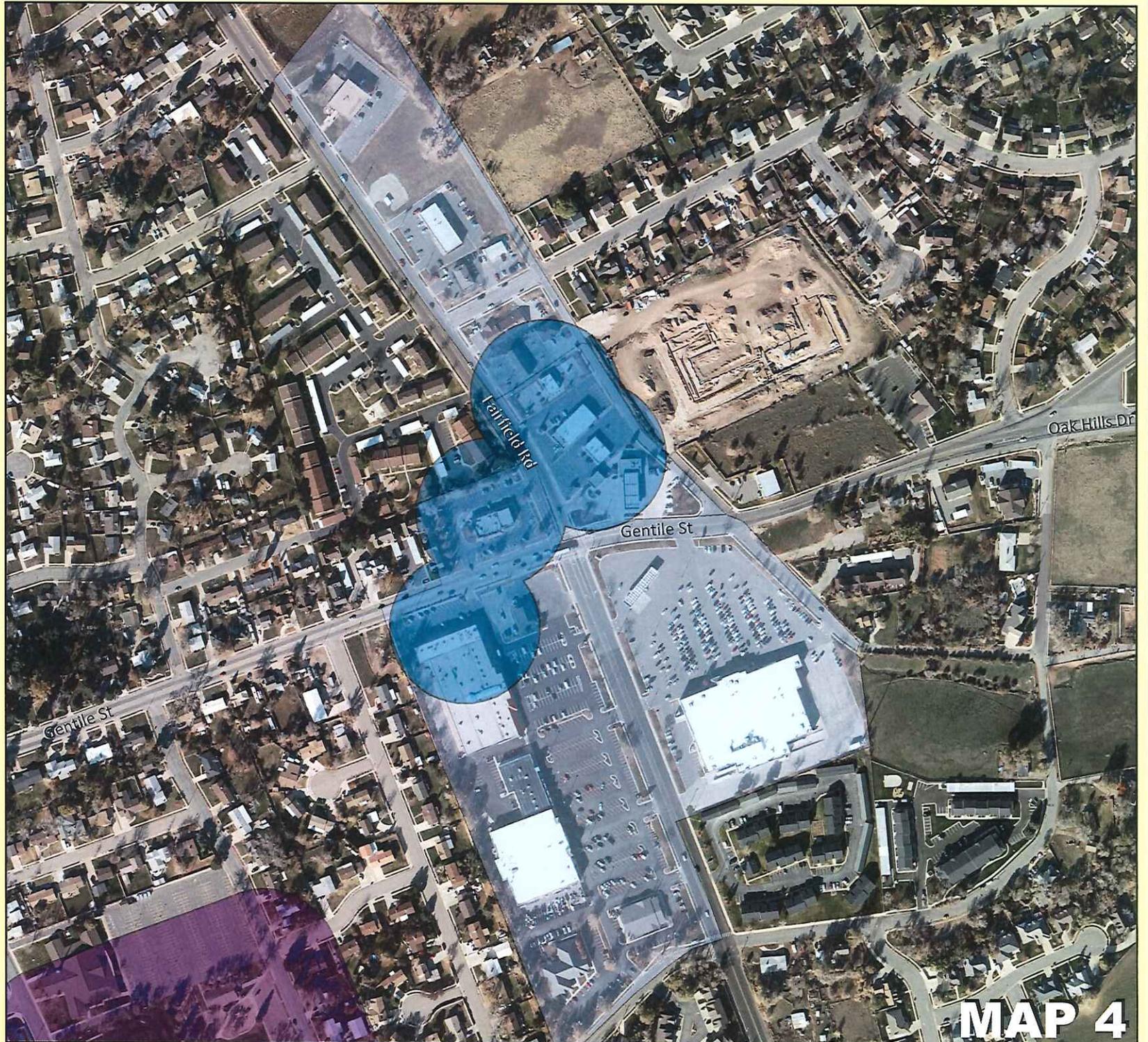
200 Foot Buffer

 Restaurant

 Schools/Parks



1 inch = 353 feet



MAP 4

CITY COUNCIL

Mobile Food Vendor: Proposed Zones & Buffers

Main St & Gentile St

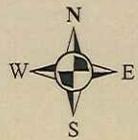
Legend

 Proposed Zones

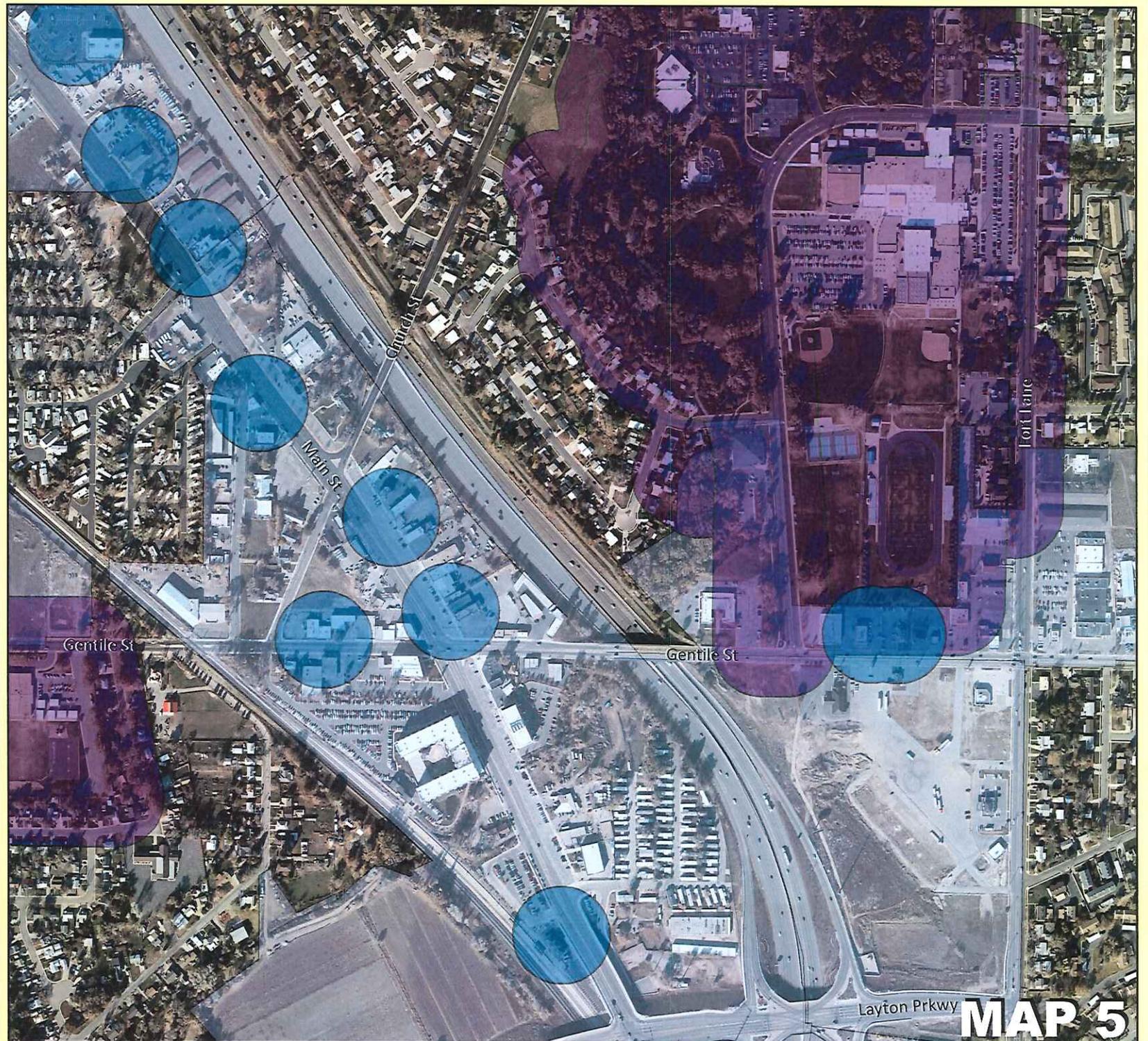
200 Foot Buffer

 Restaurant

 Schools/Parks



1 inch = 545 feet



	City	Specific Ordinance Regulating Food Trucks/Trailers	How Food Trucks/Trailers Are Handled Without a Specific Ordinance
Davis County	Bountiful	No	Require a business license, specific location, fire inspection, and Health Dept.
	Clearfield	No	Require a temporary license or seasonal permit
	Clinton	Yes	Require conditional use permit for each vending location
	Farmington	No (Considering writing an ordinance)	Require a mobile business license
	Layton	No	Considered a street vendor
	North Salt Lake	No	Considered a street vendor
	Syracuse	No	Considered a street vendor
	West Point	No	City has not had any requests for food vendors
Weber County	North Ogden	No	Require temporary business license
	Ogden	Yes	
	Riverdale	No	Not permitted
	Roy	No	Only permitted for single events
	South Ogden	No	Not permitted
Salt Lake County	Cottonwood	No (In process of draft ordinance)	
	Draper	No (In process of draft ordinance)	
	Herriman	No	Require temporary business license
	Murray	No (In process of requiring a special permit)	Require temporary business license
	Riverton	No	City has not had any requests for food vendors
	Sandy	No (In process of draft ordinance)	Require temporary business license
	Salt Lake	Yes	
	South Jordan	Yes (Adopted about 4 months ago)	
	Taylorsville	Yes	
	West Jordan	No	Require temporary business license
	West Valley	Yes	
Utah County	American Fork	Yes (Adopted about 6 months ago)	
	Lehi	Yes	Food truck round-up requires special event permit
	Lindon	No	Require temporary business license
	Orem	Yes	
	Provo	Yes	
	Spanish Fork	Yes	
	Springville	Yes (Adopted about 6 months ago)	

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

Item Number: 6.D.

Subject:

Amend Layton Municipal Code - Title 18, Chapter 18.40, Section 18.40.020 - Clarifying Ownership Responsibility of Land Drain Systems – Ordinance 16-01

Background:

The City provides essential utility services to private properties within the City. In order to utilize the City's publicly owned portions thereof, the property owner must provide a connection thereto from its property. It is important to clarify and designate ownership responsibility for the separate portions of these utilities. The Municipal Code is clear regarding the culinary water system and the sanitary sewer system. The ownership and maintenance responsibility for culinary water service is divided at the water meter. For the sanitary sewer system, the property owner maintains that responsibility for the lateral until it reaches the City's main line.

This proposed ordinance clarifies that the owner of the property being serviced by the land drain system is responsible for all portions of the system to the point of its connection to the City's storm sewer or land drain main. This clarification is reasonable considering ownership and control, and is consistent with industry standards.

Alternatives:

Alternatives are to 1) Adopt Ordinance 16-01 amending Title 18, Chapter 18.40, Section 18.40.020 of the Layton Municipal Code by clarifying ownership responsibility of land drain systems; 2) Adopt Ordinance 16-01 with any amendments the Council deems appropriate; or 3) Not adopt Ordinance 16-01 and remand to Staff with directions.

Recommendation:

The Planning Commission recommends the Council adopt Ordinance 16-01 amending Title 18, Chapter 18.40, Section 18.40.020 of the Layton Municipal Code by clarifying ownership responsibility of land drain systems.

Staff supports the recommendation of the Planning Commission.

ORDINANCE 16-01

AN ORDINANCE AMENDING TITLE 18, CHAPTER 18.40, SECTION 18.40.020 OF THE LAYTON MUNICIPAL CODE BY CLARIFYING OWNERSHIP RESPONSIBILITY OF LAND DRAIN SYSTEMS; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Layton City provides essential utility services to private properties within the City; and

WHEREAS, in order to utilize the City's publicly owned portions thereof, the property owner must provide a connection thereto from its property; and

WHEREAS, it is important to clarify and designate ownership responsibility for the separate portions of these utilities; and

WHEREAS, the proposed ordinance clarifies that the owner of the property being serviced by the land drain system is responsible for all portions of the system to the point of its connection to the City's storm sewer or land drain main; and

WHEREAS, said clarification is reasonable considering ownership and control, and is consistent with industry standards; and

WHEREAS, the City Council of Layton City finds it to be in the best interest of its citizens to amend Title 18, Chapter 18.40, Section 18.40.020 of the Layton Municipal Code by clarifying ownership responsibility of land drain systems.

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

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

SECTION II: Enactment. Title 18, Chapter 18.40, Section 18.40.020 of the Layton Municipal Code shall be amended to read as follows:

18.40.020. Footing and foundation drainage.

(1) Drains shall be provided around all concrete, masonry, and wood foundations that retain earth and enclose habitable, unfinished, or usable spaces located below grade. All design criteria for the drains shall comply with the Layton City standard for footing/foundation installation. In addition, all installations of the drainage systems shall comply with the currently adopted editions of the International Residential Code and International Building Code respectively, or as specifically designed by a geotechnical engineer currently licensed by the State of Utah to practice such.

(2) These drains shall discharge by gravity or mechanical means into an approved drainage system that complies with the currently adopted edition of the International Plumbing Code.

(3) A land drain system shall be provided to each parcel of land where footing and foundation drains are required. It shall be the responsibility of the general contractor of such structures noted above, to connect to the land drain system and have that connection inspected by Layton City. This land drain system, and any lateral extending to and including its connection with a public storm sewer or land drain main, remains the property of the landowner serviced thereby.

(4) **Exception:** A drainage system is not required when the footing/foundation is installed on well-drained ground and sand/gravel mixtures according to the Unified Soil Classification System, Group I Soils, found in the International Residential Code and as determined by the City Engineer and as deemed appropriate by the Building Official.

SECTION III: 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 this ordinance.

SECTION IV: Effective Date. This ordinance being necessary for the peace, health and safety of the City, shall become effective immediately upon posting.

PASSED AND ADOPTED by the City Council of Layton, Utah, this ___ day of _____, 2016.

ROBERT J STEVENSON, Mayor

ATTEST:

THIEDA WELLMAN, City Recorder

SUBMITTING DEPARTMENT and
APPROVED AS TO FORM:



FOR _____
STEVEN L GARSIDE, Assistant City Attorney