MINUTES OF LAYTON CITY
COUNCIL MEETING

MARCH 2, 2017; 7:00 P.M.

MAYOR AND COUNCILMEMBERS
PRESENT: MAYOR BOB STEVENSON, JOYCE BROWN, BRUCE DAVIS, TOM DAY AND JOY PETRO

ABSENT: SCOTT FREITAG

STAFF PRESENT: ALEX JENSEN, GARY CRANE, BILL WRIGHT, TRACY PROBERT, TERRY COBURN, JAMES “WOODY” WOODRUFF, STEVE JACKSON, SCOTT CARTER, KIM READ AND THIEDA WELLMAN

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

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

Mayor Stevenson arrived at 7:02 p.m.

MINUTES:

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

- Layton City Council Meeting – January 19, 2017;
- Layton City Council Strategic Planning Work Meeting – January 24, 2017;
- Layton City Council Work Meeting – February 2, 2017; and

The vote was unanimous to approve the minutes as written.

MUNICIPAL EVENT ANNOUNCEMENTS:

Councilmember Brown announced the free family recreation activity sponsored by the Recreation Department, scheduled for Friday, March 17, 2017, from 6:30 – 8:30 p.m. at the Davis County Central Branch Library. She announced the theme was “Celebrations Around The World.”

Councilmember Petro informed the Council the Davis Arts Council would be announcing its season on Thursday, March 30, 2017. She stated more information would be forthcoming regarding the special contribution match.

CITIZEN COMMENTS:

Mark Brough, 1440 West 500 South, brought a bucket of rotten cabbage and indicated it had been in his backyard for almost a year. He informed the Council conversations had taken place with Alex Jensen, City Manager, and Code Enforcement regarding the cabbage and inquired what the City could do to remedy the problem. He suggested as weather became warmer the problem would only get worse. Mayor Stevenson responded the City was aware of the problem and believed Staff was working to remedy the issue. He pointed out the problems associated with the property owner and developer. Mr. Brough explained a portion of the property, owned by the individual, had been disked and the developer still had piles of rotting cabbage.
on that portion.

Mr. Brough informed the Council people were leaving their homes because they couldn’t sleep due to the smell of the rotting cabbage coming through the sewer system. Mr. Jensen responded the City was aware of the issue and reported the City had taken action through Code Enforcement and was of the understanding the cabbage piles had been knocked down. Mr. Brough expressed disagreement with that information. Mr. Jensen indicated he would personally visit the property for inspection. Mayor Stevenson inquired about the City’s jurisdiction specific to agriculture protections for that use. Mr. Jensen suggested agriculture protections existed if typical agriculture operations were taking place and stated the owner believed his methods met that standard; however, it was the City’s position the issue could have been remedied earlier in the year. He mentioned the City had discussed the issue with him numerous times and the City was also disappointed with the response.

Mr. Brough suggested spreading the piles of cabbage to the lower portion of the field and diskling the field several times. Mayor Stevenson added Mr. Jensen had completed research on what the City could do and stated the City had limitations on what it could force the property owner to do. Mr. Brough suggested the City should stop construction of the housing development on the eastern portion of the property. Gary Crane, City Attorney, read an email from the City’s Code Enforcement Officer and inquired whether the information was correct and Mr. Brough disagreed the piles of cabbage had been eliminated. Mr. Jensen emphasized the City was also concerned about the problem and stated the City would continue to actively compel the property owners to remedy the problem. Mr. Brough suggested residents within his neighborhood would be willing to pay a farmer to remedy the problem if they received approval from the property owner to access the property.

Councilmember Day suggested the ground was too wet to properly follow adequate agricultural practices at this time and expressed his opinion that typical agricultural practices should have been completed last fall to eliminate the current problem. He believed the ground would need to dry out before the area could be disked.

Mayor Stevenson inquired if the City could force the developer to haul away the piles of rotting cabbage to another location. Mr. Crane reviewed the processes followed by the City in addressing the issue and indicated Staff would revisit the area to further assess the property. Councilmember Day believed if the property had dried out enough to install infrastructure for the development, the piles of cabbage could be removed. Mr. Brough suggested residents would be satisfied to know what the City’s plan would be to remedy the cabbage problem. Mayor Stevenson suggested the City shut down progress of the development until the issue could be remedied.

Stephanie Heiner, 601 South 1375 West, informed the Council she lived on the southeast portion of the adjacent neighborhood and stated her family was staying with relatives because the smell of the rotting cabbage had settled in her basement. She suggested she had been unable to use her property for approximately a year and stated the ongoing issue was unacceptable. Mayor Stevenson emphasized the City would continue its pursuits to remedy the issue as the law allowed. Ms. Heiner expressed appreciation to Staff for the prompt response in addressing her previously requested updates.

CONSENT AGENDA:


Bill Wright, Community & Economic Development Director, informed the Council the request was to annex property located at approximately 2200 West 1000 South into Layton City. He shared a visual illustration identifying the property and stated the property was currently owned by The Church of Jesus Christ of Latter-day Saints with the intention for it to be sold to Castle Creek Homes. He continued the property was surrounded by other City property and was included in the City’s Annexation Plan. He indicated no formal application had been received for rezoning. Mr. Wright reviewed the annexation process which would be followed. He reported the West Davis Corridor could potentially impact the layout for the development of
Councilmember Petro inquired why the Church of Jesus Christ of Latter-day Saints would continue to retain rights for the west and south adjacent properties. Mr. Wright responded those properties had previously been annexed into the City many years ago. He referred to the annexation plat and identified the properties. He reviewed the adjacent properties and subsequent owners. He also indicated where the proposed West Davis Corridor could potentially impact the property.

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

PUBLIC HEARINGS:

LAYTON CITY STORM DRAIN MASTER PLAN, IMPACT FEE FACILITIES PLAN (IFFP), IMPACT FEE ANALYSIS (IFA) AND RATE STUDY

Woody Woodruff, City Engineer, presented the Storm Drain Master Plan, Impact Fee Facilities Plan, Impact Fee Analysis and Rate Study prepared by Bowen, Collins & Associates. He reviewed the Study with the Council pointing out the following:
- Purpose of the Master Plan would ensure the level of service of utilities provided by the City
- Identify those future costs which should be paid for, typically, through development
- Rate study to support projected needs in the future

He reviewed specifics associated with the City’s existing Storm Water System and indicated this was the first model completed for the entire City. He explained the Study consisted of three parts: Hydrologic Analysis, Hydraulic Modeling and System Evaluation and reviewed those with the Council. He reported the level of service provided for a 10-year storm event for pipelines and 100-year storm event for detention basins and explained how that information should be interpreted. He reported the consultant evaluated existing deficiencies within the current system and reviewed the proposed projects. He stated the analysis also projected future needs for development and redevelopment within the City.

Mr. Woodruff also reviewed the Impact Fee law and how it impacted the Storm Drain Master Plan pointing out the following:
- There was existing capacity within the system which could be utilized by some of the new growth within the City.
- Define those demands that future development would place on the system.
- The 10-year improvement project plan recommended to satisfy the level of service requirements.
- He shared an illustration identifying locations for projects.

Mr. Woodruff explained the difference between the collection and detention facility specific to the storm drain system and how the impact fees were calculated for commercial and residential development and shared a comparison of the storm drain impact fees.

He reviewed information regarding the Rate Study specific to storm water and informed the Council of the required monthly rate to meet revenue needs in continuing to maintain the system. He pointed out there were three options for the Council to consider:
- A one-year implementation from $4.60 to $7.60 per month
- A three-year implementation of a $1.00 increase from $4.60 per month until reaching $7.60, then maintaining that rate
- A five-year implementation with an increase less than $1 over five years until reaching the $7.60 rate

He shared a Storm Drain rate comparison with other municipalities.

Councilmember Brown suggested the impact fee for development on one acre would be divided
appropriately between the number of residential homes and Mr. Woodruff estimated the development would most likely accommodate three homes; therefore the cost to the resident would be one third.

Councilmember Brown clarified that recent legislation required the City to complete the studies and Mr. Woodruff responded in the affirmative. Gary Crane said the legislation was adopted a few years ago and explained impact fees were intended to address an immediate impact, not a future impact. He added this resulted in costs being pushed out into the future which meant the City had to cover them over a period of time.

Councilmember Brown pointed out the collection of Impact Fees lessoned the burden on current residents within any municipality. She believed other cities illustrated in the comparison would also be considering increases to their respective storm water fees.

Keith Larsen, Bowen, Collins & Associates, clarified the lighter color on the comparison sheet reflected a three percent increase in rates for inflation. He reported he was completing studies for other municipalities and believed some of those increases would be more than the proposed three percent.

**Mayor Stevenson opened the meeting for public input.**

There were no public comments.

**MOTION:** Councilmember Petro moved to close the public hearing. Councilmember Davis seconded the motion, which passed unanimously. Final approval would be during the meeting scheduled for Thursday, March 16, 2017.

Mayor Stevenson informed the Council the control board of Wasatch Integrated had determined to close the burn plant effective Wednesday, May 31, 2017. He reported the facility was over 30 years old and costs associated with maintenance were exceeding the revenue sources. He also indicated HAFB had made the decision it would no longer be purchasing steam generated by the facility as it was moving in the direction of becoming self-sufficient. He indicated if the facility remained open costs would significantly increase to the residential customer. He suggested over a four-year period, rates would accommodate the new facilities. He expressed his opinion this was the best decision.

**The meeting adjourned at 7:55 p.m.**

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Kimberly S Read, City Recorder