

**MINUTES OF LAYTON CITY
COUNCIL MEETING**

MAY 16, 2019; 7:04 P.M.

**MAYOR AND COUNCILMEMBERS
PRESENT:**

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

STAFF PRESENT:

**ALEX JENSEN, GARY CRANE, TERRY COBURN,
TRACY PROBERT, DAVID PRICE, JOELLEN
GRANDY, CHAD WILKINSON, TIM WATKINS,
AND KIM READ**

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

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

MINUTES:

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

Layton City Council Meeting – April 4, 2019.

The vote was unanimous to approve the minutes as written.

MUNICIPAL EVENT ANNOUNCEMENTS:

Councilmember Petro announced the following events:

- Family Recreation Activity at Swan Lakes on Monday, May 20 from 4:00 – 8:00 p.m. She stated the costs would vary depending on the activity but emphasized everything would be offered at a discounted rate.
- On Pitch Performing Arts was conducting auditions for “Newsies”. Interested actors should be prepared to audition with an 18 bar song from a Broadway musical.
- Saturday, June 1, G.O. ‘n Play Day at Ellison Park consisting of Mud, Flood, and Suds. She stated the event would be from 11:00 -1:00.
- Davis Arts Council’s Summer Nights with the Stars concerts at the Kenley Amphitheater would begin Monday, June 17, 2019 and stated tickets were currently on sale.

PRESENTATIONS:

PRESENTATION – DENNIS HOWLAND

Dennis Howland, Utah President of Vietnam Veterans of America (VVA), expressed appreciation at being able to address the Council. He stated Layton City was the first City in Utah to issue a proclamation honoring all Vietnam Veterans and also indicated the VVA had approached the City to locate a replica of the Vietnam Memorial Wall. He mentioned it had been a pleasure to work with Layton City for several events such as the Welcome Home Veterans Parade and the Veterans Day Parade. He also expressed appreciation for the City’s support of the VVA’s events and introduced those in attendance.

He announced the dedication of the Vietnam Veterans Memorial Wall took place on July 14, 2018 and

presented Mayor Freitag with a plaque acknowledging the City's participation with the project. He commented on the incredible partnership shared by the VVA and Layton City.

Mr. Howland presented a plaque to David Price, Parks and Recreation Director. He stated his dedication and professionalism resulted in the Vietnam Veterans Memorial Wall. Mr. Howland complimented the Parks and Recreation Staff for their professionalism, dedication and loyalty and stated JoEllen Grandy, Parks Planner, had developed and managed the construction of the Memorial Wall.

He presented Ms. Grandy with an achievement medal, one of its highest recognitions, honoring those individuals who go above and beyond, whose consistency, professionalism, and dedication were exemplary, and who have the VVA's motto "In Service to America". He stated Ms. Grandy had demonstrated all of these qualities and many more. He indicated these medals were rarely given to those outside of the VVA organization.

He invited everyone to attend the Memorial Day celebration scheduled for Monday, May 27, 2019, at 10:00 a.m. at the Vietnam Veterans Memorial Wall.

Mayor Freitag expressed appreciation to the Vietnam Veterans of America and also expressed appreciation to Staff. He also expressed agreement with Mr. Howland's comments and compliments specific to the Parks and Recreation Staff and Ms. Grandy.

PRESENTATION – I-15 DAVIS/WEBER EXPRESS LANES PROJECT UPDATE

Brett Slater, UDOT Project Manager, presented an update on the express lane project. He stated the project had been awarded to Ralph Wadsworth Construction and explained the project was intended to begin on Friday, May 17, 2019, weather permitting. He indicated the project would extend the HOV (high occupancy vehicle) lane for 10 miles, from Layton to Riverdale, to assist with the congestion experienced during rush hour every afternoon. He mentioned upon completion the HOV system, from Payson to Riverdale, would be the longest continuous HOV system in the Nation. He reviewed the project improvements associated with the project:

- Replacing Church Street bridge resulting with no access for approximately ten months.
- Deck replacement for the Gentile Street bridge, following the completion of Church Street. Gentile Street would be closed and proposed to re-open prior to school beginning in the fall. He also indicated Gentile Street would remain open until after the Fourth of July holiday.
- Extended on-ramp from Layton Parkway to Hill Field Road.
- Bridge widening at seven locations.
- Ramp work at four locations.
- Concrete improvements from Hill Field Road to I-84.

He reviewed what to expect during the two-year construction process pointing out the following:

- Day and night work.
- All lanes would remain open during daytime hours.
- Narrow shifted lanes on I-15.
- Construction would result in increased noise, dust, and vibration.

Anne Williams, UDOT Public Involvement Representative, reviewed the different communication methods used to disseminate information updates regarding the construction:

- Website - udot.utah.gov/i15express
- Email updates
- Real-time text alerts
- Hotline number

She announced the web page address and requested the City share this information with residents.

Mayor Freitag inquired if there would be any modifications to the Hill Field or Antelope interchanges and Mr. Slater responded there would be limited work at those locations. Mayor Freitag asked if there would be any soundwalls installed. Ms. Williams stated one was planned near the Medical Center and Mr. Slater added an extensive noise wall study was completed and reviewed the criteria used to determine the need for soundwalls. He reported the hospital qualified for a soundwall, yet chose to not have it installed.

CITIZEN COMMENTS:

Councilmember Brown announced members of the Council received an email from Nicole Evans, Daniels Canyon Homeowners Association (HOA) Vice President, which pertained to Item E of the Consent Agenda. The HOA expressed concern the item would be reducing the amount of building lots from ten to nine, if the item was approved, therefore, impacting the fee structure for the HOA. She indicated since items on the Consent Agenda didn't allow for public comment, she invited Ms. Evans to address the Council during the Citizen Comment portion of the meeting.

Dean Garner, 680 South 850 West, Old Farm Subdivision HOA Vice-President, clarified his development wanted secondary water; what it didn't want was the smell and the staining which resulted from the use of the secondary water. He stated the product suggested to remove the staining had bleached the hardy board and stucco on some of the homes within the development. He asked if the subdivision could be hooked into a different system and Alex Jensen, City Manager, responded that wasn't possible because the private irrigation companies had invested in specific areas of the City. Mr. Garner also asked about the possibility of a cost exemption on the cost until the problem has been resolved. Mayor Freitag suggested Mr. Garner submit the request to the City.

Mr. Garner formally requested a cost exemption on the cost of the culinary water from the tiered system until the effectiveness of the bubblers could be determined. Councilmember Brown clarified Mr. Garner was requesting an exemption from one tier to the next; the difference between access to secondary water and no access to secondary water. Mayor Freitag pointed out there might be some residents satisfied with using the secondary water. He also pointed out Mr. Garner had used the term "until it was fixed" and suggested that left much to interpretation. Mr. Garner clarified that he meant once the bubblers had been installed and tested to determine its effectiveness and a discussion followed regarding the safety issues surrounding the use of secondary water.

Eric Evans, 1149 North Daniels Canyon Drive, informed the Council his wife, Nicole, had sent the email to the Council. He pointed out the HOA didn't have issues with consolidating the two lots; however, the HOA believed that lot should be assessed HOA fees for two lots. Mayor Freitag requested that concern be addressed when the item was presented to the Council and stated the email would be part of the record.

Dear Council Members,

By way of introduction, my name is Eric Evans and I am the Vice President of the Daniels Canyon Homeowners Association in East Layton. Our Board has considered the Daniels Canyon Subdivision Second Amendment to consolidate two lots into one for purposes of building a new resident in our planned community. The Board does not object to such consolidation, provided that a plat note be added that clarifies the combined lot will still be treated as two lots for purposes of HOA assessments.

Currently, our budget is based on 10 lots, with each homeowner paying a proportionate 1/10th share of common expenses. Reducing the subdivision to 9 lots means that the other owners will pay a higher maintenance fee in order to accommodate the new owner's desire to construct a larger residence within our community. The Board objects to this result. Accordingly, we respectfully request that the Council require that the lot still be treated as two lots for HOA membership and related assessment obligations as required by the Declaration. Kindly consider requiring this plat note be added as a precondition to the Council's approval tonight.

We note that the amended plat is scheduled as a consent item. We will be attending tonight's meeting and request that this item be removed from the consent items and discussed separately to address the HOA's concerns. We have likewise shared such concerns with the developer. He is aware of the HOA's request and has agreed that it is reasonable.

We look forward to discussing this matter with you at tonight's meeting.

Thank you,
Eric Evans
801.540.5555

Casey Wiseman, 451 South Trailside Drive, clarified 479 total homes which had access to secondary water from the Adams reservoir; with 332 active and 52 not active. He asked what the "52 not active" meant. Alex Jensen, City Manager, responded those homes have chosen to not take the secondary water and were not assessed for that water. He asked about a map reflecting those 52 homes and believed those were in his neighborhood. Mr. Jensen directed Mr. Wiseman to obtain the map but indicated they were not in his area. Mr. Wiseman suggested representatives from Kays Creek water try to clean foundations and brick with the suggested product to determine its effectiveness. He stated he was familiar with the use of secondary water and read from a City ordinance which addressed the look and feel of a neighborhood and suggested the use of secondary water was contrary to that philosophy and requested the Council take comments under consideration.

J.R. Moss, 733 South Abby Way, President Weaver Meadows HOA, informed the Council the neighborhood was in the middle of a proposed restroom along trail system. He apologized for the email sent to Mayor Freitag and stated the purpose of an HOA was to preserve and increase property values of homes within a development. He believed the proposed plan for the bathroom facility didn't contribute to that end and pointed out the following:

- The Master Plan had been drafted years before the current residents had any input and before the developer had plotted out the subdivision
- A realtor had suggested a stand-alone rest room in the middle of a subdivision was unheard of and Mayor Freitag responded he had located such a facility on the border of Roy/Sunset along a trail and indicated he had spoken to Roy City Mayor Dandoy regarding specifics
- Suggested there were better locations within the City for restroom facilities
- The facility would provide no value to the residents in the neighborhood and suggested it would serve non-residents using the trail system

Dan Munch, 655 South Vance Drive, also apologized for any negative email received by the Council and stated any hurtful statements were not representative of his neighborhood. He spoke directly to the restrooms in Roy and pointed out that facility was located adjacent to a large parking lot, on a major road, near the trail and suggested viewing it from satellite imaging. He reported more and more people were parking along neighborhood streets and suggested funds could be better appropriated for a parking lot.

Mike Harris, 664 South Vance Drive, informed the Council his property was adjacent to the parcel proposed for the restroom facility. He stated he grew up in Layton and chose to live and raise his children in Layton and requested the City complete a risk versus reward assessment for the issue. He requested the City replace the restroom with something aesthetically pleasing to the community.

CONSENT AGENDA:

REAPPOINT MR. RICHARD ALLEN TO THE BOARD OF DIRECTORS OF THE MOSQUITO ABATEMENT DISTRICT – DAVIS – RESOLUTION 19-35

Mayor Freitag announced Mr. Allen had been serving in this capacity and had expressed a desire to continue serving on the District.

Councilmember Petro asked if Mr. Allen was in attendance and he was not.

Councilmember Carter stated Mr. Allen had previously served as a member of the Planning Commission and indicated he had served the Mosquito Abatement for a number of years.

BID AWARD – CACHE VALLEY ELECTRIC – FAIRFIELD ROAD AND CHURCH STREET SIGNAL, PROJECT 18-57 – RESOLUTION 19-29 – INTERSECTION OF FAIRFIELD ROAD AND CHURCH STREET

Terry Coburn, Public Works Director, stated the resolution would authorize the execution of an agreement with Cache Valley Electric for the Fairfield Road and Church Street Signal Project. He reviewed the scope of the project and reported one bid was received by Cache Valley Electric in the amount of \$320,923.96. The engineer's estimate was \$400,000.00 and Staff recommended approval.

Councilmember Brown commented many residents would be happy to see the City moving forward with the signaled intersection. Councilmember Carter added the intersection would improve the traffic flow in the area.

AMENDMENT TO TITLE 18, CHAPTER 18.36 OF THE LAYTON MUNICIPAL CODE BY THE ADDITION OF SECTION 18.36.200, ESTABLISHING THE RESPONSIBILITY FOR DEVELOPMENT IMPROVEMENTS – ORDINANCE 19-16

Gary Crane, City Attorney, explained the amendment addressed the one year warranty period and final approval of subdivision improvements. He indicated the amendment made it clear that the developer would continue to be responsible for the streets/roads within the subdivision until the warranty period had expired and the City had accepted the road.

AMENDED PLAT – LAYTON PARKE ESTATES PHASE 1 SUBDIVISION, 1ST AMENDMENT – 1852 WEST 850 SOUTH

Chad Wilkinson, Community and Economic Development Director, shared a visual illustration of the parcel and explained the proposed amendment involved replacing a turn-a-round loop that encompassed the entire frontage of the lot, with a hammerhead turn-a-round using a smaller portion of the lot. He reported the Planning Commission had reviewed the item and recommended approval to the Council.

There were no questions from the Council.

AMENDED PLAT – DANIEL'S CANYON SUBDIVISION, 2ND AMENDMENT – APPROXIMATELY 1130 NORTH 3300 EAST

Mr. Wilkinson identified the location of the subdivision and also identified the two lots which were proposed to be combined into one lot. He pointed out there were a number of constraints and easements applicable to the lots and reviewed them with the Council. He added once the lots were combined into one lot it would provide more buildable area for the construction of the home. He reported the item had come before the HOA for its review and everyone was aware of its expressed concerns. He emphasized the Conditions, Covenants and Restrictions (CCR's) was not something the City would enforce; that was the HOA's responsibility.

Gary Crane, City Attorney, indicated placing a note on the plat wouldn't provide a legal benefit to the HOA specific to the owner being assessed two HOA fees. He stated the HOA had total control over who paid dues and the CCR's should reflect who was responsible for the payment of dues. He emphasized the City had nothing to do with this issue. He suggested the HOA could amend the CCR's to reflect that every lot within the original plat would pay an assessment; or a simple agreement could be drafted between the HOA and the new property owner which stated the two lots were combined into one and that the homeowner was in agreement to pay two allotments specific to the HOA fees. He continued this would need to be recorded with the land and language should be included stating the agreement would remain with the property. He added this would also need to be recorded with the lot at the Davis County Recorder's Office.

He clarified noting that on the plat wouldn't be beneficial because the City didn't have anything to do with the CCR's specific to the subdivision.

Mr. Wilkinson reported the Planning Commission had reviewed the item and recommended approval.

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

MOTION: Councilmember Davis moved to adjourn the City Council meeting and reconvene as the City Council in a work meeting at 8:13 p.m. Councilmember Petro seconded the motion, which passed unanimously.

The meeting adjourned at 8:13 p.m.

Kimberly S Read, City Recorder