

# FARMINGTON CITY COUNCIL MEETING

Tuesday, April 15, 2014

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## Tour of City Projects

At 4:00 p.m. **Mayor Jim Talbot** and Council Members **Doug Anderson, John Bilton, Brigham Mellor, Cory Ritz** and **Jim Young**, joined City staff **Dave Millheim, David Petersen, Eric Anderson, Chad Boshell, Holly Gadd**, and **Louise Shaw** from the Davis County Clipper for a tour of various City projects.

## WORK SESSION

*Present: Mayor Jim Talbot, Council Members Doug Anderson, John Bilton, Brigham Mellor, Cory Ritz and Jim Young, City Manager Dave Millheim, Community Development Director David Petersen, Associate Planner Eric Anderson, Parks & Recreation Director Neil Miller, City Engineer Chad Boshell, City Recorder Holly Gadd and Recording Secretary Cynthia DeCoursey*

**Mayor Talbot** began the meeting at 6:15 p.m. and welcomed residents **Howard Dygert** and **Jared Bryson**. He thanked staff for making arrangements for the tour.

## Recognition of Rich Taylor for his work with the Junior Jazz

**Nate Martinez** from the Utah Jazz will present the award.

## Presentation of the Theme, Logo and Grand Marshal Nominees for Festival Days

**Sid Young** will make the presentation regarding Festival Days.

## Funding Plan for Park and Gym on 650 W Street

**John Bilton** is not 100% comfortable with the phasing, funding and construction of the park and gym and asked if the City should consider taking a bigger bite of the apple now. **Mayor Talbot** said the City wants to remain conservative and pay off the current bond. **Dave Millheim** said the City has \$1 million in place, and the RAP tax will add \$2 million. The majority of the impact fees were used to obtain the property, and the City lacks the funding to do more. **Neil Miller** said the cost will be between \$7 and \$8 million, and they should have figures and time frames for the various phases within the next few days. **John Bilton** pointed out that funding prospects such as the Old Farm property and possible benefactors have not been discussed.

## Transfer of \$350,000 for 650 West Street Improvements

**Jim Young** asked why the City would not be planning to use Kapp Construction whose bid was \$30,000 lower than Skinner Excavation's bid. **Chad Boshell** replied that because Skinner is doing the work for Ascent Academy, they have a better knowledge of the area, and the risk for failure is lower when only one contractor is involved.

## **REGULAR SESSION**

Present: Mayor Jim Talbot, Council Members Doug Anderson, John Bilton, Brigham Mellor, Cory Ritz and Jim Young, City Manager Dave Millheim, Community Development Director David Petersen, Associate Planner Eric Anderson, Parks & Recreation Director Neil Miller, City Engineer Chad Boshell, City Recorder Holly Gadd and Recording Secretary Cynthia DeCoursey

### **CALL TO ORDER:**

#### **Roll Call (Opening Comments/Invocation/Pledge of Allegiance)**

The invocation was offered by **Jim Young** and the Pledge of Allegiance was led by **Brigham Mellor**.

### **REPORTS OF COMMITTEES/MUNICIPAL OFFICERS:**

#### **Executive Summary for Planning Commission meeting held April 3, 2014**

**Eric Anderson** reported that the Commission recommended approval of the following:

- Final Plat for the Farmington Bungalows;
- Preliminary Plat for the Silverleaf Subdivision;
- Final Plat for the Westwood Cove Conservation Subdivision;
- Schematic Plan for the Pheasant Hollow Conservation Subdivision; and
- Schematic Plan for the Farmington Park Conservation Subdivision.

The Commission approved Ivory Home's original schematic plan for Brentwood Estates rather than the plan that was presented (with a connecting road onto 1400 North). The amendments to the Zoning Ordinance were continued due to time constraints.

#### **Recognition of Rich Taylor for his work with the Junior Jazz**

**Nate Martinez**, Youth Programs Coordinator for the Junior Jazz, thanked Farmington for supporting the program. The Utah Junior Jazz program is the largest and best youth program in the NBA. He presented the Junior Jazz Director of the Year award to **Rich Taylor** who is always looking for ways to make the program better.

#### **Presentation of the Theme, Logo and Grand Marshal Nominees for Festival Days**

**Sid Young** said **Stephanie Gallagher** and **Neil Miller** are the backbone of this event which will include a family bike race at Station Park, a concert featuring the band "No Limits", and new guidelines for increased safety during the parade. The theme is "Building on Traditions—Getting Better and Better", and he asked for assistance in choosing a Grand Marshal.

**NEW BUSINESS:**

**Resolution Declaring Certain Land as Conservation, Recreation, Wildlife and Waterfowl Refuge and Park**

**Dave Millheim** said the City has four conservation easements—approximately 300 acres of land west of the 4218 line (or the high water mark) of the Great Salt Lake. The process began with the General Plan in 1991, and the Resolution documents what the easements are and why they exist. A copy will be sent to UDOT, and the information will be included on the City’s website. **John Bilton** commented that it is beneficial to have it together in one document, and **Doug Anderson** said it important because it is good record keeping.

**Motion:**

**Doug Anderson** made a motion to approve the Resolution declaring the City’s desire and intent to designate the Buffalo Ranches, Farmington Ranches, Farmington Meadows, and Hunter’s Creek Conservation Easements as the Farmington City Conservation, Recreation, Wildlife and Waterfowl Refuge and Park, pending amendments to the City General Plan, Zoning Ordinance and Subdivision Ordinance regarding the same. **Brigham Mellor** seconded the motion which was unanimously approved.

**Funding Plan for Park and Gym on 650 West Street**

**Dave Millheim** said a general obligation bond in the amount of \$3.5 million will be on the ballot in the fall of 2014, and the funds will be used to build a gym or a 50-acre park west of 650 West. Another source of funding includes a RAP (Recreation, Arts and Parks) tax which will allow the City to add 1/10<sup>th</sup> of 1% to the sales tax rate and will also be on the ballot in fall 2014. Farmington leads the state in sales tax growth, and 40-60% of the money from Station Park is coming from outside the City. Taxpayer dollars cannot be used to promote a “yes” vote, but the public can promote a “yes” vote.

**Motion:**

**Cory Ritz** made a motion to authorize staff to move forward with the funding plan for the park and gym, pursuing a general obligation bond in the amount of \$3.5 million for an extension of an existing bond level and a RAP tax in the amount of \$2 million (the two will not be tied together), and to evaluate the park impact fees for possible update. **John Bilton** seconded the motion which was unanimously approved.

**Transfer of \$350,000 for 650 West Street Improvements**

City Engineer **Chad Boshell** explained that when the Ascent Academy purchased this property from the City, they agreed to construct a dual-use parking lot, and the City agreed to improve the frontage area and widen the sidewalk. \$250,000 will be used to widen the parking lot and move two light poles, and \$100,000 will be used to install a traffic signal.

Motion:

**Jim Young** made a motion to approve the transfer of \$350,000 from the general fund balance to the City's portion of the 650 West Street improvements, to award the bid to Skinner Excavation, and to award the bid to install a traffic signal at the intersection of 650 West and State Street to Cache Valley Electric. **Cory Ritz** seconded the motion which was unanimously approved.

**Marketing Feasibility Study for the Office Park**

**Eric Anderson** said they submitted a grant proposal to the Wasatch Front Regional Council for a marketing/feasibility study of the proposed Office Park. The announcement was supposed to be made on April 9<sup>th</sup> but because of the high number of applications it has been delayed. **Dave Millheim** said the study is crucial as the City determines the action steps that should be taken. **Brigham Mellor** agreed and said a market study is essential.

Motion:

**John Bilton** made a motion to table further discussion on the study until the City has more information regarding the grant. The motion was seconded by **Doug Anderson** and unanimously approved.

**PUBLIC HEARINGS:**

**Local Consent forms and approval of a "Temporary Beer" liquor license for the Steelfist Fight Night to be held on July 19, 2014 at the Davis County Fairgrounds**

Public Hearing:

The public hearing opened at 8:10 p.m.

**John Shurtliff**, 891 Country Lane, said he would rather not have alcohol consumed at a venue located close to his home.

**Jim Young** referred to an email from resident **Wendy Rasmussen** who expressed concern about allowing alcohol so close to a neighborhood.

The public hearing closed at 8:12 p.m.

**Brigham Mellor** pointed out that beer is sold during the Davis County Fair, and there has not been an increase of problems. If beer is not allowed at this type of event, the door is opened for people to bring their own alcohol (which would typically be stronger than beer). **John Bilton** said the applicant meets the technical requirements, and while he is opposed to it on a personal, moral level, it is a larger issue that needs to be addressed. When asked if Davis County could use their permit to allow beer if the City denies the request, the City Manager said possibly, but they may not want to get in the habit of doing it. **Jim Young** asked when the City should take a stand

and draw a line for community standards, and **Cory Ritz** said the time to draw a line is now. **Doug Anderson** agreed and said the City should maintain its strong standards.

*Motion:*

**Jim Young** made a motion to deny the request. **Cory Ritz** seconded the motion which was approved by **Doug Anderson**, **Jim Young**, and **Cory Ritz**. **John Bilton** and **Brigham Mellor** did not approve the motion, and it passed by a 3-2 vote.

**Schematic Plan approval for the Farmington Park Conservation Subdivision**

**Eric Anderson** presented background information regarding this Subdivision and said the real question is whether or not the City Council wants to approve the TDR.

**Jason Harris**, 12896 Pony Express Road, Draper, Fieldstone Homes, said the land swap with DSD made sense because there will be two roads for dropping off and picking up students, and the park (and a potential gym) could be shared. The consolidated open space is meant to benefit the City as a whole. Five lots on Glover Lane and one lot on 1100 W will be affected by the 80-foot buffer waiver. The plan with the TDR would have 74 lots and the plan without the TDR would have 83 lots.

*Public Hearing:*

The public hearing opened at 8:10 p.m.

**Chase Rogers**, DSD's Operational Planner, said they purchased a site that was not ideal, and when Fieldstone suggested the proposal the soils test showed that the soil is better to the west, and the exchange improves the DSD's position.

**Joe Wilcox**, 140 East 100 South, owns property across the street from this development and was told that UDOT plans to use this area for the Legacy Highway.

**John Shurtliff**, 891 Country Lane, asked why the map including the TDR was being shown rather than the map without the TDR. He opposes the TDR because it will lower his property value. They do not want higher density and are worried that the WDC will take the park. The 80-foot easement will make the overpass on 1100 West easier. Potential buyers of these lots should be made aware of the sewer line issues and of the WDC plan.

**Dan Stanford**, 82 Country Lane, pointed out the size difference between a lot near his home and one of these Fieldstone lots which is much smaller. He asked the Council not to approve the TDR because it is not right for a developer to pay money to the City's parks to obtain additional lots.

**Wendy Rasmussen**, 1233 West 175 South, likes the land swap with the DSD with the ability to share the park and parking lot. She opposes the TDR because it is not fair to the existing residents—this needs to remain a conservation area.

**Nate Nixon**, 917 W. Country Lane, has been very invested on this project, and the TDR does not smell right. He is not happy about the density. He would like the City to have a contingency plan and to do a study on whether this could be a 4(f) property.

**Julie Beard**, 652 South 1100 West, said their home is 70% built and is the only house on 1100 W. They are happy about the location of the school, but they do not want the TDR and higher density. 1100 West dead ends in front of their home, and they do not want a bridge built there.

The public hearing closed at 9:10 p.m.

**Mayor Talbot** said it is difficult to satisfy everyone, and the City has spent a great deal of time and money in opposition to the Glover Lane alignment. **Dave Millheim** advised the Council to consider the overall needs of the City. The developer came to the City to address concerns and was told about the transfer of TDR rights as a possibility. Whether or not this will qualify as 4(f) property remains to be seen, and the amount of money has not yet been determined. **Cory Ritz** prefers the second alternative with buffering, larger lots against existing lots, and 1.99 units per acre (the TDR option is 2.23 units per acre). The TDR was to be used primarily in cases where the open space is constrained, difficult to maintain, or is of zero value to the City. The TDR is not appropriate in this case, and he does not want to set a precedent. **Jim Young** agreed and said the residents raised doubt in his mind.

Motion:

**Cory Ritz** made a motion to approve the Schematic Plan for the Farmington Park Conservation Subdivision without the TDR and in compliance with the Planning Commission recommendation with two additional conditions: (a) to have larger lots against the Blakewood Subdivision; and (b) to require the developer to work with the City to eliminate the drainage ditch along the south edge of Farmington Creek Estates and to delete Finding #2. **Brigham Mellor** seconded the motion which was unanimously approved.

**PRESENTATION OF PETITIONS AND REQUESTS:**

**Facility Use Agreement with Farmington Area Baseball League (FABL)**

**John Wendt** thanked the City for supporting FABL in this youth program.

Motion:

**John Bilton** made a motion to approve the changes made by **John Wendt** and to move forward with the execution of the agreement between the City and FABL. **Doug Anderson** seconded the motion which was unanimously approved.

**Final Plat approval for the Farmington Bungalows Subdivision**

**Eric Anderson** reported that most of the outstanding issues have been resolved. The applicant has received approval from UDOT to use the frontage road to for storm water, and if in

the future the applicant chooses to demolish the existing home, he will need to obtain a “Certificate of Historic Appropriateness” to do so.

The applicant, **Chris Ensign**, 4468 Zarahemla Drive, Salt Lake City, said they are pleased with how the project came together and are ready to begin.

*Motion:*

**John Bilton** made a motion to approve the Final Plat for the Farmington Bungalows Subdivision subject to all applicable Farmington City ordinances and development standards and the conditions and findings recommended by the Planning Commission. **Jim Young** seconded the motion which was unanimously approved.

**Approval of Waiver for Brentwood Estates - Road, Storm Drain and Trail Improvements**

**Dave Millheim** said the amount of open space is small but the lots will be very expensive lots and the road connection the City desires will be expensive.

**Nick Mingo**, 978 East Wood Oak Lane, said he has never had to appeal a Planning Commission decision that had previously approved the project. There will be significant expense to build a safe road, and they feel that this is a fair compensation for the waived open space.

The **Mayor** said he is grateful for the second access in his subdivision, and **John Bilton** said it is important to have a second access in this area for multiple reasons. He agreed with a comment made by a resident in an earlier meeting: the queueing on Main Street will only be a problem 15 days out of the year, and this plan will provide flexibility for the residents.

*Motion:*

**John Bilton** made a motion to approve the waiver for the Brentwood Estates Subdivision which will include a \$10,000 payment, a new through-road connection to 1400 North, storm drain and trail improvements. The motion was seconded by **Jim Young** and unanimously approved.

**Open Space Waiver Valuation for the Cottages at Rigby Road**

**Dave Millheim** included a memo from the developer in the staff report to help the Council understand how the valuation was made.

*Motion:*

**Brigham Mellor** made a motion to approve the waiver for open space valuation of \$24,200 of which \$10,000 still needs to be paid to the City by the developer. The motion was seconded by **Doug Anderson** and approved by **Doug Anderson**, **John Bilton**, and **Brigham Mellor**. **Cory Ritz** and **Jim Young** did not approve the motion which died for lack of a super majority. **Cory Ritz** and **Jim Young** felt that the City was giving away too much, and **Dave Millheim** said that although the City may have been too loose with open space waivers in the

past, he tried to qualify this and make it fair. **David Petersen** pointed out that this was not required in a conventional subdivision or a PUD and while the developer is getting more lots, he is not getting a density bonus. With the new information, those having just voted wanted to reconsider their vote.

Motion:

**Brigham Mellor** made a motion to approve the open space waiver valuation in which the City will receive \$10,000 in additional credits for a total of \$24,200. **John Bilton** seconded the motion which was unanimously approved.

**Posting of Signs on Property for Public Hearings**

**David Petersen** said this Resolution will require posting notice of public hearings on the property. If there are multiple public hearings, the sign will only be posted once.

Motion:

**Cory Ritz** made a motion to approve the Resolution requiring the posting of notice on property with a sign for public hearings where third party notice is required by ordinance. **Brigham Mellor** seconded the motion which was unanimously approved.

**SUMMARY ACTION**

**Summary Action List**

1. Approval of Minutes from March 1, 2014
2. Approval of Minutes from March 4, 2014
3. Approval of Minutes from March 19, 2014
4. Tanner Annexation
5. Powder Coat Signal Poles at 200 East and State Street
6. Final Plat Approval for the Westwood Cove Conservation Subdivision
7. Improvements Agreement for Phase 3 of the Chestnut Farms Subdivision

Motion:

**Jim Young** made a motion to approve the Summary Action List. **Brigham Mellor** seconded the motion which was unanimously approved.

**GOVERNING BODY REPORTS:**

**City Manager – Dave Millheim**

- There will be a budget work session on April 29<sup>th</sup> at 5:00 p.m.
- An additional budget work session is scheduled for May 13<sup>th</sup> at 5:00 p.m.



- URRMA is offering a specialized course, “Ethics for elected and appointed officials” on May 21<sup>st</sup> from 7-9 p.m. in Park City, and he encouraged Council Members to attend.


**Mayor – Jim Talbot**

- He suggested **Lorraine Thatcher** as Mother of the Year.
- An important meeting with UDOT is schedule for May 5<sup>th</sup>. He asked that two City Council members attend.
- He received an email from resident **Mitch Stevens** who asked why no sound walls are planned for this section of the I-15 project.
- He thanked those who attended the ULCT Conference in St. George and said it was beneficial.
- Parks Superintendent **Colby Thackeray**’s mother passed away recently.
- The annual Easter Egg Hunt will be held Saturday, April 19<sup>th</sup> at 9:30 a.m. and he asked the Council to attend.

**ADJOURNMENT**

**Motion:**

**John Bilton** made a motion to adjourn the meeting. The motion was seconded by **Brigham Mellor** and unanimously approved, and the meeting was adjourned at 11:00 p.m.

  
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**Holly Gadd**, City Recorder  
Farmington City Corporation