

**MINUTES OF LAYTON CITY
COUNCIL WORK MEETING**

OCTOBER 17, 2019; 5:31 P.M.

**MAYOR AND COUNCILMEMBERS
PRESENT:**

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

STAFF PRESENT:

**ALEX JENSEN, GARY CRANE, CHAD
WILKINSON, TIM WATKINS, AND KIM READ**

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

Mayor Freitag opened the meeting. He announced agenda item #4, the discussion regarding Vietnamese potbellied pigs would be tabled to a future meeting on Thursday, November 7, 2019, due to a noticing issue. He turned the time over to Staff.

AGENDA:

**AGREEMENT BETWEEN LAYTON CITY, OLYMPUS INVESTMENTS, LLC AND RD
LAYTON VISTAS, LLC ENTITLED IMPROVEMENTS PAYBACK AGREEMENT –
AMENDMENT – RESOLUTION 19-50**

Gary Crane, City Attorney, explained the City had entered into a Payback Agreement with Olympus Investments, LLC, and identified the location of the Layton Vistas Development. He reported the original developer, RD Layton Vistas, sold a portion of the development to Olympus Investments. Olympus Investments then entered into the Payback Agreement with the City for a portion of Church Street. He indicated Olympus Investments and RD Layton Vistas had entered into an agreement between the two of them which would split the proceeds of the Payback Agreement between improvements and underlying ground. He explained they had both requested the City modify the Payback Agreement to split the payment between the two as opposed to Olympus having to provide RD Layton Vistas, LLC, half of the payment.

There were no questions from the Council.

**ADOPT THE FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN CW
THE PARK, LLC AND LAYTON CITY – RESOLUTION 19-51**

Chad Wilkinson, Community and Economic Development Director, mentioned the First Amendment to the Development Agreement would be to establish timing of improvements pertaining to the Park Development; specifically related to the timing of the completion of the amenity. He further explained the common amenity was the swimming pool, the entry feature, and the detention area. He explained Staff had worked closely with the applicant regarding the amendment and pointed out the trigger associated with the improvements would be the 150th issued building permit/certificate of occupancy. He stated once that occurred the City could require a bond for them to proceed. He explained from the time of the 150th building permit the developer had one year to complete amenity improvements.

Councilmember Day clarified the agreement specified the required the “amenities” and Mr. Wilkinson responded in the affirmative and added a description of the amenities and exhibits were included in the agreement.

There were no questions from the Council.

AMEND TITLE 3, CHAPTER 3.16 OF THE LAYTON MUNICIPAL CODE BY ADDING CHAPTER 3.16 A, CHAPTER 3.16 B AND CHAPTER 3.16 C – LAYTON CITY’S TELECOMMUNICATIONS FRANCHISE ORDINANCE AND ENACTING AN ORDINANCE FOR THE REGULATION OF TELECOMMUNICATIONS FOR WIRELESS FACILITIES, INCLUDING SMALL CELL WIRELESS FACILITIES IN THE PUBLIC RIGHTS-OF-WAY – ORDINANCE 19-22

Mr. Crane reminded the Council a few years back the legislature passed a bill specific to small cell wireless facility ordinances as 5G was anticipated to take the place of wireless in open areas. He shared some information regarding the regulations and reported 5G would be dependent on fiber. He shared a visual illustration with the Council and pointed out Federal Law required cities to allow small cell towers in their rights-of-way and explained how 5G would eliminate gaps of service for internet usage. He reported the FCC (Federal Communications Commission) was excited about the possibility of 5G.

He stated SB 189 was the bill specific to small cell towers and AT&T/Verizon had been instrumental in contributing language for the bill. He stated wireless providers can install small wireless facilities in cities’ rights-of-way and reported municipalities were required to allow them via Master License Agreement instead of the Franchise Agreement.

He provided a summary of Ordinance 19-22 highlighting the following:

- Small wireless facility is an antenna of 6 cubic feet or less
- Ground equipment of 25 cubic feet or less
- Collocated or installed on a utility pole of no taller than 50 feet (potential 10 foot extension for antenna)

He reported the City would maintain the authority to control the design standards in Special Design Districts which hadn’t yet been defined. He pointed out the standards had to be non-discriminatory and the City would provide a Master License Agreement for every entity desiring to use the City’s rights-of-way. He indicated the City could deny applications for public safety reasons and the City could require indemnification, insurance and bonding before accessing the rights-of-way.

He reviewed the compensation revenues allowed to be assessed by the City and announced the application fee would be \$100. He informed the Council it could restrict the use of the City’s designed light pole and added the supplier of the light poles had a design to incorporate small cells and explained how it could be implemented to not distract from the “look” of the light pole and shared an example.

Councilmember Brown asked if the cell companies could share the equipment or if the City had to accommodate each request. Mr. Crane responded the City had implemented language which required the applicant investigate and identify if it could share the fiber. He pointed out the City couldn’t restrict where the poles could be located or the number of poles and explained it wouldn’t be cost effect to rent space on multiple poles.

Mr. Crane reviewed the application limits and time restrictions with the Council.

Councilmember Brown suggested these would probably located along major roads and not in residential areas. Mr. Crane responded in the affirmative and indicated the City hadn’t received any applications for residential streets and indicated most providers were focused on large metropolitan cities. He explained where the Engineering Standards could be located and viewed on the City’s website.

He explained the Council would be approving the “definitions” and regulations for the Master License Agreement; not the Engineering Standards. This was the ordinance which provided the framework for the agreements and the meat and potatoes portion would be approved at a later date. He indicated the Council would also approve the Mater License Agreements.

He asked the Council to contact him with any questions.

CONSIDERATION FOR A PROPOSED AMENDMENT TO TITLE 19, CHAPTER 19.02, SECTION 19.02.020 OF THE LAYTON MUNICIPAL CODE REQUESTING A CHANGE TO THE DEFINITION OF HOUSEHOLD PETS TO INCLUDE VIETNAMESE POTBELLIED PIGS

Mayor Freitag stated this item was tabled and would be addressed by the council during its meeting on Thursday, November 3, 2019.

MAYOR'S REPORT

Mayor Freitag informed the Council of a discussion which took place during a recent COG (Council of Government) meeting regarding the fire events this past summer. He spoke specifically to the Fruit Heights fire and the different jurisdictions providing information regarding evacuations. He mentioned communication issues had been identified and the need to identify communications with Federal Agencies. He also mentioned paramedic services throughout the County were also being examined and indicated there were negotiations currently taking place regarding this topic. He expressed his opinion Layton City's paramedic services were the premiere of the County. He indicated 9-1-1 centers/agencies were also being looked at to determine how to move forward.

Councilmember Davis asked about the Incident Commander associated with the recent wildland fires and Mayor Freitag explained the differences between the Layton City fire and the Fruit Heights fire. He stated in those instances it would become a joint incident command for the jurisdictions and pointed out the City didn't really have any authority for Federal land, although the City's resources were used to fight the fire, until Federal resources arrived. A discussion took place regarding the evacuation orders and procedures.

Mayor Freitag asked about Staffs' explorations regarding the PRUD ordinance.

Mr. Wilkinson provided some comparisons of some real developments within the City identifying the differences between how the property had been developed and how it would look under the proposed ordinance language. He shared a visual presentation with the Council.

Tim Watkins, City Planner, identified the development and oriented the Council to its location and reviewed specifics associated with the development. He identified the small portion which could be identified as Agriculture and a discussion took place specific to (TDR) Transfer of Development Rights, which increased the number of housing units from 163 to 186. He explained this resulted in 15% open space and emphasized this example illustrated how the implementation of the TDR benefitted the development.

Mr. Watkins shared another example of a development and identified the park space. Mr. Wilkinson pointed out the comparison on the right reflected area which was preserved with the implementation of the TDR and a discussion took place. Mr. Watkins continued to share other examples of developments and comparisons and the Council discussed the differences and comparisons. He pointed out some of the PRUD developments approved in the past which allowed side yards and backyards to be contributed toward the open space component which didn't contribute to the socialization and recreation as intended.

Councilmember Day requested clarification regarding the inclusion of the small slivered parcels contributing to the open space component and a discussion continued. He expressed his opinion 15% of public, usable open space wasn't enough and suggested it should be a higher percentage and the discussion continued. Mr. Watkins emphasized even with those removed, the open space was still higher than the minimum and the discussion continued.

Mr. Wilkinson emphasized the PRUD ordinance should allow a high quality product in exchange for the bonus density. He suggested if the City wasn't satisfied with the end product specific to developments completed in the past, then Staff should make developers aware of the expectation. He indicated the Council had the authority to approve the zone change and should address concerns with the development

during the review process in relation to the open space to ensure a quality development.

Alex Jensen, City Manager, suggested the discussion could be continued to the work session scheduled for Thursday, November 7, 2019, and Staff could provide examples of the same developments reflecting the R-1-8 and R-1-10 base zoning for the Council to compare.

Mayor Freitag requested further information regarding the City's consideration of marijuana production. Mr. Wilkinson reminded the Council of legislation which allowed cannabis production in municipalities. He indicated State law allowed the City to regulate production in the industrial zone and agricultural zone and identified some of these locations within the City. He explained how the City intended to regulate these uses in allowed zones and reported it would soon come before the Council for approval prior to the City receiving application. He mentioned the State had restricted the City's regulation as it related to pharmaceutical cannabis production.

The meeting adjourned at 7:00 p.m.

Kimberly S. Read, City Recorder