

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

AUGUST 27, 2019; 5:07 P.M.

**MAYOR AND COUNCILMEMBERS
PRESENT:**

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

STAFF PRESENT:

**ALEX JENSEN, STEVE GARSIDE, CHAD
WILKINSON, AND KIM READ**

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

Mayor Freitag opened the meeting and turned the time over to Staff.

CANVASS OF ELECTION

MOTION: Councilmember Brown moved to adjourn as the City Council and convene as the Board of Canvassers to canvass the 2019 Municipal Primary Election. Councilmember Petro seconded the motion, which passed unanimously.

Kimberly Read, City Recorder, explained Davis County had identified additional ballots which were not included in the previous Canvass on Thursday, August 22, 2019, which necessitated this second Canvass of the 2019 Primary Election.

She announced the finalists of the Primary Election remained the same; the additional ballots didn't affect the order of the finalists. She indicated all candidates received additional votes.

She announced 9,899 ballots were cast from 35,158 ballots which resulted in a 28.16% voter turnout. She reported there was no change to the summary report which identified the ballots not counted and their respective reasons. She stated a new Precinct Report was being provided as some of those figures changed with the additional ballots being counted.

The Board reviewed the following results:

Layton City Mayor - 2 year term

Vote For 1

	TOTAL	VOTE %	
JOY PETRO	2,728	28.24%	Finalist
JOYCE FORBES BROWN	2,600	26.91%	Finalist
BRUCE DAVIS	2,022	20.93%	
SCOTT WILLIAMS	1,375	14.23%	
TRICIA PILNY	936	9.69%	
Total Votes Cast	9,661	100.00%	

Layton City Council
Vote For 3

	TOTAL	VOTE %	
SCOTT FREITAG	3,610	13.54%	Finalist
DAVE THOMAS	3,600	13.50%	Finalist
CLINT MORRIS	3,422	12.84%	Finalist
J. SCOTT CARTER	3,223	12.09%	Finalist
ZACH BLOXHAM	3,107	11.66%	Finalist
CHRIS CROWDER	2,864	10.74%	Finalist
TOM CAVANAUGH	1,993	7.48%	
JA EGGETT	1,881	7.06%	
TYSON PLASTOW	1,868	7.01%	
SHILOH KESTEL	1,089	4.09%	
Total Votes Cast	26,657	100.00%	

Ms. Read asked if there were any questions.

Councilmember Petro asked if this information would be provided to all Primary candidates and Ms. Read responded she was required to provide the information to all candidates. She indicated those candidates not in attendance would receive the information via email.

MOTION: Board Member Davis moved to accept the 2019 General Election Results as presented, and reconvene as the City Council at 5:12 p.m. Board Member Brown seconded the motion, which passed unanimously.

MAYORS REPORT:

Mayor Freitag mentioned the following items would be discussed and indicated Staff was requesting direction from the Council:

General Plan

Lighting Fee and Consolidated Fee Schedule

Secondary Water

Alex Jensen, City Manager, stated Staff was attempting to respond to the Council's decision made during the City Council Special Meeting on Thursday, August 22, 2019, specific to the Street Lighting Fee. He reported the \$1 Street Lighting Fee, which was included with the adoption of the 2019-2020 Tentative Budget had already been charged on utility bills. He mentioned the increase couldn't be eliminated in the billing system this close to processing bills. He stated Staff was proposing to bill the \$1 increase for a second month and having the Council approve an amendment to the Consolidated Fee Schedule reflecting the \$1 fee reduction. He asked for any questions or concerns from the Council.

Councilmember Petro believed there would be residents that didn't understand why the \$1 fee couldn't be adjusted in the billing system.

Steve Garside, Assistant City Attorney, pointed out the Council had previously adopted an ordinance approving the fee increase in the Consolidated Fee Schedule. He clarified in order to change that the Council would now need to adopt an ordinance reflecting the Council's new direction.

Mr. Jensen asked if there any concerns with Staff's proposal and there were none.

Councilmember Brown suggested Staff could adequately respond to inquiries as they come up.

Mr. Jensen informed the Council Staff had met with representatives of the Terraventure property located on West Hill Field Road. He stated he had met with Terraventure representatives and Planning Staff had also met with them previously in which they requested the City delay approval of the General Plan. He indicated they had been informed of Staffs' concerns in delaying approval of the General Plan. He explained the developer's perspective with how the property was reflected in the proposed General Plan, which was different than what the current development agreement currently allowed, the property interests would be limited specific to future development. He indicated it had been emphasized to them that the map was just a map; it was the language and guiding principles which drive future development. He stated they had requested their property on the map be reflected in red, designating the parcel as Commercial, which was different than what was stated in the development agreement.

Mr. Jensen continued to explain the City didn't believe doing that would be a good idea because that particular change would be new to the map and the General Plan. He pointed out this change could be confusing to adjacent property owners and/or those that had participated in the process of drafting the amended General Plan.

Mr. Jensen indicated Staff was recommending that particular parcel be designated a different color, unto its own, and clearly state on the map that an existing development agreement was in place for the property. He added this would mean the property would be "undesignated" in the Plan and any changes specific to use designation would proceed through the City's process. He pointed out language should similarly reflect that any changes would need to be consistent with Town Center planning principles. He stated Staff's recommendation was a compromise by both parties

Mr. Jensen reported Terraventure representatives also expressed concern that changing the colors on the map could have a negative effect as negotiations continue with the property owner to the south. He concluded by allowing the Plan to move forward for adoption, without the colors on the map reflecting something different than what was stated in the development agreement. He pointed out the development agreement would be the binding document for the property.

Councilmember Brown requested clarification if the developers requested any other use than what was identified in the development agreement; they would be required to bring a zoning change request or a development agreement amendment before the City Council and Chad Wilkinson, Community and Economic Development Director, responded in the affirmative.

Councilmember Petro questioned as to why none of the individuals associated with the Terraventure property had participated or been involved with the General Plan Amendment process over the previous five years. Councilmember Day indicated he regretted postponing the vote on the General Plan and directing Staff to further discuss the issue with the representatives when the City had been working on the amendments for approximately five years.

Mr. Jensen indicated this issue was a point of disagreement and a discussion followed.

Councilmember Brown pointed out there was a lot of property in the City which needed to be developed under this Plan and expressed her opinion the City shouldn't hold other developers or residents hostage until the new Plan was adopted. She suggested the proposed solution would be beneficial to everyone.

Councilmember Day didn't understand the benefit to the compromise since a development agreement was in place for the property and believed it should remain as originally proposed.

Councilmember Davis inquired if the developers were agreeable to Staff's newest proposal. Mr. Jensen responded Terraventure representatives liked the proposal, however, they desired it be extended to all of the property identified by the red color; including the adjacent parcel to the south. Mr. Jensen continued to explain the City's justification for the change was due to the existence of a development agreement for the property to the north and the other was an entirely separate issue which they expressed disagreement.

The discussion continued regarding the proposed compromise for the General Plan and map.

Chad Wilkinson pointed out all streets had been removed from the identified property with the exception of 2550 West, as it was reflected in the Master Transportation Plan and the discussion continued.

Councilmember Brown pointed out many residents had previously expressed concern with 2700 West being the connection and mentioned the developer had expressed concern during the Transportation Master Plan process with 2700 West possibly being eliminated.

Mr. Wilkinson emphasized language in the text which governed the West Layton Town Center included the same language reflected on the map and read it to the Council. The Council concluded this proposed language specific to the General Plan and accompanying map would be a good compromise and directed Staff to proceed.

Mr. Jensen stated Staff would communicate the results of the discussion to the developer.

Mayor Freitag, informed the Council regarding an email from a resident regarding the secondary water issue.

Councilmember Brown clarified the resident was in attendance during the Work Meeting discussion from Thursday, May 16, 2019. She explained they also addressed the City Council Meeting that same night. She added when the Council reconvened in the Work Meeting following the City Council Meeting, they didn't return, therefore, they didn't hear the subsequent discussion. The resident wanted to identify how the Council voted and Councilmember Brown explained the minutes from the meeting had just been approved by the Council and emphasized only a discussion had taken place and no vote on the water rates took place that evening.

The meeting adjourned at 5:41 p.m.

Kimberly S Read, City Recorder