

**MINUTES OF LAYTON CITY
COUNCIL MEETING**

FEBRUARY 6, 2014; 7:00 P.M.

**MAYOR AND COUNCILMEMBERS
PRESENT:**

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

STAFF PRESENT:

**ALEX JENSEN, GARY CRANE, BILL WRIGHT,
TRACY PROBERT, KENT ANDERSEN, PETER
MATSON, TERRY COBURN AND THIEDA
WELLMAN**

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

Mayor Stevenson opened the meeting and led the Pledge of Allegiance. Dawn Fitzpatrick gave the invocation. Scouts and students were welcomed.

MUNICIPAL EVENT ANNOUNCEMENTS:

Councilmember Brown indicated that the Family Recreation Annual Valentine's Day Dance would be held on February 14th at the Central Davis Jr. High gymnasium. She said there would be a live band, refreshments and pictures. Councilmember Brown said this was a great family activity.

CONSENT AGENDA:

FISCAL YEAR 2013-2014 BUDGET AMENDMENT REVIEW AND SET THE PUBLIC HEARING

Tracy Probert, Finance Director, said this was mid-year budget amendments for the 2013-2014 fiscal year. He said the proposed amendments were reviewed in detail in the earlier work meeting. Tracy said there were \$293,452.60 in net additions and reductions to the general fund budget. The major categories of those dealt with appropriation of fund balance totaling approximately \$124,000; revenue related to Police and Fire special services totaling approximately \$115,000; and additional grant revenue of approximately \$51,000. Tracy said he would recommend approval of this item, which would set a public hearing for February 20th to approve the amendments and to take any public comment. He said the amendments would be available for the public to review in the City Recorder's office and the Finance Department.

ADOPTION OF THE 2013 LAYTON CITY MUNICIPAL WASTEWATER PLANNING PROGRAM ANNUAL REPORT – RESOLUTION 14-06

Terry Coburn, Public Works Director, said Resolution 14-06 authorized the review and adoption of the 2013 Municipal Wastewater Planning Program Annual Report. He said this was a report the State required of the City relative to the sanitary sewer system. Terry said the City was in good standing with the State and Staff recommended approval.

STORM DRAIN IMPROVEMENTS PAYBACK AGREEMENT – OVATION HOMES – COTTAGES AT FAIRFIELD SUBDIVISION – FAIRFIELD ROAD AND CHURCH STREET – RESOLUTION 14-04

Terry Coburn said Resolution 14-04 authorized the execution of an agreement with Ovation Homes for a payback of the costs to install storm drain improvements in Church Street. He said the developer would install the storm drain improvements in Church Street northeast of Fairfield Road with the construction of the Cottages at Fairfield Subdivision. Terry said the purpose of the resolution was to allow the City to reimburse Ovation Homes for the storm drain improvements. He said Staff recommended approval.

AMENDED PLAT APPROVAL – H.I.P. COMMERCIAL CONDOMINIUMS – 400 NORTH MAIN STREET

Bill Wright, Community and Economic Development Director, said this was an amended plat approval for the H.I.P. Commercial Condominiums located at 400 North Main Street. Bill said this related to the item approved in the earlier RDA meeting. He displayed a map of the area and identified the property. Bill said the proposal was to split a portion of the property that contained storage units and connect that property to the property to the north for a development opportunity. He said the Planning Commission recommended approval and Staff supported that recommendation.

FINAL PLAT APPROVAL – ESTATES AT MUTTON HOLLOW, PHASE 5 – APPROXIMATELY 1800 EAST 150 SOUTH

Bill Wright said this was a final plat approval for the Estates at Mutton Hollow, Phase 5, located at approximately 1800 East 150 South. He said this was the final phase of the Estates at Mutton Hollow. Bill said this would connect the subdivision to Boynton Road. He said this phase of the subdivision contained 22.42 acres and would contain 47 lots and an 8 acre park site. Bill said part of the park property was purchased by the City and 4.37 acres was dedicated to the City as part of this subdivision plat. He said there would be a combination of a regional detention basin and a park for this area of the community. Bill said the Planning Commission recommended approval and Staff supported that recommendation.

FINAL PLAT APPROVAL – OAK HILLS PRUD – APPROXIMATELY 2500 EAST OAK HILLS DRIVE

Bill Wright said this was a final plat approval for the Oak Hills PRUD located at approximately 2500 East Oak Hills Drive. He said the plat contained 8 patio homes and 2 single family lots. Bill said the patio homes would be on the eastern portion of the property where there was flatter ground. He said the two very large single family lots would be located along the western portion of the property. Bill said this area was regulated under the sensitive land ordinance, which required higher geotechnical standards and studies to make sure that as homes were placed on the property they were placed in a safe manner. He said all of the lots met the requirements of the zoning ordinance. Bill said the Planning Commission recommended approval and Staff supported that recommendation.

MOTION: Councilmember Francis moved to approve the Consent Agenda as presented, including setting the public hearing for the budget amendments on February 20th. Councilmember Brown seconded the motion, which passed unanimously.

PUBLIC HEARINGS:

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL ACTION PLAN FOR FISCAL YEAR 2014-2015

Kent Anderson, CDBG Administrator, said this was the first public hearing for the CDBG Annual Action Plan for 2014-2015. He said the CDBG was administered by HUD and the Annual Action Plan outlined how the City would allocate its allotment of CDBG funds during the upcoming year. Kent said the Council would most like hear comments about the public services portion of the funds. He explained some of things done in the past with the public services portion of the funds. Kent said there was a 15% cap for funding of public services organizations. He said in the 2013-2014 year HUD allocated \$310,000 to the City, with \$46,500 going to public service organizations. Kent said increasing funding to one service organization or adding additional service organizations would require money to be taken from the other service organizations. He said this first public hearing was to gather information from the public concerning needs within the City. A draft plan would be prepared in March and April, and would be presented to the public and the Council in May for final adoption.

Mayor Stevenson opened the meeting for public input.

Amberlee Bauman, 29 West 1675 North, said she was here on behalf of Big Brothers Big Sisters of Utah. Ms. Bauman said they were asking that the City allocate some of the CDBG funds to help fund community based matches in Layton. She said they provided at risk children with mentors to help improve their lives. Ms. Bauman said in 2013 they had 1,246 matches; 14 of those children were residents of Layton and 24 of the volunteer mentors were from Layton. She said it was a great program and she asked for the City's support.

Councilmember Freitag asked if there was a specific amount they were requesting.

Ms. Bauman said it cost \$1,000 to make one match. She said there were kids on a waiting list in Layton. She said \$5,000 or \$10,000 would be very helpful. Ms. Bauman said mentors were volunteers but there was a lot of cost in interviews and background checks.

Councilmember Petro asked where their funds were coming from now.

Ms. Bauman said funding came from government grants, corporate grants and CDBG grants.

Councilmember Freitag said he would suggest that they formally submit a request explaining what the funds would be used for.

Julie Stevenson, Executive Director of Safe Harbor, said Safe Harbor was the first and only domestic violence shelter in Davis County. Ms. Stevenson said one in four women would be victims of violence and the CDC calculated that the cost of intimate partner violence exceeded 5.8 billion dollars annually; 4.1 billion going directly to medical costs. She said in 2013 Safe Harbor provided shelter and services for 99 Layton residents, which included 57 children and 42 adults. Ms. Stevenson reviewed the types of services they provided. She said last year the CDBG provided \$10,000 in funding. Ms. Stevenson said Safe Harbor provided 1,188 nights of shelter to Layton residents. She said with \$10,000 in funding, it worked out to be \$8.42 a night for shelter and accompanying services. Ms. Stevenson said it cost Safe Harbor \$68 dollars a night to provide shelter and services to those Layton residents. She requested that the City continue to provide support to Safe Harbor.

Mayor Stevenson asked Ms. Stevenson how she felt about the \$10,000 given in the past.

Ms. Stevenson said she was grateful for the \$10,000 but they needed more funding.

Mayor Stevenson asked Ms. Stevenson to submit a formal request with more detailed financial information.

Councilmember Francis expressed appreciation to Ms. Stevenson for the service Safe Harbor provided to the community.

Mark Trujillo, founder of Jesus Field, said Jesus Field was an after school program that had operated in Layton for 15 years. Mr. Trujillo said they had received CDBG funding in the past that helped to build restrooms. He said they served about 50 to 60 kids. Mr. Trujillo said it had been five or six years since they had asked for funding. He said the funding would be used to purchase a CNC Router to help kids learn to use technology in a useful environment. Mr. Trujillo asked the City to support this program.

Mayor Stevenson asked Mr. Trujillo to provide a formal request with detailed financial information as well.

Karlene Kidman, Layton Community Action Council, said they received \$8,000 in CDBG funding that was used for the Youth Court. Ms. Kidman explained the Youth Court program. She said they were in their 16th year. Ms. Kidman said in the 15 previous years the Youth Court heard over 1,700 cases. There were over 450 youth that had participated on the Youth Court, and they had given out the Presidential Service Award to 176 students. Ms. Kidman said of the 450 students, there were 8 attorneys, 2 physician assistants, 2 students were

in medical school and 17 had already completed their masters program. She said 90 to 95% of all of the students went on to higher education; the program not only benefited the offenders but it helped the youth that ran the program. Ms. Kidman asked the City to continue to support the Youth Court.

Councilmember Francis thanked Karlene for the service she provided to the City and the students.

Councilmember Day asked if that was enough funding.

Ms. Kidman said no; it cost \$30,000 a year to run the program. She said without the \$8,000 they couldn't continue to run the program.

Councilmember Day asked Ms. Kidman where the rest of their funding came from.

Ms. Kidman said funding came from grants and business partners.

Mayor Stevenson expressed appreciation to Ms. Kidman.

Jessica Burnham, on behalf of the Road Home, said the Road Home was the largest provider of homeless shelters in Utah. She explained their program to help with homelessness. Ms. Burnham said in 2013 the Road Home provided 22 Layton residents with services, at an approximate cost of \$15,750. She said they were asking for continued support of \$5,000. Ms. Burnham expressed appreciation to the City for their past support.

Councilmember Brown said there were quite a few Boy Scouts in the audience. She suggested that there had been some great information presented for Eagle Scout projects.

Councilmember Brown asked Kent when the information was needed from the service organizations.

Kent said there was a grant application process, and he would send applications to each of the entities presenting information this evening. He said they usually allowed a month to a month and a half for responses.

MOTION: Councilmember Brown moved to close the public hearing. Councilmember Francis seconded the motion, which passed unanimously.

UNFINISHED BUSINESS:

DEVELOPMENT AGREEMENT AND REZONE REQUEST – GREEN AND GREEN – R-S (RESIDENTIAL SUBURBAN) TO PB (PROFESSIONAL OFFICE) – 836 SOUTH ANGEL STREET – RESOLUTION 14-01 AND ORDINANCE 14-01

Mayor Stevenson said this was a discussion dealing with the rezone request from Green and Green to rezone property to a PB zone from a residential zone. He said discussion in the earlier work meeting dealt with the development agreement. Mayor Stevenson said this was not a public hearing and no input would be taken from the audience.

Councilmember Brown said in the earlier meeting there was discussion about parking on Angel Street and Layton Parkway. She said it wouldn't be allowed because there wasn't room.

Mayor Stevenson gave a brief history of the rezone request.

Councilmember Day asked about the size of the building. He said in the earlier meeting the Mayor mentioned 6,000 square feet. Councilmember Day asked if all the parties had agreed with that size.

Mayor Stevenson said it was probably a little larger than what some of the residents would want and a little

smaller than what the developer would want. He said he did have a conversation with Dr. Harmon and he felt that they could make that work, but they would want to utilize the basement for things such as offices and a lab.

Councilmember Francis asked if the property owner also agreed.

Mayor Stevenson said he had talked with the developer and the property owner; this wasn't their first choice but if it was something that would work with the homeowners they could make it work.

Councilmember Day asked if that was agreed to by the residents.

Mayor Stevenson said he had talked to Rick Smith to get his input; they would rather it be residential, but 6,000 square feet was better than 7,500 square feet and not as good as 5,000 square feet.

Councilmember Freitag asked, relative to the wall on the Parkway, would there be a tapering on the wall or would it be full size at the first back yard on the cul-de-sac.

Bill said the fence would be full size at that point; another fence would be required of the developer of this property that would run along the western border perpendicular to the fence on the Parkway. He said Code required the rear yard fence to be six feet; the solid masonry fence on the Parkway was eight feet. Bill said no fence would be required along the Parkway for the proposed development.

Councilmember Brown said there would be a fence on the west and south side of the proposed property.

Bill said that was correct.

Mayor Stevenson said he sat through all of the meetings for this proposal; in the years he had been on the Council he had never seen a group of residents be more prepared and be an example of how things should be put together. He said the developer had been very patient and this had been a very civil exchange. Mayor Stevenson thanked everyone for being professional.

Councilmember Brown said the Council received an email from the citizens group suggesting some things they would want to see included in the development agreement if this was approved. She said they mentioned the single story, which was actually already in the development agreement; they mentioned the restricted uses, which were already in the development agreement; they wanted more parking, which was discussed in the earlier work meeting; they wanted the concrete wall, and they wanted the development to be a part of the Roberts Farms HOA so that if there was a wall the landscaping on the other side of the wall would be taken care of; and they wanted a smaller footprint than what had been discussed. Councilmember Brown said in the earlier work meeting she indicated that she would like to see a line and the work "stop" written on the pavement before the sidewalk so that people would stop before crossing the sidewalk as they exited the parking area.

Councilmember Day asked about the electric sign.

Councilmember Brown said she didn't know about the electric sign; other businesses in the City had that option. With professional business zoning the signs were turned off at a certain time of night; it wasn't a nuisance to someone that lived by it.

Councilmember Day asked if the turning off of the signs was by ordinance or by practice of the business.

Gary Crane, City Attorney, said it was in the Code, and the development agreement indicated that they had to comply with that.

Councilmember Day asked what those hours were.

Bill said they could only operate from 6 a.m. to 10 p.m.

Councilmember Day said the residents didn't want one at all.

Councilmember Francis said for clarification, this was the digital signs that could flash messages, not a lighted business sign.

Councilmember Day said that was correct.

MOTION: Councilmember Brown moved to approve Resolution 14-01 approving the development agreement with the following changes: there would be five more parking stalls than required by Code; the building footprint would be 6,000 square feet or less; there would be no electronic message board; and there would be a line on the pavement with the word "stop" before the sidewalk at the exit to the property. Councilmember Freitag seconded the motion. Councilmembers Day, Brown, Freitag and Francis voted yea. Councilmember Petro voted nay. The motion carried.

Councilmember Francis said this had been one of the most difficult votes he had ever taken. He said it seemed that both sides had worked hard together. As he contemplated the vote, he saw a yes vote being a vote for compromise and a no vote being basically no compromise. Councilmember Francis said there was clearly some ambiguity in the General Plan regarding the PB zone. He said he hoped that that would be seriously addressed, along with better planning along Layton Parkway.

MOTION: Councilmember Brown moved to adopt Ordinance 14-01 approving the rezone from R-S to PB. Councilmember Francis seconded the motion. Councilmembers Francis, Freitag, Brown and Day voted yea. Councilmember Petro voted nay. The motion carried.

Mayor Stevenson said the Council and Staff should sit down and fine-tune the General Plan so as to not get into this type of situation. He said a lot could be learned from this situation.

CITIZEN COMMENTS:

Councilmember Francis had his son introduce himself and his Boy Scout Troop.

The meeting adjourned at 7:58 p.m.

Thieda Wellman, City Recorder