

FARMINGTON CITY COUNCIL MEETING

April 14, 2015

WORK SESSION

Present: Mayor Jim Talbot, Council Members Doug Anderson, John Bilton (via teleconference), Brigham Mellor, Cory Ritz and Jim Young, City Manager Dave Millheim, City Development Director David Petersen, Associate City Planner Eric Anderson, City Engineer Chad Boshell, Water Sewer Advisor Larry Famular, Public Works Director Walk Holkenson, City Recorder Holly Gadd and Recording Secretary Lara Johnson.

Pheasant Hollow Schematic Plan

Dave Millheim said the Planning Commission has required each lot to have its own geotech soils report. The plans also include a pocket park. He said residents from the Symphony Homes Continental Estates subdivision are still upset as there have been many complications with their homes; those residents are requesting a hold be placed on this subdivision until individuals in the previous subdivision have been paid. **Dave Millheim** said it is a civil matter, and the City cannot do anything about it.

Consideration to Possibly Study the Annexation of 20 Acres

Mayor Jim Talbot asked the Council if they are comfortable studying the possibility of annexing 20 acres between 100 North and 400 North streets into City limits. **Jim Young** feels these types of studies are important and is in favor of it.

Park Lane Commons Pylon Signs

Mayor Talbot said he feels the small change will not make much difference to the look and feel of the already approved pylon signs. **Cory Ritz** expressed concern that a small deviation from the agreement like this may lead additional larger deviations in the future. **Mayor Talbot** suggested he can make a recommendation to the applicant that the Council does not want to see any more deviations.

Farmington Trails Committee and Nomination

Mayor Talbot explained the Trails Committee would like the new proposed 43 acre park trail to have the look and feel of a nature trail with added curvature and crusher fines as the trail surface; however, **Mayor Talbot** said Neil Miller would like the trail to be asphalt so ensure residents with strollers or in wheelchairs may easily use it.

Minute Motion Approvals – UTA Shuttle Agreement

Dave Millheim pointed out that the shuttle agreement is now in place; stops will include Lagoon, Station Park, the Hampton Inn and possibly others.

Culinary Water Restrictions

Dave Millheim, the Council members, Water Supervisor **Larry Famular** and Public Works Director **Walk Holkenson** discussed the concerns with the current water supply for the upcoming months. **Larry Famular** expressed concern that once restrictions begin with secondary water, residents may start using culinary water outside. The City would not be able to support a large increase in culinary water. He proposed penalties for using culinary water for outside use as found in the staff report. The Council members discussed and offered their support of the penalties, as well as discussed additional ways to conserve water once the restrictions begin.

REGULAR SESSION

Present: Mayor Jim Talbot, Council Members Doug Anderson, John Bilton, Brigham Mellor, Cory Ritz and Jim Young, City Manager Dave Millheim, City Development Director David Petersen, Associate City Planner Eric Anderson, City Engineer Chad Boshell, Water Sewer Advisor Larry Famular, Public Works Director Walk Holkenson, City Recorder Holly Gadd and Recording Secretary Lara Johnson.

CALL TO ORDER:

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

The invocation was offered by **Mayor Jim Talbot** and the Pledge of Allegiance was led by a Council Member **Cory Ritz**.

PUBLIC HEARINGS:

Pheasant Hollow Schematic Plan

Eric Anderson said this is a 15 lot subdivision. The yield plans allows for 10 lots under a conventional subdivision, but the applicant is requesting an additional 5 lots through a TDR. 2 of the 5 TDR lots will be improved into a park. The applicant will negotiate a fair price for the TDR with the City Manager. The original proposal did not include sidewalks; however, the Planning Commission requested sidewalks be included to allow for safer access to the park. Also, the Planning Commission and staff had concerns regarding the flag lot, as found on the Schematic Plan. **Eric Anderson** said a representative from Central Davis Sewer District (CDS) stated she is in favor of the flag lot as its driveway would provide easy access for maintenance on a sewer line. The applicant brought back two proposals, as per the Planning Commission's request. The Commission approved plan A which included the sidewalks, the flag lot and a better layout for the park. **Eric Anderson** mentioned a condition to the motion that was included states that each lot must have its own soils report. Since the layout of lots has slightly changed, there are a few lots that will need to obtain a soils report.

Mayor Talbot asked if there were any concerns with the lots based on the previous soils reports that were completed. **Eric Anderson** said the City outsources the review of the geotech reports. Based on the professional's review, there were a few recommendations made, including helical piers, but nothing that cannot be mitigated.

Russell Wilson, 526 N. 400 W., North Salt Lake, said they have completed various soils report and had peer reviews completed by the City. Due to the change in lot configurations, there are a few additional lots that must still obtain a report; it will be completed soon. He said most, if not all, of the homes will be built with helical piers. Also, as **Eric Anderson** mentioned, sidewalk on both sides of the road (except in the bulb of the cul-de-sac) have now been included in the plan.

Mayor Jim Talbot opened the public hearing at 7:16 p.m.

Howard Dygert, 676 S. 100 E., said he has lived in his home for 38 years and is well acquainted with the property of the proposed project. He expressed major concern with this development as it is at the opposite end of the Continental Subdivision property which has had significant soil problems. He proposed that the City require and hold the developer financially responsible and liable for land settling or water damage that may happen to the homes due to improper construction. He feels the developer should provide a guarantee to the home buyers, then if problems arise, the home owners have options. It would also require the developer to make better decisions in the construction process. **Howard Dygert** said he is opposed to the approval of this project unless that guarantee is included.

Jeff Holman, 22 Virginia Circle, lives west of the proposed flag lot, said he agrees with **Howard Dygert's** comments. His specific concern is with the proposed flag lot. The ordinance states flag lots may not be approved if its sole purpose is for economic gain; he feels this flag lot is for economic gain. **Jeff Holman** stated he talked with Leland Myer at the CDS. In reference to staff's comments, he said Mr. Myer stated CDS does not make recommendations with things like flag lots and was reluctant to give his opinion on whether the flag lot was needed in this development as it was outside his jurisdiction. Mr. Myer stated the only thing CDS needs is access to the sewer line. **Jeff Holman** said based on Mr. Myer's comments, he feels staff's comments stating CDS is in favor of the flag lot is very broad. He feels this flag lot is not needed, but that it is being included for economic gain as they are able to include one more home on an additional lot in the development.

Rebecca Larsen, 599 Glenhill Court, said she currently lives in the first home built in the Continental Estates subdivision. She reviewed the City Council meeting minutes from the previous year when this subdivision first appeared before them. From that meeting she wanted to ensure what was being done, completed or thoroughly discussed included a soils report for each lot and a peer review of those reports, snow removal on such a small area and lack of park strips. She feels the previous City Council in 2008 showed negligence in approving Symphony Home's Continental Estates subdivision as many of the homes, including her own, are having significant problems due to settling. She is also in favor of Mr. Dygert suggestion and feels the developer should be required to notify future homeowners of the current problems that other Symphony homes in the area are having.

Mayor Jim Talbot closed the public hearing at 7:27 p.m.

Mayor Talbot asked for clarification on what soils testing has been done and **Dave Millheim** asked for confirmation that the peer review was completed. **Eric Anderson** said the

soils report was completed last year and that a condition to the motion states each lot will have its own additional report which will be reviewed by a 3rd party consultant.

With regards to residents' comments, **Dave Millheim** explained the City cannot require a guarantee. The City has required additional soils testing and it has been approved by experts, but a soils report is not a guarantee either. It is up to the homeowners to do their due diligence prior to purchasing a home.

Doug Anderson understands the City legally cannot provide a guarantee, but asked if there is a way to notify future homeowners. **Dave Millheim** said a note may be placed on the plat stating the soils conditions are not final and that there have been settling issues in the area, but that is as far as the City can legally go.

Cory Ritz feels there has been a lot of input toward this project from the residents, the Planning Commission and City Council. The City has insisted on overall soils reports to be completed as well as reports for each lot. He feels the City and the developer have done as much due diligence as possible. He is in favor of placing a note on the plat referring to the soils reports. **Cory Ritz** also said that he understands the flag lot issue, but under certain circumstances, he feels flag lots can serve a purpose. He feels in this specific circumstance, there is a function that comes from approving the flag lot.

Brigham Mellor asked for further clarification on the approval process for flag lots and if it is appropriate to approve the flag lot based on the sewer line. **Eric Anderson** said flag lots are approved as part of the schematic plan. He said if the Council approves the schematic plan, the Council would also be approving the flag lot. **Eric Anderson** said the representative from CDSO that serves on the DRC is not requiring that flag lot to be included, but is strongly in favor of it as it allows CDSO a hard surface to access the sewer line and a simple placement for the man hole.

Eric Anderson states it's also important to note that as part of the TDR, the developer will be fully improving the pocket park space to include playground equipment, possible basketball courts and more. **Mayor Talbot** said this park will back the wetlands and will be an asset for the community to enjoy. **Brigham Mellor** asked when details will be provided for the park's improvements. **Eric Anderson** said it will be part of the TDR negotiation with the City Manager and during the preliminary plat approval.

John Bilton thanked the residents for voicing their concerns. He said what Mr. Dygert brought up with guarantees, buy-back programs, etc. is very challenging, but it is not the City's place to hold developers to those types of guarantees. A homeowner (or consumer) must bear that responsibility and make those decisions. **John Bilton** said he would like appropriate language from the developer disclosing information about the nature of the ground, helical piers, etc. included on the plat. He said he does sympathize with the homeowners that have had settling issues as he has seen the results of the settling and have talked with homeowners about it. In the end, there's nothing more the City could require of the developer than what has already been done.

Motion:

Jim Young made a motion that the City Council approve the proposed schematic plan A (as recommended by the Planning Commission) for the Pheasant Hollow Subdivision, subject to all applicable Farmington City ordinances and development standards and the following conditions:

1. The City Manager determines what just compensation is for the 5 lot TDR transaction, and the City Council approves the TDR prior to preliminary plat;
2. The applicant must receive City Council approval to modify the street cross-section for the cul-de-sac prior to preliminary plat;
3. The applicant must bring the flag lot in compliance to Section 12-7-030(10) and the City Council must approve the flag lot as part of their review of the schematic plan;
4. Any outstanding issues raised by the DRC at Schematic Plan that have not been addressed, must be addressed at preliminary plat;
5. The applicant will provide an updated wetland delineation approved by the US Army Corp prior to preliminary plat consideration;
6. In addition to the soils report previously submitted, the applicant must update and provide a soils for each individual lot where the lot configurations has changed, and an independent geotech engineer, working for the City, must also review the updated report;
7. If the plan gets to final plat, a note will be added to the final plat that states soils reports are available for review by the public.

John Bilton seconded the motion which was unanimously approved.

Findings for Approval:

1. The proposed subdivision conforms to all of the development standards as set forth in Section 11-11-050.
2. The proposed Schematic Plan creates a needed east-west connection from 200 East to the Frontage Road.
3. The fully improved pocket park that would be provided to the City would preserve wetlands, and provide the City and surrounding residents with open space and recreational opportunities.
4. The applicant has performed a geotech report above and beyond the normal requirements as a way to address the soil issues in the development.

NEW BUSINESS:

Consideration of a Resolution as to whether or not to Study the Annexation of approximately 20 acres east of the City Limits between 100 North and 400 North streets and affidavit and other items

David Petersen explained that he feels it is wise to start discussing the possible annexation of property that is east of City limits while the applicant is submitting their application for schematic plan. This item is not to approve the annexation, but to accept it for study. The applicant is also pursuing schematic plan approval from the Planning Commission so the schematic plan and possible annexation considerations can be reviewed simultaneously. **David Petersen** said this possible annexation has a lot of similarities to the Shepard Heights

annexation as there are concerns with getting residents water, the grade of the hillside, fire protection, storm drainage and more.

Mayor Talbot said he has many questions regarding some of those concerns, including water. He reiterated that this is not a public hearing, but is seeking discussion on if the Council is comfortable considering a resolution so staff can move forward in studying the possible annexation.

Dave Millheim also added that requesting the study of the annexation does not mean the Council will approve the annexation or that issues that may arise will be solvable. He said the study is to ensure the Council has full knowledge of what the annexation may mean for the City if it's approved. **Dave Millheim** said he will also clarify with the City Attorney that signing the affidavit to consider the annexation does not mean the City is supporting it.

Mayor Talbot expressed concern with adding additional burden and responsibility to staff and their already busy schedule. **David Petersen** said once the study is completed, staff can review the information to determine if it's reasonable to bring the property into the City boundaries. The applicant has already agreed to submit schematic plan to help the City best determine the future needs of this property. **David Petersen** said accepting this annexation for study will go along with what staff is already doing for the schematic plan.

Cory Ritz asked the applicant, Jerry Preston, if conversations with neighbors regarding the annexation have begun. **Jerry Preston** said he has talked with many neighbors and so far, all are comfortable looking into the viability of this annexation. **Mr. Preston** said he is also interested in the study as he would also like more information to determine if the property is developable. He does not want to annex the property if it is not developable.

Motion:

John Bilton made a motion that the City Council approve the enclosed resolution accepting the proposed Preston Annexation petition for further study/consideration. **Jim Young** seconded the motion which was unanimously approved.

Motion:

John Bilton made a motion that the City Recorder certifies the petition, direct the City Manager to meet with the applicant about inclusion of City property as part of larger subdivision, which includes the proposed annexation area, and also allow the developer to pursue a recommendation regarding a schematic plan for the subdivision and zone designation from the Planning Commission. **Cory Ritz** seconded the motion which was unanimously approved.

NOTE: The approved motions were not approving the annexation of the above listed property, but approving the study of the possible annexation.

Culinary Water Restrictions

Water Supervisor **Larry Famular** said the City uses approximately 15 million gallons of irrigation water on a typical day and approximately 2 million gallons of culinary water. He explained once secondary water (irrigation water) becomes restricted, the City would not be able to support outside use of culinary water. He explained the proposed restrictions are a way to help slow the flow for those that may use culinary waters outside. **Larry Famular** reviewed the proposed notices and fines as shown in the staff report.

Public Works Director **Walt Holkenson** stated the snow in the mountains is at historic lows. He said if residents use water as they have in the past, it will jeopardize the City's culinary water.

Mayor Talbot said he is in favor of the notices and fines; he feels it is better to get those provisions in place prior to the summer months as water is going to be a big issue across the state. He wants to educate residents of the need to conserve as well as the consequences if violations to restrictions arise.

Motion:

Cory Ritz made a motion that the City Council direct staff to approve a policy that would permit the City to enforce and control water usage restrictions consistent with the recommendations that the Council had presented. **Doug Anderson** seconded the motion which was unanimously approved.

Park Lane Commons Pylon Signs

Mayor Talbot said this is just a discussion item to determine if the proposed changes to the sign's cabinet are substantial amendments to the development agreement. He said the Planning Commission recommended approval, as outlined in the staff report.

Mayor Talbot stated this was discussed in depth during the Work Session. The Council recognizes that signage is a sensitive issue; however, they feel the proposed relocation of the sign works and the face of the sign is only slightly increasing. **Mayor Talbot** also stated that **Cory Ritz** made an important point during the Work Session. **Cory Ritz** wanted to caution the Council members that although this change is small, he did not want other changes that may be bigger or larger to surface later.

Mayor Talbot reiterated **Cory Ritz's** remarks to the developer, but also stated he is comfortable with the developer moving forward with the proposed changes to the pylon signs.

REPORTS OF COMMITTEES/MUNICIPAL OFFICERS

Annual Progress Report of the Farmington Trails Committee and Nomination of Amy Shumway to Farmington Trails Committee

George Chipman, 433 S. 10 W., Chairman of the Farmington Trails Committee, said the Committee would like to nominate Amy Shumway to fill the open seat on the trails committee, he feels she will be a great strength to the committee. Also, the Committee would like to continue their Festival Days Parade tradition of spraying water over the spectators. He

recognizes the Ordinance states parade entries should not squirt water on spectators, but feels this is different as it is more of a cooling mist.

Mayor Talbot asked if the Council members had any concerns with the nomination of Amy Shumway to the Farmington Trails Committee. There were no concerns and all council members accepted the nomination.

Mayor Talbot said he feels if water restrictions are in place, he would like the City to set an example that they are being restrictive with water as well. **Doug Anderson** feels it is a fun tradition, but agreed with the Mayor. He explained about the in depth water discussion the Council had during the Work Session. **Brigham Mellor** agreed; he feels it is not a matter of if the City has the water, but that it's an important symbolic gesture. **Mayor Talbot** said he would like to take a one year moratorium on the water spraying. It will be revisited next year.

George Chipman provided the Trails Committee's Annual Report for the Council members. He said the City added an additional 3 miles of trails for over 131 miles in trails within the City. He reviewed the trails that were recently completed. He said the Trails Committee hosted a number of bike tours which were very successful. There were an additional 10 more Eagle Scout projects that were completed with the trails. Also, the Committee honored **David Petersen** for his many years of service in the creation and implementation of the Trails Master Plan.

Jim Young asked how Farmington ranked among other Utah cities for the number of trail miles. **George Chipman** said we are ranked second in the state; however, Farmington has two miles of trail for every two square miles of city.

SUMMARY ACTION

Minute Motion Approving Summary Action List

1. Contract with Hogan Construction to be the Construction Manager/General Contractor for the Park and Gym;
2. Contract with VCBO to be the Architect for the Park and Gym;
3. Parkwalk Downs Extension Agreement;
4. Encroachment License and Permit for Farmington Creek Estates Lot 314;
5. Brentwood Estates Subdivision Improvements Agreement;
6. Agreement with Davis County regarding Elections;
7. UTA Shuttle Agreement;
8. Letter of Concurrence and Match Agreement;
9. Approval of Minutes from City Council meeting held March 17, 2015;
10. Approval of Minutes from City Council meeting held March 24, 2015;
11. Proclamation for Congenital Diaphragmatic Hernia Awareness;
12. Ratification and Approval of the Storm Water Bond Log.

Cory Ritz asked for further clarification on the property owners of the Parkwalk Downs Extension Agreement for Action Item #3; he was under the impression the property was owned by someone other than who was listed in the agreement. **Dave Millheim** said he will confirm the correct property owner prior to finalizing the agreement.

Cory Ritz stated he must abstain from voting on Action Item #9 and #10 as he was not in attendance of those City Council meetings. **John Bilton** also said he must abstain from Action Item #9 for the same reason.

Motion:

Jim Young made a motion to approve the items on the Summary Action List 1-12. **Doug Anderson** seconded the motion. **Cory Ritz** abstained from approving Action Item #9 and #10; **John Bilton** abstained from Action Item #9. All other Council members approved the motion. The motion was unanimously approved.

GOVERNING BODY REPORTS:

City Manager – Dave Millheim

- The Executive Summary for the Planning Commission meeting held on March 19, 2015, the Fire Monthly Activity Report for February and the Building Activity Report for March are included in the staff report.

Mayor Jim Talbot

- The Open House for the proposed park and gym will be on April 16, 2015 from 5 p.m. – 7 p.m. with the public hearing held during the Planning Commission meeting at 7 p.m. **Mayor Talbot** asked for Council members to come and support the open house.
- **Mayor Talbot** thanked those Council members that were able to attend the Utah League of Cities and Towns; he feels it was a successful conference.
- The Historic Preservation Committee nominated Greg Wall to be part of the Committee. **David Petersen** said Greg Wall is an exceptional candidate for the Committee as he is well educated and very talented with regards to historic preservation. All Council members supported the nomination.
- **Mayor Talbot** said the City is working with many business about the potential of relocating/opening in Farmington. He thanked everyone for their hard work and said more information will come.

Council Member Cory Ritz

- **Cory Ritz** said he has received multiple complaints regarding the roundabout on Clark Lane. He said many residents have suggested better signage needs to be included. Also, if there are plans for an expansion of the roundabout, he feels it should be completed sooner rather than later.
- He asked if reimbursement from the Federal Government has been received for the Park Lane realignment. **Dave Millheim** stated the City already received 93% of the cost of the realignment from the Federal Government. The project was able to remain under budget. **Cory Ritz** stated, based on input from residents that he has received, many would like an east/west connection through the roundabout. He asked if reopening a connection on Clark Lane would be an option. He feels this would also

assist in the traffic flow through the roundabout. **Dave Millheim** said the item can be reviewed again.

- He asked the status of the Cabela's agreement. **Dave Millheim** said the City has completed all that that it needed to do, including approval of the site plan once an easement has been recorded. The City is still waiting on the signed easement agreement that must be received before the plat records.

Council Member Brigham Mellor

- He proposed a new Tax to apply to hotels within Farmington. It is an additional tax that is available to municipalities and is a 0.5% tax that can be applied to the cost of renting a room. He feels having a small tax like this will bring additional tax revenue to the City and it would not cost Farmington residents any money. He offered a couple other tax suggestions. **Dave Millheim** suggested talking with the hotels about this tax prior to further exploring the option to ensure all needs are being met.

City Recorder Holly Gadd

- She requested help from the Mayor and a few Council members to participate in the Miss Farmington Community interviews. The judges need to be available on May 2, 2015 at 9:15 a.m. **Mayor Talbot, Brigham Mellor, and Jim Young** are available to help.

Council members Doug Anderson, John Bilton, and Jim Young did not have anything to report at this time.

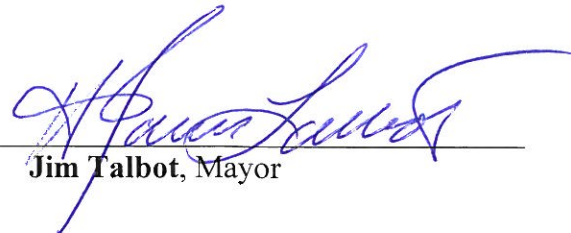
CLOSED SESSION

Motion:

At 8:57 p.m., **Jim Young** made a motion to go into a closed meeting for purpose of property acquisition and competency of an individual personnel. **Cory Ritz** seconded the motion which was unanimously approved.

Sworn Statement

I, **Jim Talbot**, Mayor of Farmington City, do hereby affirm that the items discussed in the closed meeting were as stated in the motion to go into closed session and that no other business was conducted while the Council was so convened in a closed meeting.



Jim Talbot, Mayor

Motion:


At 9:45 p.m., a motion to reconvene into an open meeting was made by **Cory Ritz**. The motion was seconded by **Jim Young** which was unanimously approved.

John Bilton explained he had a conversation with John Wendt regarding Farmington Area Baseball League (FABL); he offered the City's assistance if Mr. Wendt feels it's needed. The Council members discussed some of the ways the City could lend support to FABL. **Cory Ritz** made a suggestion that staff meet with Neil Miller, the Parks and Recreation Department Director, to implement rapid improvements to the southern field behind the bus compound to ensure another field is available for use by the program. **Dave Millheim** will explore this with Neil Miller and report back to the Council.

ADJOURNMENT

Motion:

At 9:50 p.m., **Jim Young** made a motion to adjourn the meeting. **Doug Anderson** seconded the motion which was unanimously approved.



Holly Gadd, City Recorder
Farmington City Corporation