



All agenda items  
in this packet are  
preliminary, until  
approved by the  
Layton City  
Council.

**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 December 2, 2021**.

**AGENDA ITEMS:**

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

- A. Minutes of Layton City Council Meeting — September 2, 2021
- B. Minutes of Layton City Council Work Meeting — November 4, 2021
- C. Minutes of Layton City Council Meeting — November 4, 2021
- D. Minutes of Layton City Council Special Work Meeting — November 16, 2021

**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. Railroad Safety Grant Agreement with Utah Department of Transportation for Improvements to the Railroad Crossing Located at 2200 West — Resolution 21-53
- B. Accept the Material Terms of the National Opioid Settlement Agreements and to Authorize the City Manager to Execute the Related Documents — Resolution 21-54
- C. Authorizing the Acquisition of Interests in Real Property for the Construction of a Traffic Turn Lane Located on the Southwest Corner of Flint Street and Gentile Street by Negotiation or by Eminent Domain — Resolution 21-34
- D. Annexation Request — Robinson Annexation — Resolution of Intent to Annex Property — Resolution 21-52 — Approximately 3654 West 100 South

**6. PUBLIC HEARINGS:**

- A. Rezone Request — 142 South 2200 West Rezone — From A (Agriculture) to R-1-10 (Single-Family Residential) — Ordinance 21-28

**7. UNFINISHED BUSINESS:**

**ADJOURN:**

Notice is hereby given that:

- A Work Meeting will be held at 5:30 PM to discuss miscellaneous matters.
- This meeting will also be live streamed via [laytoncitylive.com](http://laytoncitylive.com) and [facebook.com/Laytoncity](https://facebook.com/Laytoncity)  
**Online comments must be submitted via Web Feedback at [laytoncity.org/LC/City/Connect](http://laytoncity.org/LC/City/Connect)**
- 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. Elected Officials at remote locations may be connected to the meeting electronically.
- 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: \_\_\_\_\_  
Kimberly S Read, City Recorder

## **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 MEETING**

**SEPTEMBER 2, 2021; 7:02 P.M.**

### **MAYOR AND COUNCILMEMBERS PRESENT:**

**MAYOR JOY PETRO, ZACH BLOXHAM, TOM  
DAY, DAWN FITZPATRICK, CLINT MORRIS,  
AND DAVE THOMAS**

### **STAFF PRESENT:**

**ALEX JENSEN, GARY CRANE, CHAD  
WILKINSON, TRACY PROBERT, AND KIM READ**

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

Mayor Petro opened the meeting and welcomed the public. City Councilmember Candidate Tyson Roberts led the Pledge of Allegiance. City Councilmember Candidate Bettina Smith Edmondson offered the invocation.

### **MINUTES:**

Councilmember Fitzpatrick requested an amendment to the minutes from the City Council Special Meeting of August 5, 2021. She stated the minutes reflected the National Day of Service designated on Saturday, September 11, 2021, was in recognition of the 25<sup>th</sup> Anniversary of the 9/11 events. She clarified it would be the 20<sup>th</sup> Anniversary and requested that change be made.

**MOTION:** Councilmember Morris moved and Councilmember Thomas seconded to approve the following minutes, as written,

**Layton City Council Work Meeting – June 3, 2021;  
Layton City Council Work Meeting – August 5, 2021; and  
Layton City Council Meeting – August 5, 2021;**

and to approve the amended minutes of:

**Layton City Council Special Meeting – August 5, 2021;**

The vote to approve the minutes was unanimous.

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## **MUNICIPAL EVENT ANNOUNCEMENTS:**

Councilmember Fitzpatrick announced the following events:

Saturday, September 18, 2021, Davis Hospital would be hosting a Get Ready Fair from 10:00 am – 2:00 pm.

Wednesday, September 15, 2021, has been designated as National Walk Your Child to School Day.

Tuesday, September 28, 2021, Layton Zuppa's would be donating 25% of the proceeds collected between the hours of 4:00 – 9:00 pm to the City's Communities That Care organization.

Wednesday, September 29, 2021, the City's Fire Department annual Open House was scheduled.

Mayor Petro announced Saturday, September 11, 2021, had been designated as a National Day of Service to commemorate the events of 9/11. She believed this was an opportunity for residents to collectively do something good to benefit the community. She indicated the Interfaith Council and CERT (Community Emergency Response Team) coordinators had identified 42 projects within Layton City and encouraged participation from City residents. She expressed appreciation to the Parks and Recreation Department employees and the organizing committee's efforts in identifying projects which could be found on the Just Serve website. She indicated service would begin around 7:00 am and wrap-up around 12 noon.

Councilmember Day announced Councilmember Thomas' birthday was the next day, Friday, September 3, 2021, and presented him a tin of cookies.

## **PRESENTATIONS:**

There were no presentations.

## **CITIZEN COMMENTS:**

Brad Richins, 1902 East 2125 North, announced his presence was out of concern for residents of the Cedarwood Mobile Home Park. He acknowledged Mayor Petro had indicated a meeting with residents was planned for Wednesday, September 15, 2021 and expressed appreciation for the City's willingness in allowing further discussion. He read from the State Code regarding mobile home resident relocation and believed the City had the authority and ability to provide funding for the relocation of the residents. He also believed the Layton City Forward General Plan reflected the property owner had the responsibility for relocating the residents. He believed appeal action on behalf of the City could provide an avenue for the residents to receive funding for relocation. He mentioned Mr. Winkle should be part of the relocation process and looked forward to him presenting his relocation plan with the residents and expressed confidence a

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positive and fair solution could be reached. He mentioned the City Council candidates had been receptive to an open dialogue regarding the situation facing the residents.

Dennis Howland, Vietnam Veterans of America, expressed appreciation to Layton City for partnering with the organization in bringing a replica of the Vietnam Veterans Memorial to be placed in Commons Park. As the Chair of the Veterans Parade, he announced it was scheduled for Saturday, November 13, at 11:11 a.m., in Layton City to not only honor past veterans, but also those currently serving. He announced this year's Grand Marshal's would be those veterans which had returned from the Afghanistan War. He invited the Council to participate in the parade which would end at the Vietnam Memorial Wall. He announced two smaller new monuments would also be dedicated that day: a bronze battle cross to honor all fallen veterans, the other was a memorial honoring those veterans which had passed away since returning home due to their service in Vietnam. He mentioned the planting of a donated tree, to be decorated by local school children each Christmas, would also take place. He requested the City draft a resolution and/or proclamation to honor the service of returning veterans from the Afghanistan War.

Mara, Cedarwood Mobile Home Park, informed the Council she was representing several residents of the Cedarwood Mobile Home Park. She reported 14 residents had received a letter informing them they would have to vacate and/or move from the mobile home park by January 2022. She stated many of the residents had invested time and money improving the living conditions of their mobile homes and wouldn't be receiving compensation or other help with relocating. She requested the City's help for relocation and mentioned the difficulties associated with separating families and finding alternate suitable housing.

Nina Morales, Cedarwood Mobile Home Park #50, informed the Council she had purchased her trailer under a 'rent to own' contract and indicated she owned her mobile home outright for just one year and briefly mentioned the difficulties in acquiring her home. She informed the Council she had signed a 5-year lease, ensuring she wouldn't move the mobile home within that time and her lot rent would continue to be received. She also indicated the mobile home park owner also retained the title through that lease on her mobile home. She believed the owner had broken the lease by now requiring her to relocate without any compensation. She added she recently learned her trailer was too old to be moved.

Larry Pryor, 1643 East 2200 North, expressed his opinion the way the residents of Cedarwood Mobile Home Park were being treated wasn't right and believed a solution could and should be identified.

Tenessa Payne, Cedarwood Mobile Home Park, informed the Council she had been seeking out affordable housing options since March 2021 and inquired where affordable housing was available in Layton City. She

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explained the agencies providing housing for low income residents had a waiting list of anywhere between two and three years. She stated the average two bedroom apartment rented for \$1,200-\$1,500 per month and, with other living expenses, was more than the majority of these residents made. She believed it was the City's responsibility to make sure its citizens were taken care of.

Renika Regas, Cedarwood Mobile Home Park, informed the Council she had purchased her mobile home one year ago and had she known the park was closing, would have obviously not moved there. She was in the process of remodeling her mobile home and was told she would need to abandon, sell, or move her mobile home. She mentioned most of the mobile homes within the park were too old to be moved and reported on the costs associated with moving a mobile home. She would like some type of compensation for the residents and expressed her opinion, residents were being forced to move and abandon the mobile homes, thus allowing the park owners the right to keep the mobile home. She informed the Council she had a good job but chose to purchase her mobile home as part of a long term plan for future financial opportunities. She mentioned housing was being provided for Afghanistan refugees relocating to Utah and believed that same consideration should be available to residents.

Gina Stone, 189 South Main, Cedarwood #36, informed the Council she had lived in her mobile home for 10 years. She indicated she was disabled and living on a limited income. She reported she had worked hard to make her home a beautiful living space and expressed concern for those residents which had already received the eviction notice and stated she was living in fear of when she would receive her notice. She pointed out there were 71 families which would be displaced. She informed the Council in 2015, she was told to either purchase the trailer she was living in or move. She briefly identified the things she had done in order to purchase her home that she was now being asked to walk away from without any compensation.

Louise Brown, 343 South 750 East, expressed appreciation for the email regarding the meeting scheduled for Wednesday, September 15, 2021. She provided a timeline beginning in March 2021, when residents began receiving eviction notices, reporting on what had taken place from then until tonight. She summarized time was running out and indicated she would share more during the future meeting and requested the City hold Mr. Winkle accountable in providing relocation assistance to the residents of Cedarwood Mobile Home Park.

Adriana Garcia, Cedarwood Mobile Home Park, reported she had lived at the mobile home park for 13 years and stated it would be difficult for her family to relocate. She explained the mobile home park's location was desirable because of its proximity to the FrontRunner Station for her children attending college. She pointed out other housing options were very expensive and her family didn't have resources for other housing even though she and her husband both worked hard for their family. She mentioned they had also improved the

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living conditions and invested in the mobile home.

Gabriele Mondragon, Cedarwood Mobile Home Park, informed the Council he had lived in the trailer park for 13 years. He stated he hadn't lived in peace since receiving the first notice. He reported he had invested \$15,000 in his home and wasn't in a situation to afford other available housing. He requested the City provide a solution to the residents.

Robin Waters, 98 South 2200 West, informed the Council she lived near the Bay View Animal Clinic and reminded the Council of her previous comments regarding the clinic's negative impact with her living situation. She expressed appreciation with Mr. Wilkinson visiting her home with animal control approximately two weeks ago and reported the dogs didn't bark during his visit. She added no barking had been experienced for 13 days. She read excerpts from the Conditional Use Permit which identified overnight boarding would be an 'accessory use'. She also read from City Code and expressed her opinion the building didn't have sufficient insulation needed to minimize noise generated by the animal clinic. She concluded the clinic was causing emotional, physical, and financial stress to her family and requested the Council and Staff continue working toward an acceptable solution.

Tom Tudor, 1757 Gregory Drive, reviewed his history with the City and pointed out how things had changed since the 1970's. He believed problems with the mobile home park could be resolved and indicated his willingness to assist the residents of the Cedarwood Mobile Home Park.

Travis Christensen, 106 Flint Street, reported he discovered water in his basement beginning July 1 which he believed was a direct correlation with the irrigation system located on the corner of Gentile and Flint Street. He informed the Council he had documentation which he believed substantiated his theory and shared some examples. He reported contact had been made with the irrigation companies and other involved individuals who were of the opinion the flooding was caused by groundwater. He pointed out the importance of identifying the source of the flooding water since the State was experiencing severe drought conditions. He requested support and assistance from the Council and reviewed his history and expertise with water systems and expressed his desire for resolution. He provided copies and photos of his conducted study.

Jorge Zavala, Cedarwood Mobile Home Park, informed the Council his children were born in the United States and could possibly be a member of the City Council in the future. He requested assistance from the Council dealing with the eviction notice in conjunction with the pandemic. He believed it was very unfair so many people would be losing their homes. He mentioned the future development of the property was good for the City, yet terrible for the residents of the mobile home park. He understood the property owner had

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rights and was hopeful the City could facilitate a resolution.

Mayor Petro announced a meeting with City Staff had been arranged to take place on Wednesday, September 15, 2021, to discuss legal options for the residents.

## **CONSENT AGENDA:**

### **WATER EXCHANGE AGREEMENT BETWEEN LAYTON CITY AND KAYSVILLE CITY FOR THE EXCHANGE OF WATER SHARES – RESOLUTION 21-40**

Gary Crane, City Attorney, explained Kaysville City owned shares of Holmes Creek Irrigation Company that cannot be used within its service area, but could be used in Layton City's service area. Layton City had an equivalent number of shares of Kaysville Irrigation Company that could be used within Kaysville's service area. The Water Exchange Agreement would facilitate the exchange of equal acre-feet of water and would ensure the water from both companies could be put to beneficial use within the respective cities. He emphasized the trade was for the same amount of water for both parties.

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

## **PUBLIC HEARINGS:**

### **AMEND THE ADOPTED BUDGET FOR FISCAL YEAR 2021-2022 – ORDINANCE 21-24**

Tracy Probert, Finance Director, presented budget amendments for the 2021-2022 Fiscal Year Budget and reviewed the following:

- Personnel salaries and benefits
- Contract repair for Surf'n Swim
- Adjustment to the Davis Narcotic Strike Force
- CDBG (Community Development Block Grant) Program Income
- Swimming Pool Fund Transfer for the pool repair

A discussion followed regarding the budget amendment specific to personnel salaries and benefits.

**Mayor Petro opened the public hearing at 8:19 p.m.**

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Mayor Petro called for public comment.

There were no public comments.

**MOTION:** Councilmember Day moved to close the public hearing at 8:20 p.m. and approve the amendments to the Fiscal Year 2021-2022 Budget as presented, Ordinance 21-24. Councilmember Fitzpatrick seconded the motion. The motion passed with the following vote: **Voting AYE – Councilmembers Thomas, Morris, Fitzpatrick, Bloxham, and Day.**

Mayor Petro expressed appreciation to all City employees.

## **UNFINISHED BUSINESS:**

Councilmember Fitzpatrick inquired how the supply of vehicles was impacting the City. Mr. Probert mentioned he had a sales tax presentation he intended to share during the work meeting and proceeded to present it to the Council.

Mr. Probert reviewed a Sales Tax comparison from last year to this year and reported the City was ahead of his projected figures and reviewed the sales tax revenue by category with the Council. He shared an illustration reflecting the decrease specific to car dealership sales was probably a result of low inventory at the dealerships. He suggested some of the increase was also due to inflation and reminded the Council it had approved a budget amendment for personnel costs earlier in the meeting and concluded inflation affected the City not only in additional Sales Tax, but increases in wages/salaries for employees. He emphasized Layton was a very diversified City which allowed it to financially weather these types of fluctuations.

Councilmember Morris pointed out how residents' property tax figures didn't increase due to inflation and Mr. Probert responded the City would need to go through the Truth In Taxation process if it wanted to maintain the Certified Tax Rate in order to receive the same Property Tax Revenue. He mentioned other tax sources such as RAMP and the Hotel Tax.

**The meeting adjourned at 8:31 p.m.**

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Kimberly S Read, City Recorder

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## **MINUTES OF LAYTON CITY COUNCIL WORK MEETING**

**NOVEMBER 4, 2021; 6:19 P.M.**

### **MAYOR AND COUNCILMEMBERS PRESENT:**

**MAYOR JOY PETRO, ZACH BLOXHAM, TOM  
DAY, DAWN FITZPATRICK, CLINT MORRIS,  
AND DAVE THOMAS**

### **STAFF PRESENT:**

**ALEX JENSEN, GARY CRANE, CHAD  
WILKINSON, DAVID PRICE, ED FRAZIER, AND  
KIM READ**

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

Mayor Petro opened the meeting.

### **AGENDA:**

### **COUNCIL MEMBER REPORT**

Councilmember Bloxham suggested a discussion was needed with the School Board and/or Public Safety Staff regarding the tragic pedestrian accident on Wasatch Drive earlier this week with a Layton High School student.

Councilmember Fitzpatrick shared the following:

- She had attended the Davis Chamber's legislative meeting earlier today during which Representative Paul Ray encouraged the Council and the public to review the redistricting maps available on its website. He stated the Legislature was accepting public input.
- Reported the Davis School District was required to create an Office of Equal Opportunity in light of the Department of Justice's decision specific to allegations of racial discrimination. She mentioned a national search was taking place for a qualified individual for the position.
- Youth Council participants will be sworn in during the City Council Meeting on Thursday, November 18, 2021, and identified some of its upcoming activities.
- Informed the Council she would be assuming the role of the Chair for the Communities That Care (CTC), until Karlene Kidman, Advisor, was available to assume those duties. She announced a workshop was scheduled for next week to review data specific to the students at both Layton and Northridge High Schools. She reported CTC had received a Parents Empowered Grant and stated

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the City was looking to partner with Seaquest Aquarium in the Layton Hills Mall to utilize those funds.

- Indicated she had participated with Davis Weber Canal Company's tour of dams with Mayor Petro and mentioned it was very informative.

## **COUNCIL MEMBER TRAINING**

The agenda item didn't take place.

## **PROFESSIONAL PHOTOGRAPHY AT ADAM J. WELKER TRAILHEAD**

David Price, Parks and Recreation Director, shared a visual presentation and informed the Council, Staff became aware of issues being experienced at the Adam J. Welker Trailhead in the spring. He reported activity had been observed during the summer months followed by Staff closely working with the neighbors through the late fall. He identified the location of the trailhead, informed the Council of actions witnessed by Staff, and shared some photos to illustrate the following:

- Damage to the native vegetation.
- Parking and safety issues along 2125 East and at the trailhead parking lot.
- Misuse of the area for commercial purposes.
- The high number of photographers using the area distracts from the original intended purpose and reason for the creation of the area. This section of the Kay's Creek trail system was developed for the passive recreational use and enjoyment of a beautiful natural environment.

He reported some photographers staged sessions over 4-5 hours for multiple groups. He shared the following alternative actions considered by Staff:

- Do nothing.
- Create Department policies establishing a set of rules that photographers would be asked to voluntarily follow.
- Permitting process for all professional/commercial photographers. He reviewed specifics associated with the recommended professional/commercial photography permit.
  - Permit process would allow the City to limit the number of permits given to match the carrying capacity of the area.
  - Permits would be a specific date, and block of time.
  - Permitting process would require the permit holder to acknowledge the rules and 'conditions of use' that must be followed and reviewed some suggested possible

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‘conditions of use’.

- Permit fee would be put into the restoration and maintenance of the natural area.
- Close the area to all professional/commercial photographers.
- Enlarge parking area and allow unrestricted use of the area.

He also reviewed recommended actions specific to infrastructure:

- Continue with the planned improvements to the current parking infrastructure:
  - Restripe parking lot
  - Redefine handicap parking stalls.
  - Red Curb and place no parking signage along the entry road, This was done to provide emergency access to the trail and natural area.
- Budget for and enlarge the parking lot as soon as possible.

He announced Staff was proposing to implement a permitting process for all professional/commercial photography and reviewed how the City intended to implement the permit program. He explained the permit process would be patterned after Red Butte Gardens and reviewed specific associated with its permit. He also explained how the City intended to implement and enforce the permit requirement and a discussion followed. Mr. Price continued to explain the specifics associated with implementing the permitting process and reviewed additional conditions of use and the discussion continued.

Mayor Petro concluded it was the Council’s desire to keep the trailhead and trail with its original intent and prohibit commercial photography at that location. Mr. Price responded Staff would bring forth an ordinance for adoption by the Council.

## **REZONE REQUEST – C-H (PLANNED HIGHWAY COMMERCIAL) TO R-MH (MOBILE HOME PARKS & SUBDIVISIONS) – ORDINANCE 21-27 – APPROXIMATELY HIGHWAY 193 AND DARLINGTON WAY**

This item was not addressed by the Council.

## **PRELIMINARY PLAN – ALTITUDE TOWNHOMES – APPROXIMATELY 1300 EAST HIGHWAY 193**

This item was not addressed by the Council.

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## **MAYOR'S REPORT**

Mr. Price announced the proposed new Veterans Day Parade route.

**The meeting adjourned at 6:57 p.m.**

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Kimberly S Read, City Recorder

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## **MINUTES OF LAYTON CITY COUNCIL MEETING**

**NOVEMBER 4, 2021; 7:02 P.M.**

### **MAYOR AND COUNCILMEMBERS PRESENT:**

**MAYOR JOY PETRO, ZACH BLOXHAM, TOM  
DAY, DAWN FITZPATRICK, CLINT MORRIS,  
AND DAVE THOMAS**

### **STAFF PRESENT:**

**ALEX JENSEN, GARY CRANE, CHAD  
WILKINSON, DAVID PRICE, AND KIM READ**

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

Mayor Petro opened the meeting and welcomed the public. Councilmember Morris led the Pledge of Allegiance and offered the invocation.

### **MINUTES:**

Councilmember Bloxham requested a change to his comments reflected on page 5 of the July 15, 2021 Meeting Minutes. He requested the wording “expressed concern” be changed to “reiterated”.

Councilmember Fitzpatrick informed the Council she had also requested a grammar clarification to a set of minutes and emphasized it hadn’t changed the context of the minutes.

**MOTION:** Councilmember Fitzpatrick moved and Councilmember Morris seconded to approve the minutes of:

**Layton City Council Meeting – July 15, 2021; and  
Layton City Council Work Meeting – September 16, 2021.**

The vote was unanimous to approve the minutes as written and amended by Councilmember Bloxham.

### **MUNICIPAL EVENT ANNOUNCEMENTS:**

Councilmember Thomas announced the following events:

- The Turkey Bowl was scheduled for Saturday, November 20, 2021. He mentioned registration was

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open and open bowling spots usually filled up quickly.

- Sunday, November 21, 2021, the Interfaith concert would be performed at Layton High School Auditorium. He mentioned a small lighting ceremony would take place near the Seminary building following the concert.
- Monday, November 22, 2021, the lighting ceremony for the Christmas light display in Commons Park.
- Today was Mayor Petro's Birthday. The audience sang Happy Birthday to Mayor Petro.

Mayor Petro announced the City's Veterans Day events were scheduled for Saturday, November 13, 2021. She announced the new parade route and stated a program would immediately follow the parade at the Veterans Wall.

Councilmember Fitzpatrick announced the Antelope Drive/Highway 89 Junction would be closed beginning this weekend until the end of the month. Additionally, the Park'n Ride near that location would also be closed and motorists would need to utilize the frontage road, known as Hobbs Drive, to either access Highway 193 or Gordon Avenue for access to Highway 89.

## **PRESENTATIONS:**

### **RECOGNITION OF RAMP COMMISSION MEMBERS WITH EXPIRING TERMS**

Mayor Petro announced the City desired to recognize Tracy Chatwin and Randy Benoit for their service to the City by serving on the RAMP (Recreation, Arts, Museum, and Parks) Commission. Councilmember Day shared some highlights of Mr. Chatwin's service opportunities for not only Layton City but in other areas within the community. Mayor Petro shared some of Mr. Benoit's service opportunities with the City.

Councilmember Day presented certificates of appreciation and Mayor Petro presented Mr. Chatwin and Mr. Benoit with Layton City street signs.

### **PROCLAMATION – WAR IN AFGHANISTAN**

Councilmember Morris commented on the City's proximity to HAFB ( Hill Air Force Base) and mentioned the relationship between the City and those who work and serve on the Base. He stated he was honored to read the War in Afghanistan Proclamation.

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## **CITIZEN COMMENTS:**

Scott Fletcher, 2729 North 2125 East, stated he lived near the Kays Creek parkway near the Welker trailhead and believed the original intent of the trailhead was to enjoy the natural environment it offered. He pointed out the park was overused by commercial photographers and referenced some of the illustrations shared during the previously held work meeting. He announced he was representing the community near 2125 East and they had identified three issues of concerns:

- 1) The natural flora and fauna of the area had been disrupted by the large groups of people being photographed and overused and reminded the Council of the photos shared during the work meeting which illustrated the overuse. He suggested significant restoration of the environment would be needed.
- 2) Safety. He expressed concern with the number of vehicles which regularly park on both sides of the streets which created a dangerous and congested environment. He continued to express fear of a pedestrian being hit by a vehicle, illegal parking adjacent to fire hydrants, the steep incline of roads, etc. He indicated the Police had been called nearly every weekend during the spring and fall seasons and mentioned this was a drain on City resources.
- 3) The original intent of the park was similar to that of a “nature preserve” for the general public to enjoy and stated residents of the community agreed it was a great place to enjoy nature. The residents also believed there was adequate parking for those visiting the area as a trail and were not in favor of constructing additional parking or restrooms, which they believed would promote bad behavior by visitors.

He expressed appreciation to David Price, Parks and Recreation Director, for painting some of the curbs red, indicating ‘no parking’ was allowed and requested vigorous enforcement of that restriction. He also requested prohibiting commercial photography at the park and enforcement of that as well. He also suggested creating boundaries, such as roping off or fencing, around certain damaged areas to allow regeneration of plants and grasses to the natural state. He suggested this would need to be done for a significant amount of time. He also requested an opportunity for residents in the neighborhood to evaluate the results of any restrictions implemented at the park/trailhead with the Council during a future meeting.

Tom Tudor, 1757 Gregory Drive, shared a brief history of his relationship and affiliation with Layton City. He complimented the City for the newsletter he received with his City utility bill. He expressed concern regarding the most recent pedestrian accident along Wasatch Drive near Hawthorne Drive and identified all the safety devices implemented along that roadway and suggested motorists need to slow down on that road.

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Brad Richins, 1902 East 2125 North, and co-resident of Cedarwood Mobile Home Park, mentioned Louise Brown had provided a letter to the Mayor and Council regarding the relocation of the Cedarwood Mobile Home Park residents. The residents had requested two things from the City: facilitate dialogue with Mr. Winkel, and the opportunity to discuss concerns in a work meeting with the Council. He reported in response to their request Mr. McConkie was available to speak to residents on Mr. Winkel's behalf, and a meeting with Staff had taken place and informed the Council of those results. He reported discussions had taken place and eight of the first 14 residents forcing eviction still had no solutions and informed the Council a number of residents had abandoned their mobile homes. He also reminded the Council of Mr. Winkel's past decisions and actions with residents living in the mobile home park. He informed the Council of current actions by the residents attempting to move forward with legislation and possible solutions for the residents. He requested the City provide funding similar to what Clearfield City had done to assist the relocation of residents from a mobile home park within its City.

Ms. Martinez, Cedarwood Mobile Home Park, stated she was under the impression Mr. McConkie, Mr. Winkel's representative, would provide help to the residents. She informed the Council she was one of the residents which needed to be relocated in the first phase and reported communication with Mr. McConkie wasn't happening. She expressed appreciation to the City for facilitating initial communication with Mr. Winkel; however, Mr. McConkie hasn't provided answers to questions from residents and requested assistance from the City to help resolve her concerns.

Nikkole Malan, 49 South Main Street, believed this situation was caused by Layton City when it rezoned the property for redevelopment.

Alex Jensen, City Manager, clarified the City did not rezone the property; rather it applied a transit development overlay for the property and clarified how a rezone was allowed to take place. He pointed out the City wasn't allowed to rezone private property and emphasized it had received a legitimate request from a private property owner to allow a different use. He suggested Ms. Malan schedule an appointment with City Staff to discuss and clarify the documents she had received through an open records request.

## **CONSENT AGENDA:**

### **APPOINTMENTS TO THE PARKS AND RECREATION COMMISSION – RESOLUTION 21-47**

David Price, Parks and Recreation Director, announced Mayor Petro had recommended the appointments of the following individuals to serve on the Parks and Recreation Commission: Michael Scott Quinney for a

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term ending February 1, 2022, Kelly Brunson as an alternate member to a term ending February 1, 2024, the reappointment of Debbie Comstock, Steve Crago, and Milton S. Herring to terms ending February 1, 2023, and the reappointment of Kathy Blackner and Pamela Petroff to terms ending February 1, 2024, as identified in the resolution. Staff recommended approval of Resolution 21-47.

## **APPOINTMENTS TO THE RECREATION, ARTS, MUSEUM, AND PARKS (RAMP) ADVISORY COMMISSION – RESOLUTION 21-48**

Mr. Price announced Mayor Petro had also recommended the appointment of the following individuals to serve on the RAMP Commission: Brigit Gerrard and Bruce Logan to terms ending September 30, 2023, and Cameron L. Cross as an alternate member to a term ending September 30, 2023. Staff recommended approval of Resolution 21-48.

Mayor Petro expressed a desire to acknowledge those individuals proposed for appointment to the Commissions and requested they stand and introduce themselves if they were present in the audience. Mr. Price also expressed appreciation to those serving on the Parks and Recreation Commission and RAMP Commission.

## **APPOINTMENTS TO THE PLANNING COMMISSION – JEREMY MANNING AND JULIE PIERCE – RESOLUTION 21-49**

Chad Wilkinson, Community and Economic Development Director, announced there was currently a vacancy on the Planning Commission and stated Mayor Petro had recommended an alternate member, Jeremy Manning, fill the vacancy to a term ending July 1, 2024. She also recommended the appointment of Julie Pierce, replacing Mr. Manning, as an alternate member to a term expiring July 1, 2022. Staff recommended approval of Resolution 21-49.

**MOTION:** Councilmember Fitzpatrick moved to approve the Consent Agenda as presented. Councilmember Morris seconded the motion, which passed unanimously.

## **PUBLIC HEARINGS:**

## **REZONE REQUEST – C-H (PLANNED HIGHWAY COMMERCIAL) TO R-MH (MOBILE HOME PARKS & SUBDIVISIONS) – ORDINANCE 21-27 – APPROXIMATELY HIGHWAY 193 AND DARLINGTON WAY**

# ***D R A F T***

Mr. Wilkinson identified the parcel on a map and reviewed the history associated with the two separate zoning designations of the parcel. He explained the front portion fronting Highway 193 was zoned C-H (Planned Highway Commercial) and the rear portion, surrounded by an existing mobile home park, was zoned R-MH (Mobile Home Parks & Subdivisions). He stated the rezone request was to change the front portion of the property, approximately 1.93 acres, from C-H to R-MH, creating a single zone for the entire parcel. He pointed out the proposed was consistent with the General Plan and was conducive with adjacent uses. He reported the Planning Commission reviewed this request during its meeting on Tuesday, October 12, 2021, and recommended approval.

## **Mayor Petro opened the public hearing at 8:03 p.m.**

Mayor Petro called for public comment.

Nikkole Malan, Cedarwood Mobile Home Park, expressed her opinion the development of this parcel would not be ready for the relocation of mobile homes currently located in the Cedarwood Mobile Home Park. She read a letter provided by Louise Brown asking that specific question and if all Cedarwood Mobile Home Park residents would be allowed to move their mobile homes, even those not allowed by HUD to be moved. She also asked if Mr. Winkel would be providing assistance for those moving and didn't believe approval of this rezone was that simple.

Brad Richins, 1902 East 2125 North, and co-resident of Cedarwood Mobile Home Park, asked whether the City had the ability to designate stipulations with the property during the rezone process. He suggested the parcel be rezoned with certain conditions. He also inquired whether this issue could be revisited at a later date following communication with Mr. McConkie when other solutions could be provided. He emphasized he wasn't opposed to this proposal and believed it could be a good solution to the relocation situation.

Gary Crane, City Attorney, clarified the zoning decision would be made based on the City's Master Plan. He mentioned the City could enter into a development agreement at the property owner's request. He pointed out particulars associated with development were generally identified during the next stage of approval when the site plan or subdivision plat was approved. He emphasized conditional zoning wasn't allowed by state statute. A discussion followed regarding whether conditions could be imposed for the property and Mr. Jensen explained there were conditions imposed for the property due to its proximity to HAFB (Hill Air Force Base). Councilmember Fitzpatrick expressed her opinion there were additional issues which should be considered and usually the requestor and/or developer was present during the meeting to respond to questions

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from the Council.

Mr. Wilkinson responded Staff had reviewed the request and was comfortable with recommending approval to the Council. He suggested Council's concerns could be addressed during the site plan approval process.

**MOTION:** Councilmember Day moved to close the public hearing at 8:23 p.m. and approve Ordinance 21-27, the Rezone Request – C-H (Planned Highway Commercial) to R-MH (Mobile Home Parks & Subdivisions) – Approximately Highway 193 and Darlington Way, as presented. Councilmember Bloxham seconded the motion. The motion passed with the following vote: **Voting AYE – Councilmembers Day, Bloxham, Morris, and Thomas. Voting NO – Councilmember Fitzpatrick.**

## **PRELIMINARY PLAN – ALTITUDE TOWNHOMES – APPROXIMATELY 1300 EAST HIGHWAY 193**

Mr. Wilkinson shared a visual illustration identifying the location of the parcel and mentioned the previous discussions regarding the public street within the development. He emphasized at this time the Council was only considering the portion of the preliminary plan specific to the townhomes, identified on the illustration. He clarified code designated the Planning Commission as the land use authority for the balance of the development. He stated it had reviewed the MU (Mixed-Use) portion, including the multi-family residential component, and had forwarded a recommendation of approval for this C-TH (Condominium/Townhome) portion during its meeting on Tuesday, October 12, 2021. He shared some illustrations which identified where the townhomes would be located and reviewed specifics pointing out how they were proposed to be constructed into the slope which allowed for the appropriate transition.

Councilmember Fitzpatrick asked how this development would address the 43% open space and whether the developer would be required to comply with the new landscape ordinance. Mr. Wilkinson responded the development had initially been approved under the old ordinance; however, Staff would encourage compliance to the new waterwise landscaping ordinance. The developer was present during the meeting and recollected the Planning Commission had required compliance to the new landscape plan as a condition of approval and identified specific areas intended to be turf.

**Mayor Petro opened the public hearing at 8:30 p.m.**

Mayor Petro called for public comment.

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Mr. Tudor, 1757 Gregory Drive, asked if City funds were being expended for certain infrastructure such as street lighting. Mr. Jensen responded the City required the developer to complete all infrastructure and incur those costs, upfront and explained the City would take over the maintenance responsibilities of the infrastructure after a time.

Mr. Fletcher, 2729 North 2125 East, inquired if the City's Master Plan had identified how Highway 193 could accommodate for the additional development. Mr. Jensen responded the City had a variety of adopted Master Plans which identified appropriate uses and explained how the Transportation Master Plan and General Plan were appropriately used to determine the demand. He suggested contact could be made with City Staff to personally view those plans; however, many were available online. Mr. Wilkinson provided the instruction with how those were available online from the City's website.

**MOTION:** Councilmember Fitzpatrick moved to close the public hearing at 8:36 p.m. and approve the Preliminary Plan for Altitude Townhomes located at approximately 1300 East Highway 193, as presented. Councilmember Morris seconded the motion. The motion passed with the following vote: **Voting AYE – Councilmembers Thomas, Morris, Fitzpatrick, Bloxham, and Day. Voting NO – None.**

## **UNFINISHED BUSINESS:**

Mayor Petro allowed the Council to express its concerns regarding the safety of the high school students and Wasatch Drive and a discussion took place regarding the following:

- Additional lighting
- Location of crosswalk(s)
- Visibility of flashing lights
- Parking along Wasatch Drive
- Jaywalking of students along Wasatch Drive
- Speed limit of Wasatch Drive
- Responsibility of Layton High
- Speed of motorists on all City roads

Mayor Petro requested different lighting options should be researched to determine whether there was something brighter or bolder for that signage.

Councilmember Morris expressed his opinion this was a tragic accident and pointed out the different circumstances associated with that particular incident: it was dark and raining significantly. He believed no

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amount of crosswalks or lighting would change behavior and suggested students needed to be cautious and careful, as well as motorists.

Mr. Jensen stated once Public Safety Staff completed its investigation results would be provided to the Council to determine if additional solutions were needed. The Council concluded there probably wasn't one single solution for this incident and believed Staff was being proactive.

Councilmember Day also suggested the four-way stop sign at 1700 West/Layton Parkway should no longer stop traffic on the Parkway and a discussion followed.

**The meeting adjourned at 9:00 p.m.**

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Kimberly S Read, City Recorder

# ***D R A F T***

## **MINUTES OF LAYTON CITY COUNCIL SPECIAL WORK MEETING**

**NOVEMBER 16, 2021; 7:36 A.M.**

### **MAYOR AND COUNCILMEMBERS PRESENT:**

**MAYOR JOY PETRO, ZACH BLOXHAM, TOM  
DAY, AND DAWN FITZPATRICK**

### **STAFF PRESENT:**

**ALEX JENSEN, GARY CRANE, AND KIM READ**

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

Mayor Petro opened the meeting.

### **AGENDA:**

#### **CANVASS OF MUNICIPAL GENERAL ELECTION**

**MOTION:** Councilmember Fitzpatrick moved to adjourn as the City Council and reconvene as the Board of Canvassers. Councilmember Bloxham seconded the motion, which passed unanimously. **Councilmembers Morris and Thomas were not present for the vote.**

Kimberly Read, City Recorder, presented the 2021 Municipal General Election Results provided by Davis County Elections Office and reviewed them with the Council pointing out the following:

- 157 ballots were not counted due to various reasons and she provided an explanation for each of those reasons. She emphasized those voters, with the exception of the empty envelope and those received untimely, would have been notified and had the opportunity to provide a signed affidavit by 5:00 p.m. on Monday, November 15, 2021, to have their votes counted.
- Layton City experienced a 29.43% turnout, down from 35.88% in 2019. The Primary Election had a 23.97% turnout.

#### **MAYOR – 4-year term**

|           |        |         |
|-----------|--------|---------|
| Joy Petro | 10,364 | Elected |
|-----------|--------|---------|

#### **CITY COUNCIL – Two (2) four-year seats**

|                         |       |         |
|-------------------------|-------|---------|
| Tyson Roberts           | 6,828 | Elected |
| Bettina Smith Edmondson | 5,446 | Elected |

|               |       |            |
|---------------|-------|------------|
| Jesse Barocio | 5,085 | eliminated |
| C J Benson    | 4,634 | eliminated |

# ***D R A F T***

A total of 12,104 ballots were received from 41,124 Registered Voters.

**MOTION:** Board Member Bloxham moved to accept the 2021 General Election Results as presented. Board Member Day seconded the motion, which passed unanimously. **Councilmembers Morris and Thomas were not present for the vote.**

**The meeting adjourned at 7:46 a.m.**

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Kimberly S Read, City Recorder

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

**Item Number:** 5.A.

**Subject:**

Railroad Safety Grant Agreement with Utah Department of Transportation for Improvements to the Railroad Crossing Located at 2200 West — Resolution 21-53

**Background:**

Resolution 21-53 authorizes the execution of an agreement with Utah Department of Transportation (UDOT) for improvements to the railroad crossing located at 2200 West (Improvements). Utah Code §72-2-131 requires UDOT to award grants to eligible entities, which they may use to improve safety at railroad crossings on class A, class B, or class C roads. UDOT has awarded a grant in the amount of \$250,000 to the City to improve the railroad crossing located at 2200 West.

Subject to the attached provisions, the City will complete the improvements to the railroad crossing located at 2200 West.

**Alternatives:**

Alternatives are to 1) Adopt and ratify Resolution 21-53 authorizing the execution of the Railroad Safety Grant Agreement with Utah Department of Transportation for Improvements to the Railroad Crossing Located at 2200 West, 2) Adopt Resolution 21-53 with any amendments the Council deems appropriate; or 3) Not Adopt Resolution 21-53 and remand to Staff with directions.

**Recommendation:**

Staff recommends the Council adopt and ratify Resolution 21-53, authorizing the Mayor to execute the Railroad Safety Grant Agreement with Utah Department of Transportation for Improvements to the Railroad Crossing Located at 2200 West.

**RESOLUTION 21-53**

**ADOPTING AND APPROVING A RAILROAD SAFETY GRANT AGREEMENT  
WITH UTAH DEPARTMENT OF TRANSPORTATION FOR IMPROVEMENTS TO  
THE RAILROAD CROSSING LOCATED AT 2200 WEST**

**WHEREAS**, Utah Code §72-2-131 requires Utah Department of Transportation (UDOT) to award grants to eligible entities, which they may use to improve safety at railroad crossings on class A, class B, or class C roads; and

**WHEREAS**, UDOT has awarded a grant in the amount of \$250,000 to Layton City (City) to improve safety at railroad crossing located at 2200 West; and

**WHEREAS**, UDOT and the City desire to enter into a Railroad Safety Grant Agreement to establish the timeline to complete the work associated with acceptance of this grant; 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 Agreement.

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

1. That the Railroad Safety Grant Agreement for improvements to the railroad crossing located at 2200 West, with Utah Department of Transportation, which is attached hereto and incorporated herein by this reference, be adopted and approved.
2. That any actions taken heretofore in furtherance of this Resolution are hereby ratified.

**PASSED AND ADOPTED** by the City Council of Layton, Utah, this **2<sup>nd</sup>** day of December, 2021.

ATTEST:

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JOY PETRO, Mayor

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KIMBERLY S READ, City Recorder

APPROVED AS TO FORM:

  
\_\_\_\_\_  
GARY CRANE, City Attorney

SUBMITTING DEPARTMENT:

  
\_\_\_\_\_  
TERRY COBURN, Public Works Director



# Railroad Safety Grant Agreement

State of Utah

Contract No.: 228454

Utah Department of Transportation

Effective Date: 11/09/2021

Tracking No.: 39010

Funding - Fund: 2800 Unit: 8860 Appr: XUA Object: 7602 Program: 79RRG

Project Name: Improvements to the crossing at 2200 West  
Project Location: Layton City

1. **Grantee:** This agreement is between the Utah Department of Transportation (Grantor), referred to as UDOT and:

Layton City  
437 N. Wasatch Drive  
Layton, UT 84041

**Layton City Corporation - Approved as to form**

By: Mason Kjar Date: 11/05/2021  
Mason Kjar, Assistant City Attorney

2. **Reason for Agreement:** Utah Code §72-2-131 requires UDOT to award grants to eligible entities, which they may use to improve safety at railroad crossings on class A, class B, or class C roads.
3. **Agreement Expiration:** All work associated with this agreement shall be completed by **December 30, 2023**. An agreement modification will be required if additional time for completion of the agreement is needed.
4. **Agreement Amount:** UDOT will award the Grantee **\$250,000.00** for costs authorized by this agreement. Grantee will invoice the Department for the full award amount within **90** days of execution of this agreement.
5. **Exhibits Included as Part of this Agreement:**
- a. Exhibit A - Grant Application

The parties below hereto agree to abide by all the provisions of this agreement. IN WITNESS WHEREOF, the parties sign and cause this agreement to be executed.

**Grantee - Layton City Corporation**

**Utah Department of Transportation**

By: Joy Petro Date: 11/08/2021  
Joy Petro, Mayor

By: James W. Galt Date: 11/05/2021  
Title: Chief Railroad Engineer

**Layton City Corporation - Attest**

**UDOT Comptroller's Office**

By: Kimberly S Read Date: 11/08/2021  
Title: City Recorder

By: Kristi Bandy Date: 11/09/2021  
Agreement Administrator



# Railroad Safety Grant Agreement

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**Utah Department of Transportation**

By: Joy Petro Date: 11/08/2021  
Joy Petro, Mayor

By: James W. Galt Date: 11/05/2021  
Title: Chief Railroad Engineer

**Layton City Corporation - Attest**

**UDOT Comptroller's Office**

By: Kimberly S. Read Date: 11/08/2021  
Title: City Recorder

By: Kristi Bauer Date: 11/09/2021  
Agreement Administrator

## **1. Grant Agreement:**

This Agreement constitutes the entire agreement between the Grantee and UDOT. All prior discussions and understandings concerning such scope and subject matter are superseded by this Agreement. This Agreement is governed by and subject to [Utah Code § 72-2-131, 54-4-15](#), and [Utah Administrative Rules R930-5](#). Grantee must follow all applicable standards, standard drawings, and design criteria of the operating rail authority (i.e. UPRR, UTA, etc.) for the approved railroad crossing location.

## **2. UDOT Role:**

This Agreement is between UDOT and the Grantee. UDOT is responsible for funding disbursements to the Grantee under this Agreement. UDOT will also conduct oversight and monitoring activities to assess Grantee progress against established performance goals and the Statement of Work, as well as to assess compliance with terms and conditions and other requirements of this Agreement.

All correspondence with UDOT regarding this agreement, oversight and general inquiries will be done electronically through UDOT's established email address: [railroads@utah.gov](mailto:railroads@utah.gov). UDOT's Chief Railroad Engineer is responsible for oversight of this grant program.

Jim Golden, Chief Railroad Engineer/State Safety Oversight PM  
(801) 965-4284

## **3. Grantee Responsibility and Authority:**

The Grantee affirms that it had and has, as applicable, the legal authority to apply for the Grant, to enter into this Agreement, and to finance and carry out the proposed Project. The Grantee further affirms that any required resolution, motion or similar action has been duly adopted or passed as an official act authorizing the filing of the Application, where applicable, including all understandings and assurances contained therein, and the entering into of this Agreement.

## **4. Project Scope, Schedule, and Funding:**

The Grantee agrees to carry out, complete and ensure the use of the Project in a sound, economical, and efficient manner, and in accordance with the provisions of this Agreement, including the Scope of Work, the Project Schedule, the Application as applicable, and all applicable laws, regulations, and published policies.

- A. Scope. The Grantee will perform all work approved in the Grantee's Applications(s) and as outlined in Exhibit A.
- B. Schedule and Budget. The Grantee will expend the grant funds approved in the Grantee's Applications(s) prior to the Agreement Expiration.
- C. Project Costs and Funding Contributions. The Railroad Safety Grant contribution via UDOT is \$250,000.00 and may not be changed without a written request and justification

from the Grantee, written approval from UDOT, and a modification or closeout to the Agreement.

- D. Other Contributions. The Grantee is responsible for completing the Project, including providing or obtaining any other funding contributions (not via UDOT) necessary for completing the Project. The Grantee also affirms that it has sufficient funds available to assure implementation and maintenance of items funded under this Agreement that it will own or control.

## **5. Grant Modifications:**

Other than close-out, modifications to this Agreement may be made only in writing, signed by an Authorized Representative for UDOT and the Grantee, and specifically referred to as a modification to this Agreement.

## **6. Flow Down Provisions:**

The Grantee will ensure persons or entities that perform any part of the work under this Agreement, including subrecipients, consultants, or contractors, will comply with applicable state and federal requirements and the applicable requirements of this Agreement. The Grantee will ensure persons or entities that perform any part of the work under this Agreement, including subrecipients, consultants, or contractors are properly licensed and insured in accordance with local and operating rail authority (i.e. UPRR, UTA, etc.) requirements. Grantee agrees that flowing down such requirements does not relieve it of any obligation to comply with the requirements itself.

For each of the Grantee's subawards or contracts to perform all or part of the work under this Agreement:

- A. The Grantee must include applicable requirements of this Agreement in the subaward or contract and ensure compliance with these provisions.
- B. The Grantee must include applicable state and local statutory and regulatory requirements in the subaward or contract and ensure compliance with these requirements.

## **7. Successors and Assigns:**

The Grantee is not authorized to assign this Agreement without UDOT's express prior written consent.

## **8. Execution:**

This Agreement may be executed by the Grantee and UDOT in separate counterparts, each of which when so executed and delivered will be deemed an original.

## **9. Changed Conditions of Performance (Including Litigation):**

The Grantee agrees to promptly notify UDOT, in a written statement to the UDOT Chief Railroad Engineer, of any change in local law, conditions, or any other event that may affect its ability to perform the Project in accordance with the terms of this Agreement. In addition, the Grantee agrees to promptly notify the UDOT Chief Railroad Engineer of any decision pertaining to the Grantee's conduct of litigation that may affect UDOT's interests in the Project or UDOT's administration or enforcement of applicable federal laws or regulations. Before the Grantee may name UDOT as a party to litigation for any reason, the Grantee agrees first to inform the UDOT Chief Railroad Engineer in writing; this proviso applies to any type of litigation whatsoever, in any forum.

#### **10. Severability:**

If any provision of this Agreement is held invalid, all remaining provisions of this Agreement will continue in full force and effect to the extent not inconsistent with such holding.

#### **11. Right of UDOT to Terminate:**

- A. The Grantee agrees that, upon written notice, UDOT may suspend and/or terminate all or part of the grant contribution if:
  - a. Grantee fails to meet or violates the terms, conditions and obligations specified under this Agreement;
  - b. Grantee fails to make reasonable progress on the Project;
  - c. Grantee fails to provide the matching funds outlined in the Grant Application;
  - d. Grantee violates any other provision of this Agreement that significantly endangers substantial performance of the Project;
  - e. UDOT determines that termination of this Agreement is in the public interest.
- B. UDOT reserves the right to require the Grantee to refund the entire amount of the grant contribution provided under this Agreement or any lesser amount as may be determined by UDOT in its reasonable discretion, if UDOT determines that the Grantee has willfully misused the contribution, including by:
  - a. Failing to make adequate progress
  - b. Failing to adhere to the terms of this Agreement.

#### **12. Term**

This Agreement is in effect from the Effective Date until the end of the closeout period, regardless of whether UDOT suspends or terminates all or part of the grant contribution provided herein. The expiration of any time period for performance or funding established for this Project does not, by itself, constitute an expiration or termination of this Agreement.

#### **13. Deliverables and Products:**

The Grantee will submit deliverables, including publications or other products, to UDOT as stipulated in this Agreement. Substantive changes to the nature of the deliverables or significant timeline modifications require advanced written approval and may require an Amendment to this Agreement.

The Grantee will submit deliverables that adhere to all applicable laws, regulations, and UDOT guidance within the timeframes established.

#### **14. Quarterly Progress Reports:**

The Grantee will submit one completed progress report quarterly (totaling four annually), including project scope, schedule, and budget status. Scope status should include a description of how much scope has been completed and how much is remaining. Schedule status should include a description of the time remaining to project completion. Budget status should include a summary of expenditures made in this quarter as it relates to the grant contribution as well as any other contributions as proposed in the Grant Application. For the duration of the project, the Grantee must report for the periods of: January 1 – March 31; April 1 – June 30; July 1 – September 30; and October 1 – December 31. The Grantee will furnish one copy of the completed progress report to the assigned UDOT Chief Railroad Engineer (via [railroads@utah.gov](mailto:railroads@utah.gov)) on or before the thirtieth (30<sup>th</sup>) calendar day of the month following the end of the quarter for which the report is submitted.

The Grantee will complete the report in its entirety with the most accurate information available at the time of reporting. The Grantee must be able to support the information contained in its progress reports and ensure that the activities described in the report are accurate.

#### **15. Final Performance Reports:**

The Grantee must submit a Final Performance Report via email to the UDOT Chief Railroad Engineer (via [railroads@utah.gov](mailto:railroads@utah.gov)) when the Project(s) funded through this Agreement are completed. The Grantee must complete closeout activities and submit reports, no later than 90 days after the completion of the project.

#### **16. Unspent Grant Contribution(s):**

If grant contribution funds have not been completely exhausted as part of the Project, the Grantee will promptly remit the remaining funds back to UDOT.

Grant contribution funds must only be used for allowed costs. If grant contribution funds were expended on anything other than allowed costs, the Grantee will promptly reimburse UDOT for such expenditures.

#### **17. Allowed Costs:**

Allowed costs include any Project costs incurred, activities undertaken, or work performed for the purpose of improving safety at railroad crossings on state highways (class A), county roads (class B) or city streets (class C), including: (i) signage; and (ii) safety enhancements to a railroad crossing; unless specifically authorized by UDOT in writing, or allowed by this Agreement.

## **18. Accounting Procedures:**

The Grantee may invoice UDOT for the contribution funds in the full amount awarded to the Grantee once this agreement has been signed and executed by all parties.

All costs incurred by the Project, including any approved services contributed by the Grantee or others, will be supported by properly executed payrolls, time records, invoices, contracts, or vouchers describing in detail the nature and propriety of the charges.

The Grantee will ensure that all checks, payrolls, invoices, contracts, vouchers, orders, or other accounting documents pertaining in whole or in part to the Project are clearly identified with a Grant Agreement number, readily accessible, and, to the extent feasible, kept separate from documents not pertaining to the Project.

## **19. Governing Laws, Regulations, and Environmental Protection:**

The Grantee is required to comply with all applicable State and Federal laws, regulations, executive orders, policies, guidance, and requirements as they relate to the application, acceptance, and/or use of funds under this Agreement which may include, but are not limited to those referenced in this Agreement.

- A. UDOT or the governing authority(ies) may require that the Grantee conduct environmental and/or historic preservation analyses and to submit documentation to UDOT and the governing authority(ies).
- B. Minimization, Avoidance and Mitigation Measures. The Grantee must implement all measures to minimize, avoid, or mitigate adverse environmental impacts identified through any applicable categorical exclusion, Finding of No Significant Impact, or Record of Decision for the Project. The Grantee must also implement any additional measures identified through all other environmental or historic preservation review processes conducted to support Project construction and operation.
- C. Revisions to Minimization, Avoidance or Mitigation Measures. The Grantee must provide UDOT with written notice if it has not, or cannot, implement any of the minimization, avoidance or mitigation measures identified in subsection (B). Upon receiving such notice, UDOT will provide the Grantee direction in writing.

## **20. Records Retention and Audit:**

Records must be maintained in accordance with Utah Code 63G-2 (Government Records Access and Management Act).

The Grantee shall maintain all books, papers, documents, accounting records and other evidence to support costs expended under this agreement for six years after the end of the closeout period. These records shall be made available at all reasonable times during the period for audit and inspection by UDOT and other authorized auditors. Copies of requested records shall be furnished to UDOT upon request.

**21. Fraud, Waste or Abuse:**

The Grantee agrees to take all steps, including initiating litigation, if necessary, to recover the grant contribution if UDOT determines, after consultation with the Grantee, that all or a portion of such funds have been spent fraudulently, wastefully, or in violation of State laws, or misused in any manner in undertaking the Project.

**22. Site Visits:**

UDOT has the right, at all reasonable times, to make site visits to review Project activities, accomplishments, and management control systems and to provide such technical assistance as may be required. If any site visit is made by UDOT under this Agreement on the premises of the Grantee, contractor, beneficiary or subrecipient, the Grantee will provide, or will ensure the provision of all reasonable facilities and assistance for the safety and convenience of UDOT representatives in the performance of their duties. All site visits and evaluations will be performed in such a manner as will not unduly delay work being conducted by the Grantee or any subrecipient.

**23. Entire Agreement:**

This Agreement constitutes the entire agreement between the parties and supersedes any and all other prior and contemporaneous agreements and understandings between the parties, whether oral or written.

**24. Survival of Terms:**

Termination or expiration of this Agreement shall not extinguish or prejudice the UDOT's right to enforce this Agreement with respect to any default of this Agreement.

**25. Conflict of Interest:**

Grantee represents that none of its officers or employees are officers or employees of the UDOT or the State of Utah, unless disclosure has been made to the UDOT.

**26. Venue:**

Any action or proceeding arising from this Agreement shall be brought in a court of competent jurisdiction in the State of Utah. Venue shall be in Salt Lake City, in the Third Judicial District Court for Salt Lake County.

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

**Item Number:** 5.B.

**Subject:**

Accept the Material Terms of the National Opioid Settlement Agreements and to Authorize the City Manager to Execute the Related Documents — Resolution 21-54

**Background:**

The City of Layton, Utah is a city formed and organized pursuant to the Constitution and laws of the State of Utah. The people of the State of Utah and its communities have been harmed by misfeasance, nonfeasance, and malfeasance committed by certain entities within the Opioid Pharmaceutical Supply Chain. The State of Utah, through its Attorney General, and certain Local Governments, through their elected representatives and counsel, are separately engaged in litigation seeking to hold Opioid Pharmaceutical Supply Chain Participants accountable for the damage caused by their misfeasance, nonfeasance, and malfeasance. The State of Utah, through its Governor and Attorney General, and its Local Governments share a common desire to abate and alleviate the impacts of that misfeasance, nonfeasance and malfeasance throughout the State of Utah.

Settlement proposals are being presented to the State of Utah and Local Governments by distributors AmerisourceBergen, Cardinal and McKesson, Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc., and Janssen Pharmaceuticals, Inc. to resolve governmental entity claims in the State of Utah. The Council has reviewed the material terms of the respective proposed national opioid distributor settlement agreements with the Settling Distributors and finds adoption of the same to be in the best interests of the health, safety, and welfare of the citizens of Layton.

**Alternatives:**

Alternatives are to 1) Adopt Resolution 21-54 to accept the material terms of the National Opioid Settlement Agreements and to authorize the City Manager to execute the related documents; 2) Adopt Resolution 21-54 with any amendments the Council deems appropriate; or 3) Not adopt Resolution 21-54 and remand to Staff with directions.

**Recommendation:**

Staff recommends the Council adopt Resolution 21-54 to accept the material terms of the National Opioid Settlement Agreements and to authorize the City Manager to sign the necessary documents.

## **RESOLUTION 21-54**

### **A RESOLUTION TO ACCEPT THE MATERIAL TERMS OF THE NATIONAL OPIOID SETTLEMENT AGREEMENTS AND TO AUTHORIZE THE CITY MANAGER TO EXECUTE THE RELATED DOCUMENTS**

**WHEREAS**, the City of Layton, Utah (herein “Municipality”) is a city formed and organized pursuant to the Constitution and laws of the State of Utah; and

**WHEREAS**, the people of the State of Utah and its communities have been harmed by misfeasance, nonfeasance, and malfeasance committed by certain entities within the Opioid Pharmaceutical Supply Chain; and

**WHEREAS**, the State of Utah, through its Attorney General, and certain Local Governments, through their elected representatives and counsel, are separately engaged in litigation seeking to hold Opioid Pharmaceutical Supply Chain Participants accountable for the damage caused by their misfeasance, nonfeasance, and malfeasance; and

**WHEREAS**, the State of Utah, through its Governor and Attorney General, and its Local Governments share a common desire to abate and alleviate the impacts of that misfeasance, nonfeasance, and malfeasance throughout the State of Utah; and

**WHEREAS**, settlement proposals are being presented to the State of Utah and Local Governments by distributors AmerisourceBergen, Cardinal and McKesson, Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc., and Janssen Pharmaceuticals, Inc. (collectively the “Settling Distributors”) to resolve governmental entity claims in the State of Utah; and

**WHEREAS**, Layton City Council has reviewed the material terms of the respective proposed national opioid distributor settlement agreements with the Settling Distributors (the “Proposed Settlements”) and finds adoption of same to be in the best interests of the health, safety, and welfare of the citizens of Layton.

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

1. That the City Manager is authorized to adopt and approve any and all of the Proposed Settlements with the Settlement Distributors, and any preliminary or related documents, as become necessary, on behalf of the City of Layton.

2. That it is found and determined that all formal actions of the Council relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

3. This Resolution shall be in full force and take effect immediately upon its adoption.

**PASSED AND ADOPTED** by the City Council of Layton, Utah, this \_\_\_\_ **day of** \_\_\_\_\_, 20\_\_.

---

JOY PETRO, Mayor

ATTEST:

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KIMBERLY S READ, City Recorder

APPROVED AS TO FORM:

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GARY R. CRANE, City Attorney

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

**Item Number:** 5.C.

**Subject:**

Authorizing the Acquisition of Interests in Real Property for the Construction of a Traffic Turn Lane Located on the Southwest Corner of Flint Street and Gentile Street by Negotiation or by Eminent Domain — Resolution 21-34

**Background:**

Layton City is a Utah Municipal Corporation and as such has the authority to acquire property for public improvements and the right and power of eminent domain to acquire property for a “public purpose” if unable to acquire the same by reasonable negotiation. The Council has appropriated funds for the installation of improvements associated with the widening of the intersection on the southwest corner of Gentile and Flint Street for the purpose of installing a turn lane, hereinafter referred to as the Flint Street Project. The Council has adopted a General Plan which, by reference, includes various master plans and capital facilities plans showing the public need for the Flint Street Project and its related infrastructure. The City has determined that it is in the public interest to undertake the acquisition of certain private property for said public improvements and to construct and maintain public improvements. The City has introduced the project to the affected property owner and the City has notified the property owner of the right to arbitration and mediation with the State Property Rights Ombudsman, and completed all other steps necessary as conditions precedent to any needed use of the City’s eminent domain authority and those attendant actions. The interest of real property to be acquired by the City for this public purpose are necessary for the completion of the Flint Street Project.

**Alternatives:**

Alternatives are to 1) Adopt Resolution 21-34 Authorizing the Acquisition of Interest in Real Property for the Construction of a Traffic Turn Lane Located on the Southwest Corner of Flint Street and Gentile Street by Negotiation or by Eminent Domain; 2) Adopt Resolution 21-34 with any amendments the Council deems appropriate; or 3) Not adopt Resolution 21-34 and remand to Staff with directions.

**Recommendation:**

Staff recommends the Council adopt Resolution 21-34 authorizing the acquisition of interests in real property for the construction of a traffic turn lane located on the southwest corner of Flint Street and Gentile Street by negotiation or by eminent domain and authorize the Mayor to sign the necessary documents.

## **RESOLUTION 21-34**

### **A RESOLUTION AUTHORIZING THE ACQUISITION OF INTERESTS IN REAL PROPERTY FOR THE CONSTRUCTION OF A TRAFFIC TURN LANE LOCATED ON THE SOUTHWEST CORNER OF FLINT STREET AND GENTILE STREET BY NEGOTIATION OR BY EMINENT DOMAIN**

**WHEREAS**, Layton City is a Utah Municipal Corporation and as such has the authority to acquire property for public improvements and the right and power of eminent domain to acquire property for a “public purpose” if unable to acquire the same by reasonable negotiation; and

**WHEREAS**, the Council has appropriated funds for the installation of improvements associated with the widening of the intersection on the southwest corner of Gentile and Flint Street for the purpose of installing a turn lane, hereinafter referred to as the “Flint Street Project”, (attached hereto as Exhibit “A”); and

**WHEREAS**, the City Council has adopted a General Plan which, by reference, includes various master plans and capital facilities plans showing the public need for the Flint Street Project and its related infrastructure; and

**WHEREAS**, the City has determined that it is in the public interest to undertake the acquisition of certain private property for said public improvements and to construct and maintain public improvements (a legal description of said property is attached hereto as Exhibit “B”); and

**WHEREAS**, the City has introduced the project to the affected property owner and the City has notified property owner of the right to arbitration and mediation with the State Property Rights Ombudsman, and completed all other steps necessary as conditions precedent to any needed use of the City’s eminent domain authority and those attendant actions; and

**WHEREAS**, the interest of real property to be acquired by the City for this public purpose are necessary for the completion of the Flint Street Project.

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

1. That the City is authorized to acquire by negotiations, in conformance with the statutes relating to eminent domain and the requirements to negotiate in good faith, the above-described interests in real property referred to as the “Flint Street Project” for the full appraised fair market value, together with all damages compensable by law associated with and arising from said acquisition, and the construction of public improvements to be placed on said property shown in Exhibit A, which is attached hereto and incorporated herein by this reference.

2. That if said property cannot be acquired by voluntary purchase through reasonable negotiations then the City, through its legal counsel, is authorized to undertake condemnation to acquire, in the name of the City, the real property’s interest herein described, and if necessary, to make application in the Court having jurisdiction for an Order of Immediate Occupancy permitting the City to take immediate possession of the identified properties so as to allow commencement of construction of the Flint Street Project.

3. That said property is being acquired for the purpose of constructing a turn lane at Gentile and Flint Street, which property is more particularly described in Exhibit B, which is attached hereto and incorporated herein by this reference.

4. That any actions taken heretofore and consistent herewith are hereby ratified.

5. That the Mayor may be authorized to execute those documents necessary to accomplish the above.

**PASSED AND ADOPTED** by the City Council of Layton, Utah, this **2<sup>nd</sup> day of December, 2021**.

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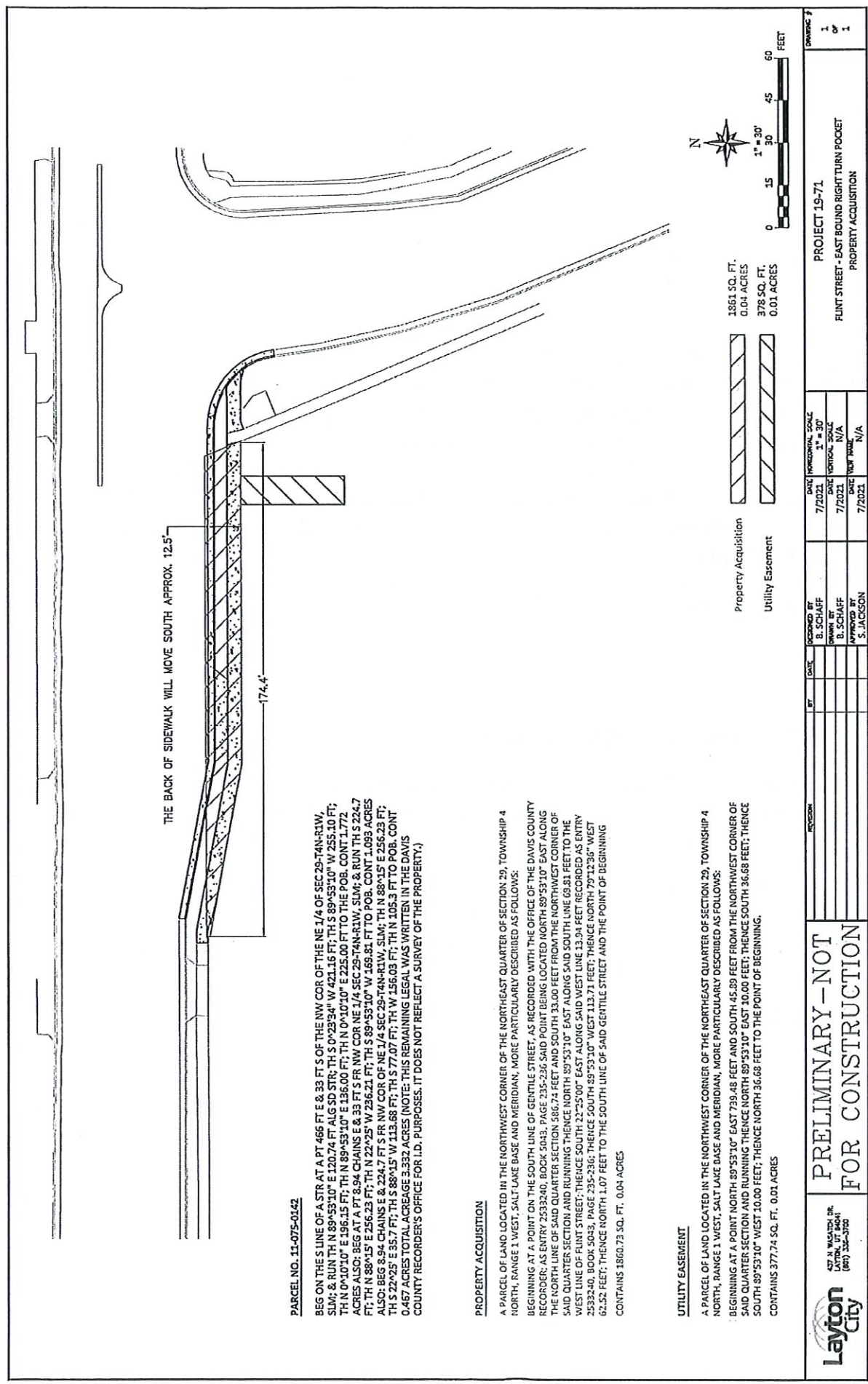
JOY PETRO, Mayor

ATTEST:

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KIMBERLY S READ, City Recorder

EXHIBIT A



**PROPERTY ACQUISITION**

A PARCEL OF LAND LOCATED IN THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 4 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH LINE OF GENTILE STREET, AS RECORDED WITH THE OFFICE OF THE DAVIS COUNTY RECORDER, AS ENTRY 2533240, BOOK 5043, PAGE 235-236 SAID POINT BEING LOCATED NORTH 89°53'10" EAST ALONG THE NORTH LINE OF SAID QUARTER SECTION 586.74 FEET AND SOUTH 33.00 FEET FROM THE NORTHWEST CORNER OF SAID QUARTER SECTION AND RUNNING THENCE NORTH 89°53'10" EAST ALONG SAID SOUTH LINE 69.81 FEET TO THE WEST LINE OF FLINT STREET; THENCE SOUTH 22°25'00" EAST ALONG SAID WEST LINE 13.94 FEET RECORDED AS ENTRY 2533240, BOOK 5043, PAGE 235-236; THENCE SOUTH 89°53'10" WEST 113.71 FEET; THENCE NORTH 79°12'36" WEST 62.52 FEET; THENCE NORTH 1.07 FEET TO THE SOUTH LINE OF SAID GENTILE STREET AND THE POINT OF BEGINNING CONTAINS 1860.73 SQ. FT. 0.04 ACRES

**UTILITY EASEMENT**

A PARCEL OF LAND LOCATED IN THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 4 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT NORTH 89°53'10" EAST 739.48 FEET AND SOUTH 45.89 FEET FROM THE NORTHWEST CORNER OF SAID QUARTER SECTION AND RUNNING THENCE NORTH 89°53'10" EAST 30.00 FEET; THENCE SOUTH 36.68 FEET; THENCE SOUTH 89°53'10" WEST 10.00 FEET; THENCE NORTH 36.68 FEET TO THE POINT OF BEGINNING. CONTAINS 377.74 SQ. FT. 0.01 ACRES

## **EXHIBIT B**

### **PROPERTY ACQUISITION**

A PARCEL OF LAND LOCATED IN THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 4 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH LINE OF GENTILE STREET, AS RECORDED WITH THE OFFICE OF THE DAVIS COUNTY RECORDER; AS ENTRY 2533240, BOOK 5043, PAGE 235-236 SAID POINT BEING LOCATED NORTH 89°53'10" EAST ALONG THE NORTH LINE OF SAID QUARTER SECTION 586.74 FEET AND SOUTH 33.00 FEET FROM THE NORTHWEST CORNER OF SAID QUARTER SECTION AND RUNNING THENCE NORTH 89°53'10" EAST ALONG SAID SOUTH LINE 69.81 FEET TO THE WEST LINE OF FLINT STREET; THENCE SOUTH 22°25'00" EAST ALONG SAID WEST LINE 13.94 FEET RECORDED AS ENTRY 2533240, BOOK 5043, PAGE 235-236; THENCE SOUTH 89°53'10" WEST 113.71 FEET; THENCE NORTH 79°12'36" WEST 62.52 FEET; THENCE NORTH 1.07 FEET TO THE SOUTH LINE OF SAID GENTILE STREET AND THE POINT OF BEGINNING

CONTAINS 1860.73 SQ. FT. 0.04 ACRES

### **UTILITY EASEMENT ACQUISITION**

A PARCEL OF LAND LOCATED IN THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 4 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT NORTH 89°53'10" EAST 739.48 FEET AND SOUTH 45.89 FEET FROM THE NORTHWEST CORNER OF SAID QUARTER SECTION AND RUNNING THENCE NORTH 89°53'10" EAST 10.00 FEET; THENCE SOUTH 36.68 FEET; THENCE SOUTH 89°53'10" WEST 10.00 FEET; THENCE NORTH 36.68 FEET TO THE POINT OF BEGINNING.

CONTAINS 377.74 SQ. FT. 0.01 ACRES

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

**Item Number:** 5.D.

**Subject:**

Annexation Request — Robinson Annexation — Resolution of Intent to Annex Property — Resolution 21-52  
— Approximately 3654 West 100 South

**Background:**

The City has received a request to consider annexation of a 2.012 acre parcel located at approximately 3654 West 100 South. The request for annexation is in support of an application for a building permit that splits the Layton City and Davis County jurisdictional boundary. The property owner is Brody Robinson. Utah State Code section 10-2-418 permits the City to annex an island or peninsula without a petition under certain circumstances when the property receives or will receive municipal services.

The proposed area for annexation is in the south-west corner of the City. The properties to the north and south are unincorporated. The property to the east is owned by Mr. Robinson and is the location of his single family home that is under construction. The properties to the west are located in Syracuse City. The purpose of the annexation petition is to combine the property with the existing single-family development and allow for the construction of a pool. Following the adoption of this resolution, Staff will initiate the necessary annexation procedures as outlined by State law.

**Alternatives:**

Alternatives are to 1) Adopt Resolution 21-52 adopting the resolution of intent for annexation and directing Staff to initiate the necessary annexation procedures; or 2) Not adopt Resolution 21-52.

**Recommendation:**

Staff recommends the Council adopt Resolution 21-52 indicating the Council's intent to annex the area and directing Staff to initiate the necessary annexation procedures.

**RESOLUTION 21-52**

**A RESOLUTION OF INTENT TO ANNEX PROPERTY LOCATED AT  
APPROXIMATELY 3654 WEST 100 SOUTH**

**WHEREAS**, the City Council has determined that certain property should be annexed into the City, pursuant to Utah Code Annotated section 10-2-418, which allows for the annexation of peninsulas or islands that are served by municipal type services; and

**WHEREAS**, certain properties located at approximately 3645 West 100 South meet the criteria for annexation without a petition; and

**WHEREAS**, these properties are located within an area where Layton City can provide municipal services; and

**WHEREAS**, the property is identified in the Layton City Annexation Policy Plan, Expansion Area Five, adopted by the City Council on December 5, 2002; and

**WHEREAS**, the City Council determines it to be in the best interest of the citizens of Layton City to annex the property and direct Staff to initiate the necessary annexation procedures and provide notice thereof relative to the proposed annexation; and

**WHEREAS**, the property owners wish to proceed with the petition for annexation to the City.

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

1. This Resolution shall become effective immediately upon adoption by the City Council.

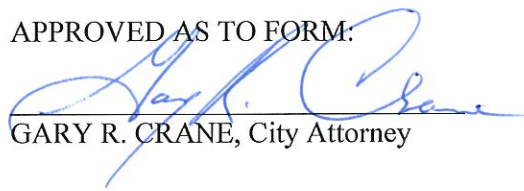
**PASSED AND ADOPTED** by the City Council of Layton, Utah, this \_\_\_\_ day of \_\_\_\_\_,  
20\_\_.

\_\_\_\_\_  
JOY PETRO, Mayor

ATTEST:

\_\_\_\_\_  
KIMBERLY S READ, City Recorder

APPROVED AS TO FORM:

  
\_\_\_\_\_  
GARY R. CRANE, City Attorney

  
\_\_\_\_\_  
CHAD WILKINSON, Director  
Community & Economic Development

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

**Item Number:** 6.A.

**Subject:**

Rezone Request — 142 South 2200 West Rezone — From A (Agriculture) to R-1-10 (Single-Family Residential) — Ordinance 21-28

**Background:**

The applicant, Greg Williams, is requesting a rezone from A (Agriculture) to R-1-10 (Single-Family Residential). The total area proposed for rezone is 2.323 acres. The General Plan identifies the future land-use of the property as Residential Low Density, which includes the R-1-10 zone. The proposed rezone is compatible with the existing uses in the vicinity and consistent with the General Plan. The property fronts 2200 West and currently has an existing single-family home with a detached garage. A concept plan presented to Staff shows the creation of three to four lots. The first would be the existing home, the second lot would be to the north of the existing home with frontage along 2200 West and the additional lots would be to the west of the existing home.

**Alternatives:**

Alternatives are to 1) Adopt Ordinance 21-28 approving the rezone request from A (Agriculture) to R-1-10 (Single-Family Residential); 2) Adopt Ordinance 21-28 approving the rezone request from A (Agriculture) to R-1-10 (Single-Family Residential) with modifications; or 3) Not adopt Ordinance 21-28, denying the rezone request.

**Recommendation:**

On November 9, 2021, the Planning Commission voted to forward a positive recommendation to the Council to approve the rezone request from A (Agriculture) to R-1-10 (Single-Family Residential).

Staff supports the Planning Commission's recommendation.

**ORDINANCE 21-28**  
(Rezone Request, 142 South 2200 West)

**AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF PARCEL 12-110-0268, LOCATED AT 142 SOUTH 2200 WEST, FROM "A" (AGRICULTURE) TO "R-1-10" (SINGLE FAMILY RESIDENTIAL) FOR SEVERABILITY, REPEALER, AND 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-1-10 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, reasonable, and 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 1. Repealer.** If any provisions of the City's Code heretofore adopted are inconsistent herewith they are hereby repealed.

**SECTION 2. Enactment.** The zoning map is hereby amended by changing the zone classification of the following property from A to R-1-10

BEG AT A PT 28 RODS S & 233.0 FT W FR NE COR OF SEC 25-T4N-R2W, SLM;  
RUN TH S 338.7 FT; TH N 36°41' W 422.3 FT; TH E 252.3 FT TO POB. CONT. 0.98  
ACRES ALSO, BEG AT A PT 28 RODS S FR NE COR OF SEC 25-T4N-R2W, SLM;  
RUN TH S 363.00 FT; TH W 214.9 FT, M/L, TO SE COR OF PPTY CONV IN 675-757;  
TH N 36°41' W 30.30 FT; TH N 208.70 FT; TH S 89°50'56" E 200.00 FT; TH N 0°11'01"  
E 130.00 FT; TH E 33.00 FT TO POB. CONT. 1.343 ACRES TOTAL ACREAGE 2.323  
ACRES

**SECTION 3. Severability.** If any part of this ordinance is found to be invalid by a court of competent jurisdiction, the remaining language shall remain in full force and effect.

**SECTION 4. Effective Date.** This ordinance amendment shall become effective immediately upon adoption.

\*\*Signatures on next page\*\*

PASSED AND ADOPTED BY THE LAYTON CITY COUNCIL \_\_\_\_\_.

|                  | <b>AYE</b> | <b>NAY</b> | <b>ABSENT</b> | <b>ABSTAIN</b> |
|------------------|------------|------------|---------------|----------------|
| Joy Petro        | _____      | _____      | _____         | _____          |
| Tom Day          | _____      | _____      | _____         | _____          |
| Dave Thomas      | _____      | _____      | _____         | _____          |
| Zach Bloxham     | _____      | _____      | _____         | _____          |
| Clint Morris     | _____      | _____      | _____         | _____          |
| Dawn Fitzpatrick | _____      | _____      | _____         | _____          |

\_\_\_\_\_  
JOY PETRO, Mayor

ATTEST

\_\_\_\_\_  
KIMBERLY S READ, City Recorder

  
GARY CRANE, City Attorney

  
CHAD WILKINSON, Community &  
Economic Development Director,  
Layton City



**COMMUNITY AND ECONOMIC  
DEVELOPMENT DEPARTMENT  
PLANNING DIVISION**

## **STAFF REPORT**

**TO:** City Council

**FROM:** Curtis Poole, Planner II

**DATE:** December 2, 2021

**RE:** Rezone Request – 142 South 2200 West – From A (Agriculture) to R-1-10 (Single-Family Residential) zone – Ordinance 21-28

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**LOCATION:** 142 South 2200 West

**CURRENT ZONING:** A (Agriculture)

**PROPOSED ZONING:** R-1-10 (Single-Family Residential)

### **DESCRIPTION OF REZONE AREA**

The applicant, Greg Williams, is requesting a rezone from A (Agriculture) to R-1-10 (Single-Family Residential). The total area proposed for rezone is 2.323 acres. The property fronts 2200 West and currently has an existing single-family home with a detached garage. To the south and west of the property is the Utah Power and Light power line corridor, which is zoned A. To the east are properties with agricultural uses, which are zoned R-S (Single-Family Residential Suburban). Further to the east are properties which lie outside City boundaries that have agricultural uses. To the north there are other single-family homes zoned A and R-S. The applicant is proposing the zone change in order to subdivide the property into three to four lots for single-family residential use.

### **BACKGROUND INFORMATION AND STAFF REVIEW**

The property has approximately 230 feet of frontage along 2200 West, which is classified as a collector street. A concept plan presented to Staff shows the creation of three to four lots. The first would be the existing home, the second lot would be to the north of the existing home with frontage along 2200 West and the additional lots would be to the west of the existing home. The General Plan identifies the future land-use of the property as “Residential Low Density,” which includes the R-1-10 zone. The proposed rezone is compatible with the existing uses in the vicinity and consistent with the General Plan.

**PLANNING COMMISSION RECOMMENDATION**

On November 9, 2021, the Planning Commission reviewed the rezone request. After hearing public comment and deliberating, the Commission voted to forward a positive recommendation to the City Council to approve the rezone request from A to R-1-10 on a 3 – 2 vote with Commissioners Wilson and Pierce voting against the rezone request.

**STAFF RECOMMENDATION**

Staff recommends the City Council accept the positive recommendation from the Planning Commission and approve the rezone requests from A to R-1-10. This recommendation is based on consistency with the current General Plan's land use designation of Residential Low Density for this property.



***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:** Gregory Williams; williamseagle1@msn.com

**CC:** CED Department/Fire Marshal/Legal Department

**FROM:** Shannon Hansen, Assistant City Engineer - Development

**DATE:** October 26, 2021

**SUBJECT:** 142 South 2200 West Rezone

I have reviewed the Rezone Petition for one parcel of ground containing approximately 2.30 acres located at approximately 142 South 2200 West. The applicant is requesting a zoning change from A to R-1-10. The Engineering Department has no concerns or comments regarding the rezone of the property.

The following is provided for informational purposes only and may not be inclusive.

**Street** – Upon development, a 7-foot PU&DE will need to be established along the front, total of 10-feet along the sides (with a minimum of 3-feet along shared lines and 5 feet on subdivision boundary sides) and 10-feet along the rear.

Full street improvements will need to be constructed along 2200 West for the entire parcel length.

The right-of-way for 2200 West will need to be dedicated to the City. This includes the portion of street in front of parcel 12-110-0165 (98 South 2200 West).

**Sanitary Sewer** – There is a 8-inch City line on the east side of 2200 West.

**Culinary Water** – There is a 10" City DIP culinary water line on the west side of 2200 West.

Based on the water model, the anticipated fire flow is 7,700 gpm with 90 psi.

**Land Drain** – There are no land drain lines near the property. A land drain system may be required as specified in a geotechnical report and as required per Layton City Municipal Code 18.40.020.

**Storm Drain** – There is a 48-inch City storm drain on the west side of 2200 West.

Low Impact Development standards as required in Section 6.14 of the Development Design Standards will need to be addressed. Any infiltration testing will need to comply with the standards outlined in Section 8.16 of the same design standards.

Detention for this site is addressed with a regional facility at the south end of 2200 West. The LID requirements may be addressed by this regional facility.

**Miscellaneous –**

1. Street lighting on 2200 West may be required upon development.
2. There is an irrigation line along the west side of 2200 West behind the back of walk. The developer shall provide the City with the owners of the facility to provide the proper notification for the project. The irrigation company and its users will need to approve of any changes to the lines or structures.
3. The Developer should note that Layton City passed an ordinance on November 4, 2004 requiring all development to provide irrigation water shares for water supply. The water exaction will be based on 3 acre feet per developed acre.
4. This property is part of a future secondary water service area.



142 S 2200 W  
REZONE

A to R-1-10

142 S 2200 W

Acres: 2.32

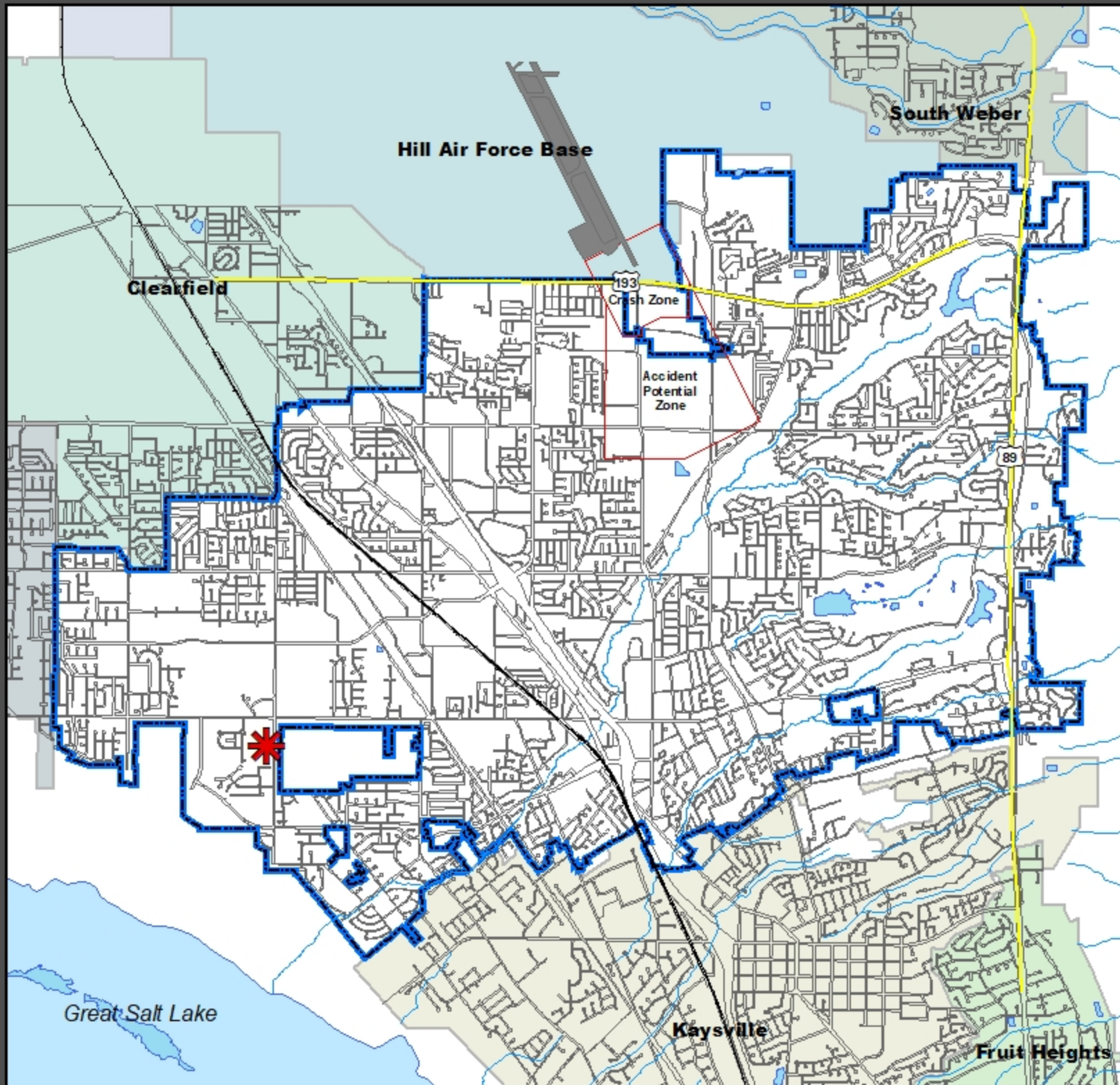
### Legend

-  City Boundary
-  Rail Lines
-  APZ
-  Interstate 15
-  Lakes
-  Streams

 - Project Site



Map 1





142 S 2200 W  
REZONE

A to R-1-10

142 S 2200 W

Acres: 2.32

### Legend



City Boundary



Interstate 15



Highways



Lakes



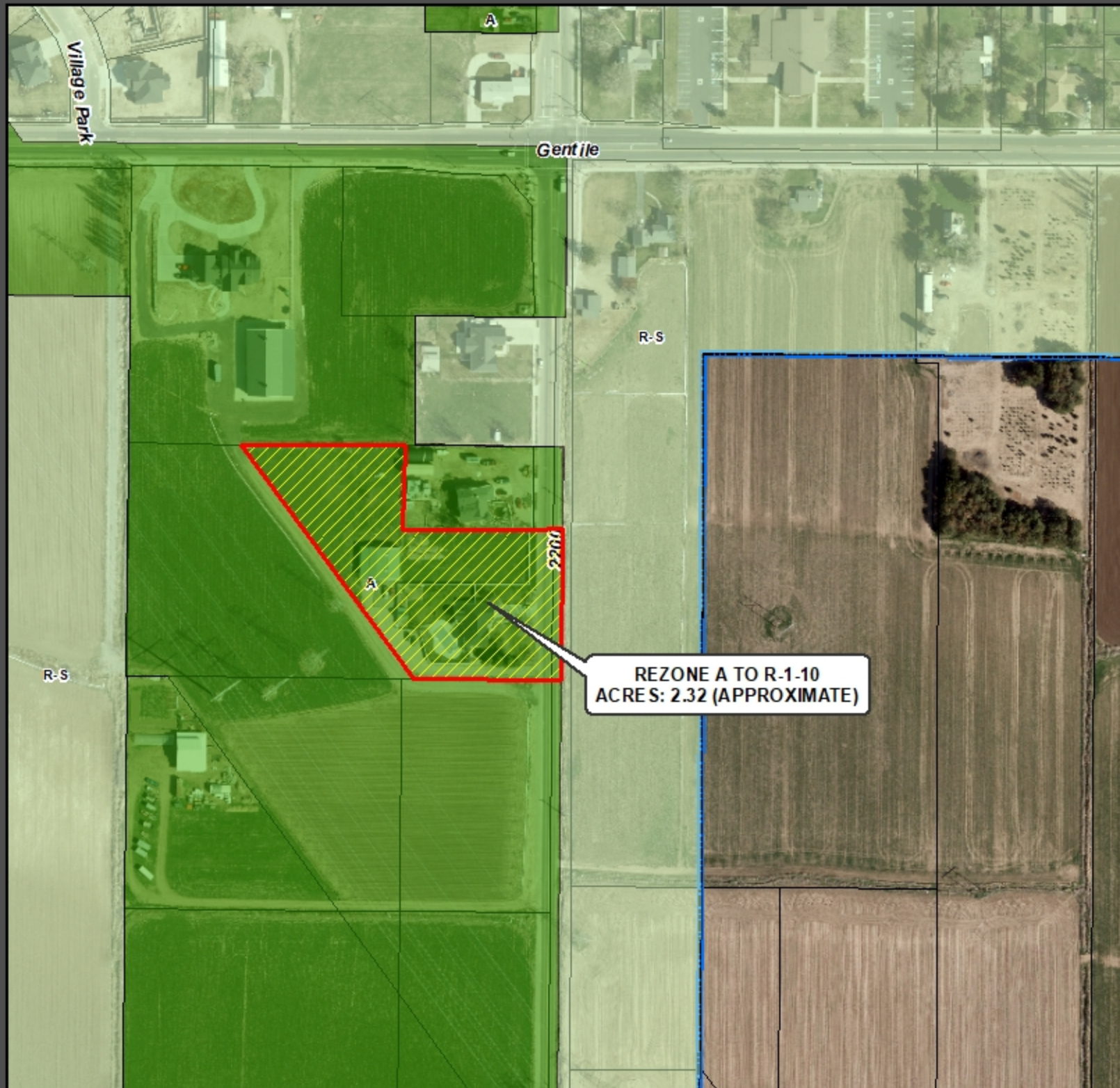
Streams



- Project Area



Map 2



**ADDITIONAL**

**PACKET**

**ATTACHMENTS**

# December 2, 2021

# City Council Meeting

# Railroad Safety Grant Agreement with UDOT

## Railroad Crossing Improvements



Railroad Tracks

E 2000 S

Demetrio Dr

N 2200 W

N 2175 W

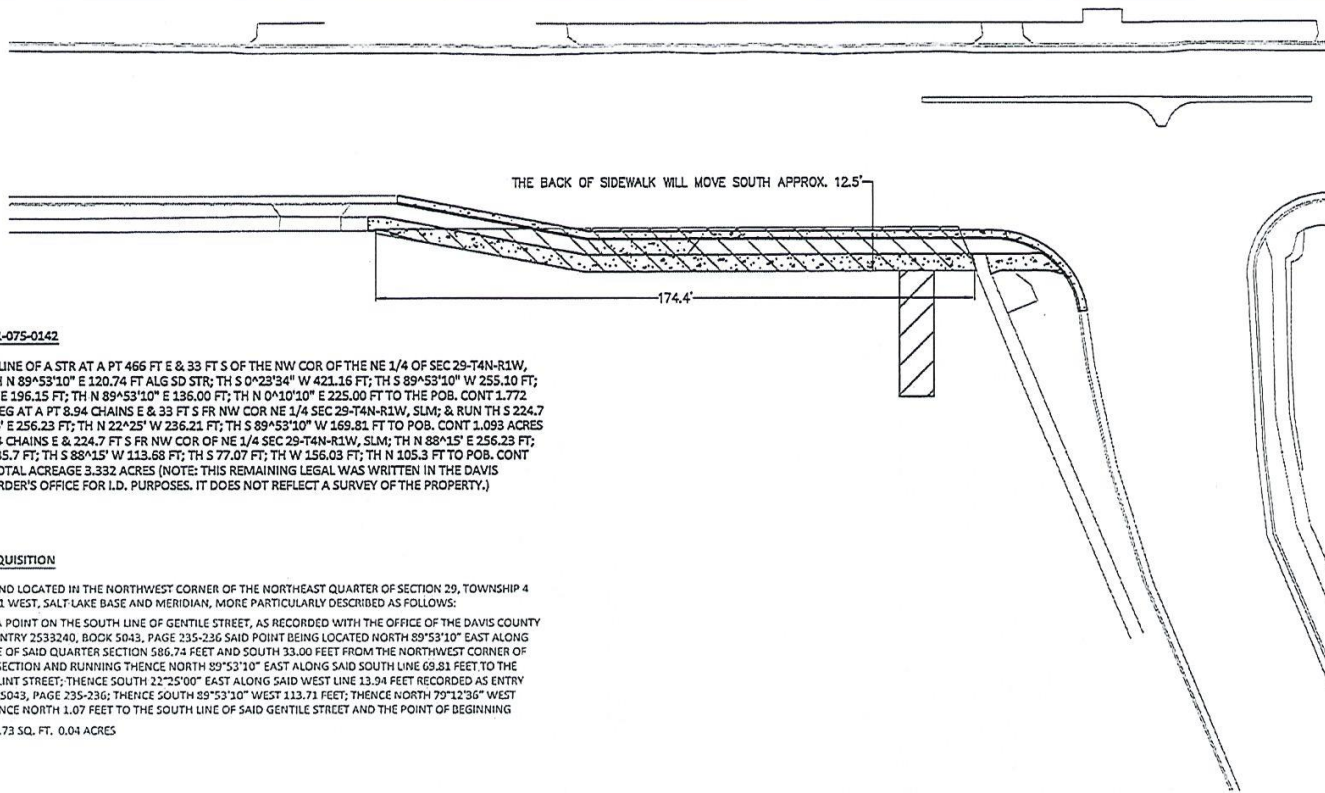
Northeastern Services

2125

# Accept the Material Terms of the National Opioid Settlement Agreement

# Authorize the Acquisition of Interests in Real Property Southwest Corner of Flint & Gentile Street

# EXHIBIT A



## PARCEL NO. 11-075-0142

BEG ON THE S LINE OF A STR AT A PT 466 FT E & 33 FT S OF THE NW COR OF THE NE 1/4 OF SEC 29-T4N-R1W, SLM; & RUN TH N 89°53'10" E 120.74 FT ALG SD STR; TH S 0°23'34" W 421.16 FT; TH S 89°53'10" W 255.10 FT; TH N 0°10'10" E 196.15 FT; TH N 89°53'10" E 136.00 FT; TH N 0°10'10" E 225.00 FT TO THE POB. CONT 1.772 ACRES ALSO; BEG AT A PT 8.94 CHAINS E & 33 FT S FR NW COR NE 1/4 SEC 29-T4N-R1W, SLM; & RUN TH S 224.7 FT; TH N 88°15' E 256.23 FT; TH N 22°25' W 236.21 FT; TH S 89°53'10" W 169.81 FT TO POB. CONT 1.093 ACRES ALSO; BEG 8.94 CHAINS E & 224.7 FT S FR NW COR OF NE 1/4 SEC 29-T4N-R1W, SLM; TH N 88°15' E 256.23 FT; TH S 22°25' E 35.7 FT; TH S 88°15' W 113.68 FT; TH S 77.07 FT; TH W 156.03 FT; TH N 105.3 FT TO POB. CONT 0.467 ACRES TOTAL ACREAGE 3.332 ACRES (NOTE: THIS REMAINING LEGAL WAS WRITTEN IN THE DAVIS COUNTY RECORDER'S OFFICE FOR I.D. PURPOSES. IT DOES NOT REFLECT A SURVEY OF THE PROPERTY.)

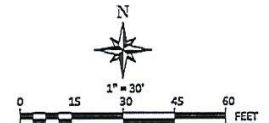
## PROPERTY ACQUISITION

A PARCEL OF LAND LOCATED IN THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 4 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGINNING AT A POINT ON THE SOUTH LINE OF GENTILE STREET, AS RECORDED WITH THE OFFICE OF THE DAVIS COUNTY RECORDER; AS ENTRY 2533240, BOOK 5043, PAGE 235-236 SAID POINT BEING LOCATED NORTH 89°53'10" EAST ALONG THE NORTH LINE OF SAID QUARTER SECTION 586.74 FEET AND SOUTH 33.00 FEET FROM THE NORTHWEST CORNER OF SAID QUARTER SECTION AND RUNNING THENCE NORTH 89°53'10" EAST ALONG SAID SOUTH LINE 69.81 FEET TO THE WEST LINE OF FLINT STREET; THENCE SOUTH 22°25'00" EAST ALONG SAID WEST LINE 13.94 FEET RECORDED AS ENTRY 2533240, BOOK 5043, PAGE 235-236; THENCE SOUTH 89°53'10" WEST 113.71 FEET; THENCE NORTH 79°12'36" WEST 62.52 FEET; THENCE NORTH 1.07 FEET TO THE SOUTH LINE OF SAID GENTILE STREET AND THE POINT OF BEGINNING  
CONTAINS 1860.73 SQ. FT. 0.04 ACRES

## UTILITY EASEMENT

A PARCEL OF LAND LOCATED IN THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 4 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGINNING AT A POINT NORTH 89°53'10" EAST 739.48 FEET AND SOUTH 45.89 FEET FROM THE NORTHWEST CORNER OF SAID QUARTER SECTION AND RUNNING THENCE NORTH 89°53'10" EAST 10.00 FEET; THENCE SOUTH 36.68 FEET; THENCE SOUTH 89°53'10" WEST 10.00 FEET; THENCE NORTH 36.68 FEET TO THE POINT OF BEGINNING.  
CONTAINS 377.74 SQ. FT. 0.01 ACRES

Property Acquisition 1861 SQ. FT.  
0.04 ACRES  
Utility Easement 378 SQ. FT.  
0.01 ACRES



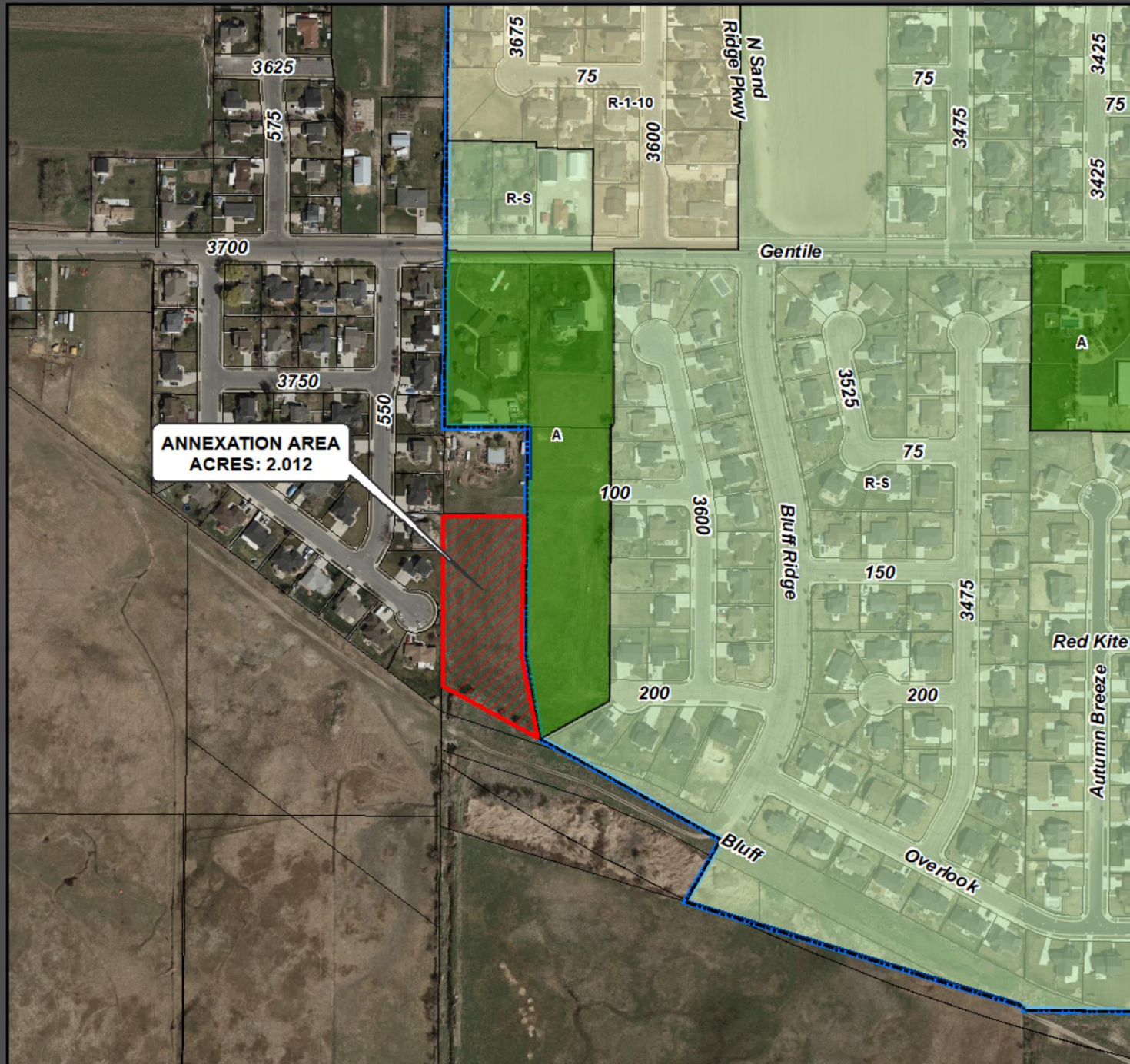
**PRELIMINARY-NOT  
FOR CONSTRUCTION**

| REVISION | BY | DATE | DESIGNED BY | DATE   | HORIZONTAL SCALE |
|----------|----|------|-------------|--------|------------------|
|          |    |      | B. SCHAFF   | 7/2021 | 1" = 30'         |
|          |    |      | DRAWN BY    | DATE   | VERTICAL SCALE   |
|          |    |      | B. SCHAFF   | 7/2021 | N/A              |
|          |    |      | APPROVED BY | DATE   | VIEW NAME        |
|          |    |      | S. JACKSON  | 7/2021 | N/A              |

**PROJECT 19-71**  
**FLINT STREET - EAST BOUND RIGHT TURN POCKET**  
**PROPERTY ACQUISITION**

**DRAWING 2**  
**1**  
**OF**  
**1**

# Robinson Annexation Intent to Annex Property



# 142 South 2200 West Rezone

## From A to R-1-10



142 S 2200 W  
REZONE

A to R-1-10

142 S 2200 W

Acres: 2.32

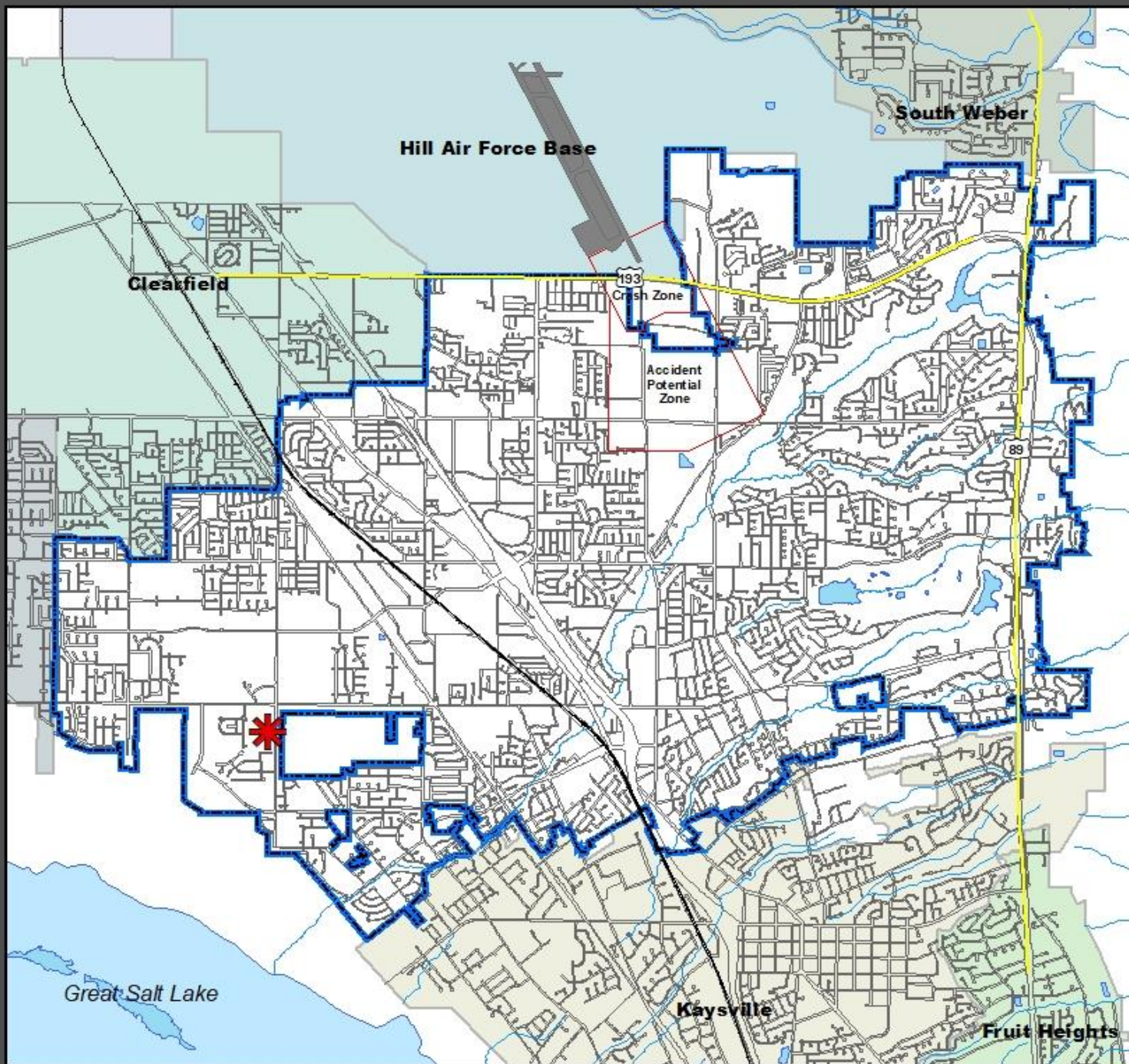
### Legend

-  City Boundary
-  Rail Lines
-  APZ
-  Interstate 15
-  Lakes
-  Streams

 - Project Site



Map 1





142 S 2200 W  
REZONE

A to R-1-10

142 S 2200 W

Acres: 2.32

### Legend



City Boundary



Interstate 15



Highways



Lakes



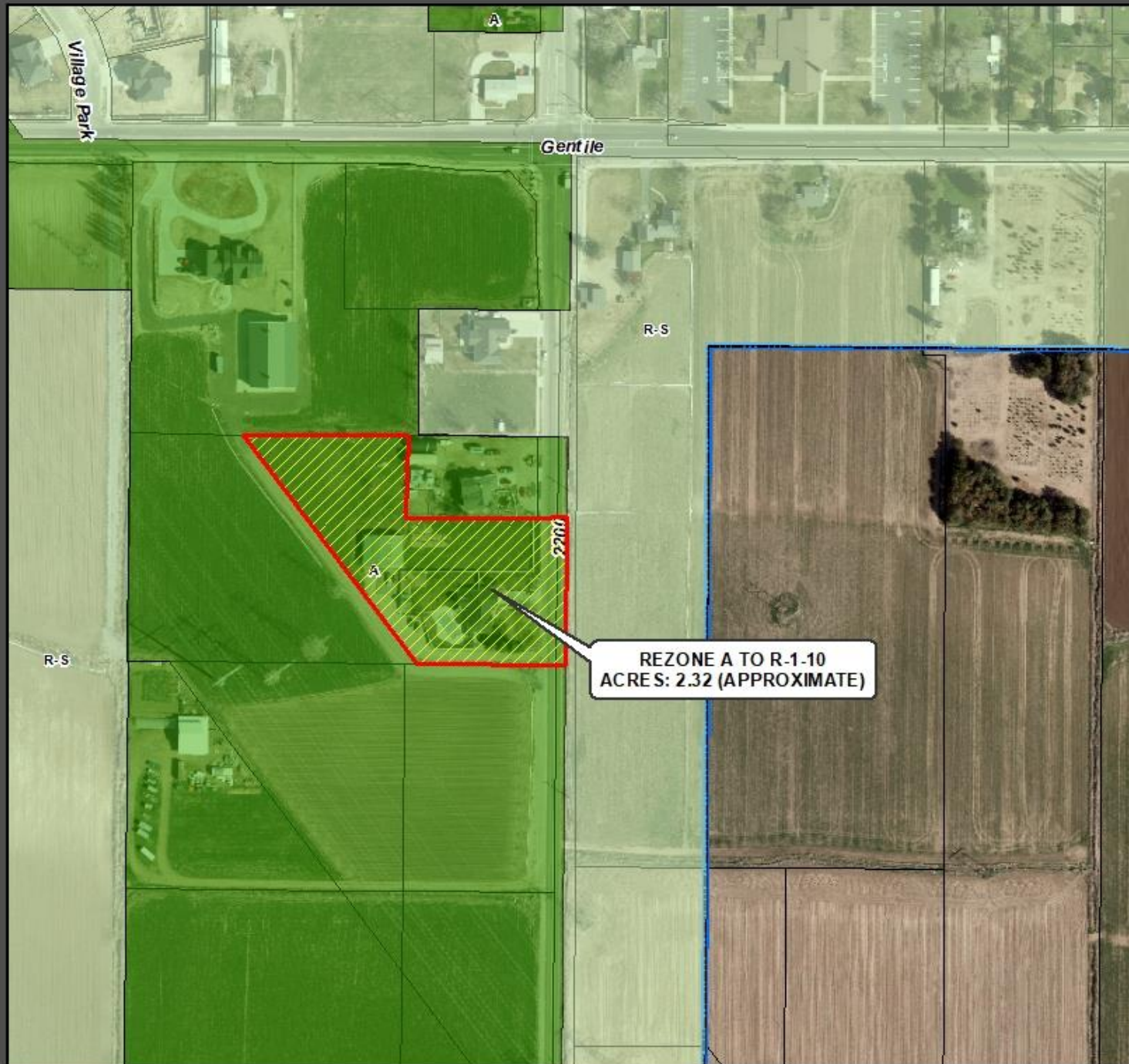
Streams

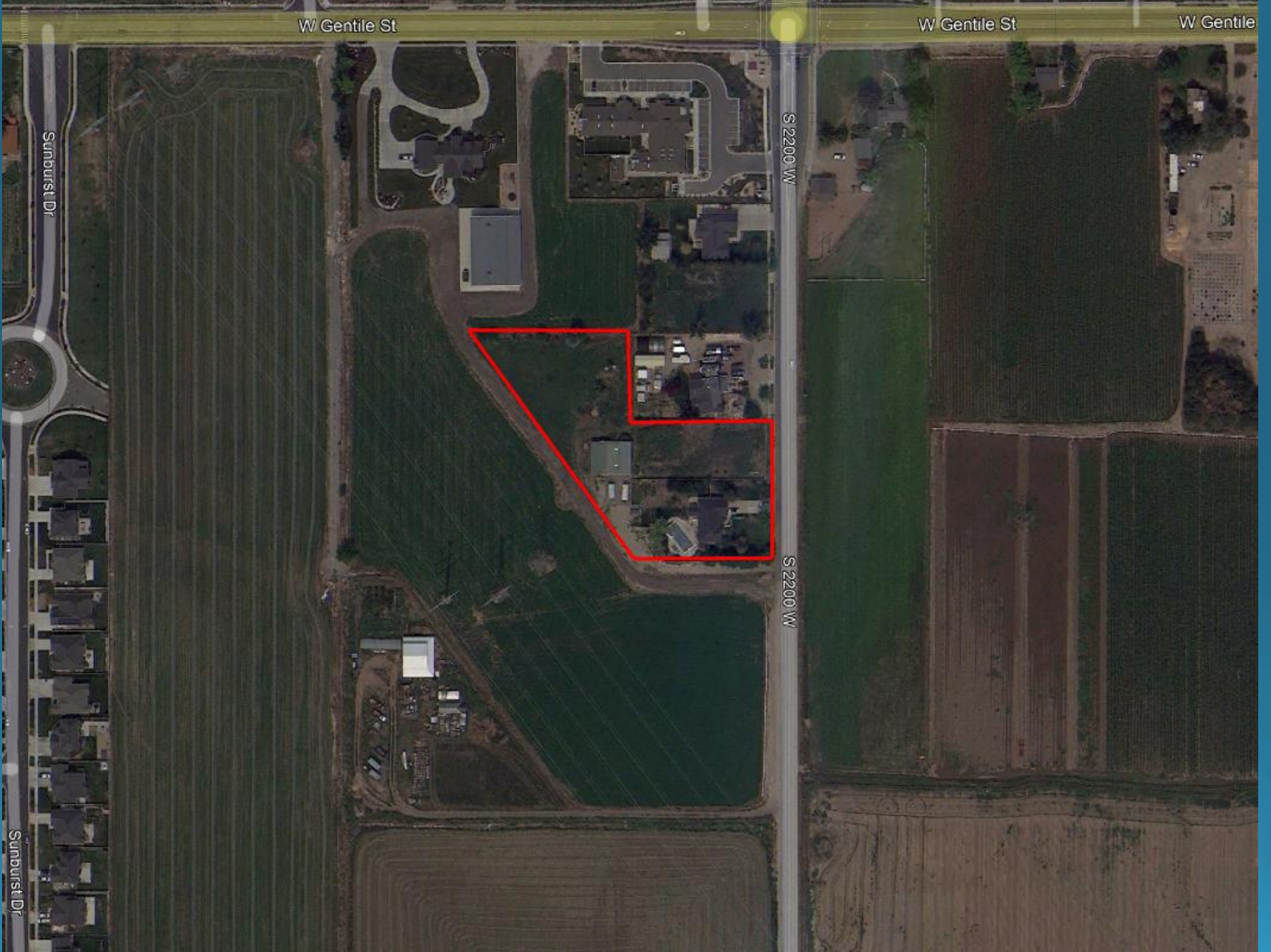


- Project Area



Map 2





W Gentile St

W Gentile St

W Gentile

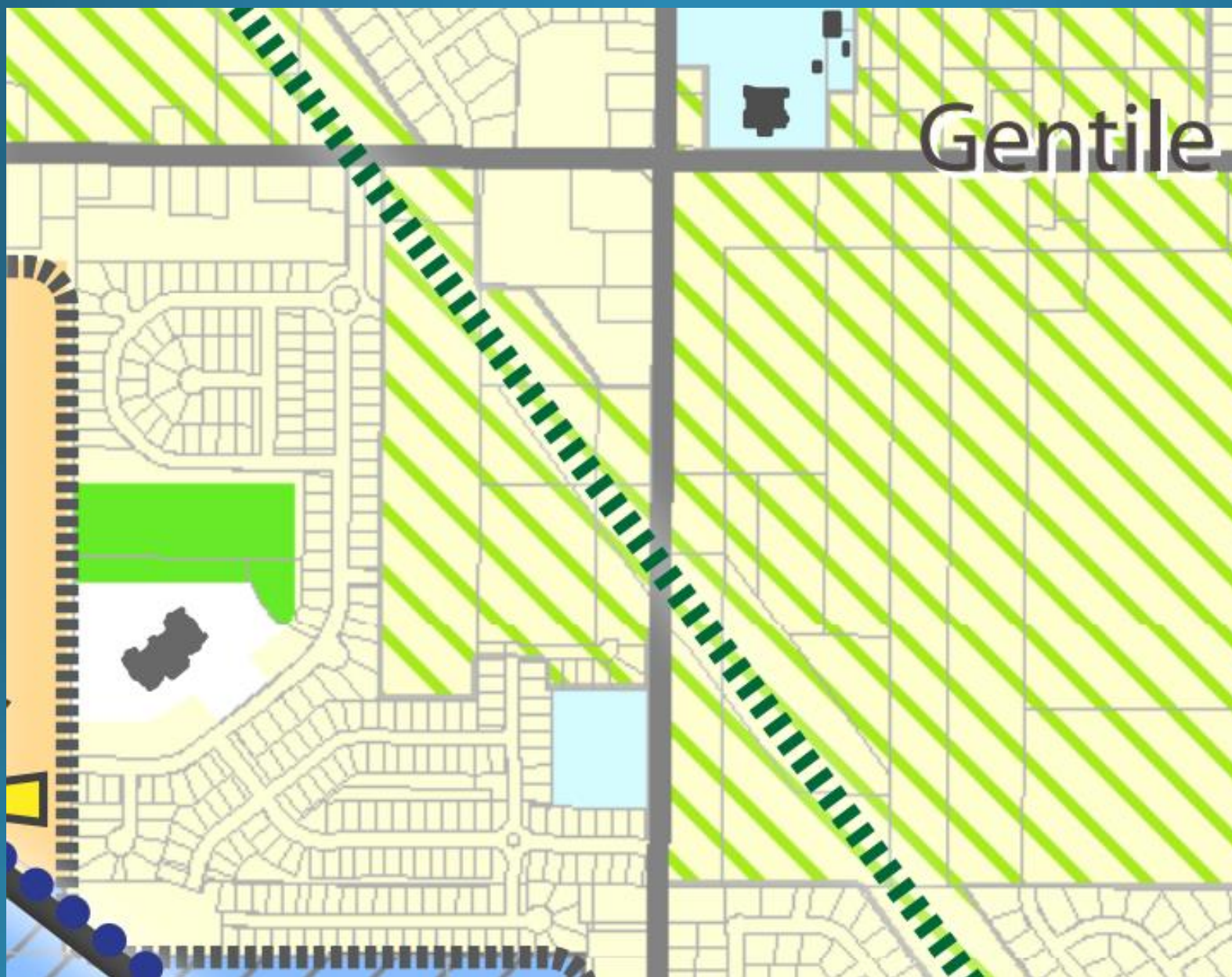
S 2200 W

S 2200 W

Sunburst Dr

Sunburst Dr

# Layton City General Plan



## LEGEND

- Future City Boundary\*
- West Davis Corridor
- Highway/Freeway
- Interstate 15
- Rail Lines
- Arterial Street
- Collector Street
- Off Ramp
- On Ramp
- Rights of Way
- Property
- APZ Easement
- Open Space/Public Facility
- School
- Institutional Use
- Manufacturing
- Industrial Flex
- Urban District
- Town Center
- Commercial
- Professional Business
- Business/Research Park
- Agriculture
- Low Density with Neighborhood Ag Heritage Overlay
- Low Density Residential
- Neighborhood Residential
- Community Residential
- Transitional Residential
- Condo/Townhouse
- Condo/Apartment
- Mixed Use
- Mixed Use Corridors
- Great Salt Lake
- ELEVATION
- 4202
- 4218
- Lakes
- Streams
- Hill Airforce Base Runway
- Buildings(Public/Quasi Public)
- Fire Stations

\*Includes future annexation areas

Land Use descriptions are provided in Section 2 of the Layton Forward General Plan document.



Adopted Date: 9/5/2019

Printed Date: 10/13/2021

| A                                                                                                                   | B                                      | C                                                                                | D                                                                                                              | E                                                                                       | F                                            |
|---------------------------------------------------------------------------------------------------------------------|----------------------------------------|----------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|----------------------------------------------|
| Land Use Designation                                                                                                | Land Use Density                       | Gross Density<br>Example – (including<br>right-of-way land<br>area) <sup>1</sup> | Equivalent Net<br>Development<br>Density<br>(excluding<br>projected<br>right-of-way<br>land area) <sup>1</sup> | Equivalent Net<br>Development<br>Density –<br>Average Lot/Unit<br>Size or<br>Ac. / S.F. | Applicable Zone<br>District (s)              |
| - Agriculture,<br>- Low Density Residential                                                                         | Low Density 0-3<br>Units per Acre      | 0.8                                                                              | 1.0                                                                                                            | 1.0 / 43,560                                                                            | A, R-S                                       |
| - Neighborhood Ag<br>Heritage                                                                                       | Low Density 0-3<br>Units per Acre      | 2.3                                                                              | 3.1                                                                                                            | 0.33 /<br>14,050                                                                        | R-S, R-S PRUD                                |
| - Low Density Residential<br>- Neighborhood Ag<br>Heritage                                                          | Low Density 2-4<br>Units per Acre      | 3                                                                                | 4.0                                                                                                            | 0.25 / 10,890                                                                           | R-S PRUD,<br>R-1-10, R-1-8                   |
| - Neighborhood Ag<br>Heritage<br>- Neighborhood<br>Residential                                                      | Low Density 3-6<br>Units per Acre      | 4                                                                                | 5.44                                                                                                           | 0.18 / 8,000                                                                            | R-1-10, R-1-10<br>PRUD, R-1-8,<br>R-1-8 PRUD |
| - Neighborhood<br>Residential<br>- Community Residential                                                            | Low Density 3-6<br>Units per Acre      | 5.4                                                                              | 7.2                                                                                                            | 0.14 / 6,000                                                                            | R-1-6, R-2, R-1-8<br>PRUD                    |
| - Community Residential<br>- Transitional Residential<br>- Mixed Use Corridors <sup>2</sup>                         | Medium Density 6-<br>12 Units per Acre | 8                                                                                | 10                                                                                                             | 0.092 / 4,000                                                                           | C-TH, R-2, R-MH                              |
| - Transitional Residential<br>- Condo/Townhouse<br>- Town Center <sup>2</sup><br>- Mixed Use Corridors <sup>2</sup> | Medium Density 6-<br>12 Units per Acre | 12.0                                                                             | 14.0                                                                                                           | 0.063 / 2,725                                                                           | C-TH, R-M1                                   |
| - Condo/Apartment<br>- Town Center <sup>2</sup><br>- Mixed Use Corridors <sup>2</sup>                               | High Density Over<br>16 Units per Acre | 18<br>22.5                                                                       | 24<br>30                                                                                                       | N/A                                                                                     | R-M2, R-H<br>MU<br>MU                        |