MINUTES OF LAYTON CITY COUNCIL WORK MEETING **MARCH 20, 2025; 5:30 P.M.**

MAYOR AND COUNCILMEMBERS PRESENT: **MAYOR JOY PETRO, ZACH BLOXHAM, CLINT MORRIS, TYSON ROBERTS, BETTINA SMITH EDMONDSON, AND DAVE THOMAS**

STAFF PRESENT: **ALEX JENSEN, CLINT DRAKE, STEPHEN JACKSON, WESTON APPLONIE, LON CROWELL, DAVID PRICE, JOELLEN GRANDY, 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:

MAYOR'S REPORT

Mayor Petro reported she had attended a Board Meeting of the North Davis Sewer District and announced the construction project along Fairfield Road was proceeding well. She mentioned no formal action had yet taken place specific to the sewer rate.

COUNCILMEMBER'S REPORTS

No Councilmember Reports were shared.

AUTHORIZE THE ACQUISITION OF PROPERTY FOR CONTINUATION OF THE LAYTON CITY'S KAYS CREEK TRAIL – RESOLUTION 25-10 – APPROXIMATELY 891 WEST WEAVER LANE

Councilmember Roberts recused himself from the discussion as the property being discussed was part of his family's estate and left the room at 5:33 PM.

JoEllen Grandy, Parks Planner, shared a visual illustration and oriented the Council which identified the location of the parcel of property. She explained acquisition of this parcel would be the last segment needed in order to fully connect the Kays Creek Trail system. She informed the Council of the appraised value for the 0.75 acres needed to complete the trail. She reviewed the negotiation process which concluded with an agreed amount of $178,910. She asked if there were any questions.

Councilmember Smith Edmondson arrived at 5:36 PM.

A discussion took place regarding the appraisal.

Councilmember Roberts re-joined the meeting at 5:37 PM.

AMENDMENT – DEVELOPMENT GUIDELINES AND DESIGN STANDARDS – ORDINANCE 25-07

Stephen Jackson, Public Works Director, reminded the Council the Engineering Division of Public Works maintained a set of Development Guidelines and Design Standards which were annually updated and revised as needed. He mentioned some of the updates were based on changes to the State Code. He reviewed the following key updates:

- Dead-end street shall end in cul-de-sac
- Reverse grade streets restrictions
- 8-inch thick sidewalk through commercial and industrial drive sections
- Removed ¾ inch meter to culinary water system
- Clarification of casing requirements between manholes for Sanitary Sewer, Storm Drainage, and Land Drain
- Reverse grade land drain restrictions
- Coordination of written standards with standard plans

A discussion took place regarding the dead-end street/cul-de-sac restriction.

AUTHORIZE BID AWARD – PAGE'S PROFESSIONAL TREE SERVICES, INC. – KAYSCREEK ESTATES SIDEWALK REPAIR, PROJECT 24-55 – RESOLUTION 25-18 – VARIOUS LOCATIONS THROUGHOUT THE KAYSCREEK ESTATES SUBDIVISION

Mr. Jackson shared a presentation specific to the bid process used by Staff with selecting Page's Professional Tree Service for tree removal in Kayscreek Estates Subdivision. He reported City Staff annually completed a sidewalk maintenance project with Yarbrough Construction, which had been selected through the City's formal bidding process and the City would utilize its bid pricing for the project. He continued to review the emergency bid process associated with this specific project which included consultation with various arborists and the vetting process used by Staff to identify the selected tree service vendor. He announced Page's Tree Service had been identified as the most capable company to complete this portion of the project.

Mr. Jackson reported following the meeting with residents in the subdivision an additional contractor had indicated he could complete the tree removal project at a substantial lower cost. He stated Staff had reached out to that individual and reported that company was not aware of the standards and specifications for the project, that they wouldn't grind the stumps to the City's requirements. They didn't have the work force to keep up with the time frame for the concrete, and other concerns. Based on those findings the City determined it wouldn't be in its best interest to move forward with that vendor.

Mr. Jackson recommended approval of the resolution approving the contract with Page's Tree Service and asked if there were any questions.

Councilmember Smith Edmondson stated she would like to have seen more bids for a comparison and expressed concern the bid submitted by Yarborough had been considered for the tree removal as this company provided sidewalk repair for the City. She also believed several residents had indicated they had also received lower bids from other tree companies, not just the one company mentioned by Mr. Jackson. Mr. Jackson spoke to the Yarbrough bid which included the tree removal/stump grinding being contracted out to a tree removal company and emphasized this was considered a sidewalk repair project with a tree component. He noted that the other bids may not have included the same services.

Mayor Petro requested clarification why this project didn't proceed through the regular bid process as was used with other City projects. Mr. Jackson responded this was an emergency and a 'Professional Services Contract' and explained the tree removal company would have to coordinate work with Yarbrough Construction for the sidewalk repair and clarified the City was using the existing pricing and a discussion followed. Mr. Jackson emphasized Yarbrough's pricing for the sidewalk was based on the City's existing maintenance contract for various sidewalk repair/replacement throughout the City.

Alex Jensen, City Manager, responded to Councilmember Smith Edmondson's concern regarding the two submitted bids for tree removal/stump grinding services. He concluded based on the City's/Parks Department's past experience the bids were satisfactory. A discussion followed and Councilmember Smith Edmondson continued to express disappointment the City hadn't requested additional bids from other tree removal entities in order to provide an equal comparison with the submitted bids. She spoke to the perception of the residents that due diligence by the City hadn't taken place and the tree removal costs were excessive.

Mr. Jensen explained the difficulty with allowing independent contractors completing the work, which might not meet the City's standards or timeline, and mentioned the stump/root removal would be critical to the success of the City's infrastructure of the new sidewalk.

Councilmember Morris commented this project hadn't been included in the budget and inquired about the funding source for the project pointing out every Layton City taxpayer would be paying for this sidewalk project. Mr. Jensen responded the City had a healthy reserve fund balance and indicated funding had been allocated for various sidewalk repair projects throughout the City. He pointed out this neighborhood had been the City's first PRUD (Planned Residential Unit Development), developed in the 1990's, and at that time an approved tree list did not exist. He added the CC&R's (Codes, Covenants, and Restrictions) established by the developer provided an approved tree list, to be enforced by the HOA (Homeowner's Association) and clarified that wasn't established or designated by the City. He mentioned the City had never experienced a situation of this magnitude associated with a sidewalk project. He indicated revenue received from UTOPIA could be the funding source for this project and pointed out the City would be paying for the sidewalk infrastructure with the residents contributing half of the tree removal costs. He emphasized the City had never contributed toward similar repair projects.

Mayor Petro inquired why the City hadn't previously recognized the issue regarding the damage to the sidewalk infrastructure caused by the trees before now. Mr. Jensen stated he had responded to residents with the same question pointing out there were similar situations throughout the entire City which required Staff to identify and prioritize these projects. He pointed out residents within the subdivision were aware of the sidewalk issue and had the opportunity to address it on their own, and reported many had done so over the past 20 years. He emphasized the City's perspective would always be to address a safety issue.

Councilmember Smith Edmondson requested clarification whether the resident had the option to remove the trees within a designated timeframe, prior to the City completing the project, and whether that would remove any liability. Clint Drake, City Attorney, responded he wasn't aware of any suggested precedent similar to this used by any jurisdiction and suggested that could be a reasonable plan.

Councilmember Smith Edmondson expressed her opinion this might be a good option to residents pointing out the residents would then be responsible for the costs, which was standard procedure; therefore, not burdening the entire City's taxpayers.

Mr. Jackson explained the challenge with moving forward with that scenario; not one resident had approached the City expressing their willingness to remove the tree and replace the existing damaged sidewalk. Rather, residents had expressed a desire to fix the sidewalk without removing the tree, which would only be a temporary remedy. He continued to explain the issued permit for the sidewalk repair required, as a condition of the permit, removal of the tree causing the damage, including the stumps and roots. He also addressed the timing associated with the contractors to complete the work. He stated the need for urgency because a project of this size required significant lead time. He reported in order to retain them for the construction season, they had committed to the City's timeline. He reviewed the City's proposed costs to residents. The discussion continued regarding the City's liability and financial impact to residents. Councilmember Bloxham suggested removing the financial incentive to the residents and the City paying all costs using Unreserved Fund Balance. He also requested clarification regarding whether the City's procurement process for this project had been conducted within statute and Mr. Drake expressed his opinion the process was sufficient based on this emergency situation.

Councilmember Roberts requested clarification the issue was considered a unique situation and it wouldn't be repeated in the future and both Mr. Jensen and Mr. Jackson responded in the affirmative. Mr. Jensen emphasized the City desired to treat all residents fairly.

Councilmember Bloxham suggested this item be removed from the Consent Agenda during the regular meeting and Mr. Drake also requested the Kays Creek Trail item also be removed from the Consent Agenda to separately be addressed.

AUTHORIZE THE ACQUISITION OF INTERESTS IN REAL PROPERTY FOR THE HOLMES CREEK RESERVOIR TO ANDY ADAMS RESERVOIR SECONDARY WATER TRUNK LINE PROJECT BY NEGOTIATION OR BY CONDEMNATION (EMINENT DOMAIN) – RESOLUTION 25-19 – APPROXIMATELY 728 RIDGE ROAD

Mr. Drake informed the Council this project would be critical to the City's secondary water system to more efficiently deliver water to residents. He reported there were three private property owners impacted by the proposed trunk line project and shared a visual illustration and oriented the Council. He indicated agreements had already been negotiated for the two neighboring property owners where the waterline would be installed between the homes. He emphasized the Peacefield HOA (Peacefield Homeowners Association's) open space had to remain as open space due to an existing preservation easement and the bonus density associated with the PRUD. He reviewed a timeline pertaining to discussions with the Peacefield HOA regarding the proposed project and also explained the appraisal process for the parcel. He explained the urgency in completing the construction project and since the HOA refused to sign the purchase agreement for the appraised value, the City sent a letter anticipating the use of eminent domain to acquire the property. He also indicated the HOA declined to allow the City access to complete the project without waiving any rights to value. He reiterated due to the urgency in completing the project, the City would need to immediately file in order for a judge to grant the City access to the property. A discussion followed. Mr. Drake announced the HOA would be allowed to publicly address the Council during the regular meeting.

ACCEPT THE LAYTON CITY LONG RANGE ECONOMIC DEVELOPMENT PLAN AS SUBMITTED BY BETTER CITY AND URBAN DESIGN ASSOCIATES (CONSULTANT) UNTIL A FUTURE DATE WHEN IT MAY BE ATTACHED TO A LEGISLATIVE DOCUMENT – RESOLUTION 25-11

This item wasn't addressed during the Council.

REZONE REQUESTS WITH CONCEPT PLAN AND DEVELOPMENT AGREEMENT BETWEEN LAYTON CITY, SCOTT PRESTON AND DEBRA NALDER BOYCE – TRUSTEES – REZONE FROM A (AGRICULTURE) AND CP-1 (PLANNED NEIGHBORHOOD COMMERCIAL) TO MU (MIXED-USE) – RESOLUTION 25-15 AND ORDINANCE 25-06 – APPROXIMATELY 1150 NORTH FAIRFIELD ROAD

This item wasn't addressed by the Council.

CLOSED SESSION TO DISCUSS THE CHARACTER AND/OR COMPETENCY OF AN INDIVIDUAL(S), PENDING OR REASONABLY IMMINENT LITIGATION, PURCHASE, SALE, EXCHANGE OR LEASE OF REAL PROPERTY, WATER RIGHTS OR SHARES, AND/OR DEPLOYMENT OF SECURITY PERSONNEL, DEVICES OR SYSTEMS AS PERMITTED UNDER UTAH CODE §52-4-205

This item wasn't addressed by the Council.

The meeting adjourned at 6:57 p.m.

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Kimberly S Read, City Recorder