

FARMINGTON CITY COUNCIL MEETING

July 14, 2015

WORK SESSION

Present: Council Members Doug Anderson, John Bilton, Brigham Mellor, Cory Ritz and Jim Young, City Manager Dave Millheim, City Development Director David Petersen, Associate City Development Director Keith Johnson, Associate City Planner Eric Anderson, City Engineer Chad Boshell, Water Sewer Advisor Larry Famular, Public Works Director Walt Hokenson, and Recording Secretary Melanie Monson.

Jim Young offered the prayer.

Mayor Talbot is out of town and is excused for this meeting. City Councilman **Jim Young** was Mayor pro-tem for this evening.

Water Plan

Dave Millheim said staff is hoping for a vote on these priorities tonight. The priorities from last week's discussion of the water plan haven't changed; some of the numbers have been updated. He asked Chad to direct his presentation to the updated finances and to answer any remaining questions. **Keith Johnson** said much of the costs will be covered by impact fees, and some will need to come from the City's budget as operational costs. The City currently has \$1.3 million in reserved impact fees and anticipates an additional \$400,000 this coming year. That would leave about \$1.5 million the City would need to bond for in a year from now. **Brigham Mellor** asked how the City would pay for the bond. **Keith Johnson** said the \$1.5 million water revenue bond would be paid for by impact fees. **Jim Young** asked if there is any current debt, and **Keith Johnson** answered that there is currently no debt in the water fund. **Brigham Mellor** asked if bonding against impact fees is risky. **Dave Millheim** said not in this case because the City continues to anticipate high growth. He said the Bond Council will not allow the City to bond for more than its reasonably forecasted capacity. **Brigham Mellor** asked how the City would pay back the bond in the worst case scenario. **Keith Johnson** said it would not come from the General Fund, but would be paid from the water operations fund. **Dave Millheim** said the total cost to complete the priorities is about \$8 million. He said these priorities do matter, and some of these things do need to be taken care of right away with the existing budget. **Chad Boshell** said Weber Basin charges \$2600 per acre foot, which is significantly more expensive than our well water costs to develop. **Dave Millheim** said the rights we already own with Weber Basin are secure. But new rights may not have the same preference. **Brigham Mellor** asked about the probability of digging a well with good water, and **Chad** said he feels like there is a good chance of getting water from the Farmington Creek site. He said staff is not asking to spend all the money at once, and that everything will still come before the Council. **Walt Hokenson** said staff will just chip away at the project, one step at a time. **Keith Johnson** said they may have to raise water rates in the future in order to cover some of the cost.

Cornerstone Subdivision

Dave Millheim said this item is a public hearing, and there has been a lot of opposition. The Planning Commission recommended denial based on the fact that the existing homeowners purchased homes expecting the lots to remain large. There is a possibility for them to borrow from other lots in order to reach the required size.

Summary Action item 3- Interlocal Agreement with Davis County regarding the “Tour of Utah”

Dave Millheim said over a year ago, the County got enough signatures to have the Tour of Utah bike race to come through Davis County. It is logistically the most complicated leg of the race with hundreds of road closures, and the County has been trying to get 500 volunteers to assist. They currently have only 37 volunteers. Farmington will assign employees from Public Works, Parks and Recreation, the Police and Fire Departments, etc. to line the streets in Farmington due to the lack of volunteers.

Dave Petersen said a University of Utah engineering class is doing a mock schematic subdivision project on a piece of Farmington property. He asked if two City Council members could show up to vote on their proposal. **Jim Young** and **Brigham Mellor** volunteered to participate.

Cory Ritz submitted two corrections to the City Council meeting minutes from June 16th and June 30th. He referenced a paragraph on page 8 of the June 16th notes, where Jim Young and Cory Ritz comment, and asked that it be amended to reflect that it was confirmed that the City is getting the gym and the parking lot for the \$10 million. From the June 30th meeting, he clarified that Jim Young voted against the Chick-fil-a drive through and Mayor Talbot voted in favor, which broke the tie.

Dave Millheim said items 1 and 2 from the City Manager Report list are self-explanatory. Item 3 relates to the pool statistics, and reports that life guards go in the water to save someone every day. He wanted the Council to see the activity report. There have been 4 incidents requiring the fire department this year so far. Item 4 on the list relates to the Justice Court. He said he is nervous on the Justice Court item. We have received agreements back from several cities. The County wants to amend the agreement such that they aren't dissolving the Court, but are contracting with the City to provide the services. He said he is going to recommend we not do it if an agreement can't be reached. Item 5 relates to updating the City's logo and signage. **Keith Johnson** said the City's website is being redesigned. The logo hasn't been redesigned for 10-12 years. The City has an internal committee looking at it and they are close to rolling out the new website.

REGULAR SESSION

Present: 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, and Recording Secretary Melanie Monson.

CALL TO ORDER:

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

The invocation was offered by Councilmember **Doug Anderson** and the Pledge of Allegiance was led by **Dallin Holt** from Boy Scout Troop 455.

CONTINUED ITEMS:

Long Range Water Action Plan

Chad Boshell said that the City is behind in its water supply due to population growth. In order to remedy the current water situation, he and the Public Works department created a series of steps to help the City get back on track. The steps are included in the packet as well as in the minutes from the previous City Council meeting. Staff recommends approval of the plan as outlined so they can begin creating the master plan and proceed with the other steps.

Motion:

John Bilton made a motion that the Council implement the water plan outlined by allowing staff to begin work on the following: perform fault explorations, well siting studies, master plan RFP, begin designs for a well and water tank, and explore funding options for the remaining funds needed.

Cory Ritz seconded the motion which was unanimously approved.

PUBLIC HEARINGS:

Minor Subdivision/Plat Amendment for Cornerstone Subdivision Amended

Dave Petersen said the Cornerstone Subdivision is at the end of Summerset Drive and contains 16 lots. Harley and Jean Evans own the property. Staff identified Summerset Drive as one of 3 nonconforming dead end streets. There is no point of access heading east, resulting in poor traffic circulation. Fruit Heights did not stub into that street and developed lots that are much smaller. The Evans are now asking to divide lot 19 into two lots, resulting in 4

remaining lots instead of 3. The Planning Commission looked at the surrounding developments, the average lot sizes, and the smallest lot size. If a new lot is added to the Cornerstone subdivision, they will still have the second highest average square footage in the area. The Planning Commission recommended denial because homeowners should know what to expect when they purchase homes and the current homeowners bought in based on low density. They recommended dividing all three lots to create four 20,000 square foot lots, but the Evans said redoing the laterals and the street improvements was not cost effective for them.

Harley Evans, 713 Springwood Drive, Farmington, Utah. He referred to a drawing of the original plan. He said there is a 50 foot road easement at the end of lot 15 for all the utilities to service that lot. He said he has a sale for those two lots if he can get this approved tonight. He said it would help to get that part of the City cleaned up and looking nice.

Jim Young opened the public hearing at 7:29 p.m.

Lynette Anderson, 30 North Hartwood, Fruit Heights, Utah. She is the Evans' daughter. She said there is concern about the existing older home on lot 19, which they are paying taxes on, but is just being used for storage. If the lot division is approved, they would be able to knock that home down and build something new.

Tom Evans, 144 Twin Peaks Drive, Layton, Utah. He is the Evans' son. The larger lot sizes were anticipated 15-20 years ago. Now it is nearly impossible to sell lots of this size and recoup the cost of development, property taxes, etc. He said the incentive to subdivide the lot is so the Evans can sell the lots, creating more cash flow to pay property taxes and maintain the properties that haven't sold yet. This subdivision has some of the largest lots in the area so subdividing this one lot would not affect the overall area very much.

Kim Poole, 2106 Evans Way, Farmington, Utah. She lives across the street from the proposed lot split. She said she believes that large lots are very valuable and that many people still want to purchase large lots. She used to live in the Summerset development, but they purchased a lot and built a home in Cornerstone specifically for the larger lot sizes available. She said they are one of the newer homes, and they anticipated their home value to be based on the neighborhood having large lots. She said she forwarded a petition to the Council from neighbors who couldn't make it tonight. **Brigham Mellor** asked if they have an HOA. She said there is an HOA with Jean and Harley Evans as the Chairs. She said there is no HOA fee, but there are Covenants and building standards.

Jeff Poole, 2106 Evans Way, Farmington, Utah. He also lives across the street from the proposed lot split. He said he agrees with the findings of the Planning Commission. This proposal would divide the smallest lot into two smaller lots. He said Harley is not actively trying to sell them- there is no for sale sign. He said the lot will sell, there are lots of large lots in Farmington that people want to buy. He said there is a home that was just built that barely fits on the lot. He said this devalues the homes, and the lots are valuable enough as it is.

Byron Lusk, 726 Emerald Oaks Drive, Farmington Utah. He lives just west of the proposed lots. Since this subdivision was approved in 1997, there haven't been any major amendments to the plat. He said a 12,000 square foot lot is far below the other lot sizes in the neighborhood. He would like to see the plat remain the same. People bought property there because of the approved design and the large lot sizes. He said they were under the impression and assumption when they built that it would stay the same.

Jean Evans, 713 Springwood Drive, Farmington Utah. She said the last two families who spoke didn't purchase property directly from them, but bought a ready-made home or purchased the property from someone else. She said they've tried hard as contractors to have decent properties developed. She said the bottom half of the proposed lot falls off steeply. She said someone could have a decent home on it with a basement. She said that's why they decided the lot should be divided. She invited the Council to come look at the property before deciding.

Jim Young closed the public hearing at 7:43 p.m.

John Bilton said he has been to the property. He said there is the potential for improvements by dividing the lot, and there are also the expectations of those who bought property previously. He said he can understand both views. He said the Council has not amended very many plats during his time with the City. He said there is a purpose for going through the schematic process, and doesn't like to second guess previous decisions. He said he is inclined to leave it how it is.

Doug Anderson said he feels similarly to John. He can see both sides, and how each would benefit one party. His thoughts are with those property owners who invested with the expectation of the neighborhood being congruent.

Brigham Mellor said the frontages would be similar, even though the acreage would be different since the lots wouldn't be as deep. He said he also understands both points, and acknowledged that the people who spoke tonight may not have built the homes they are living in. However he said that they were still expecting the neighborhood to go forward as stated in the plat. Additionally, the price for their lots was likely influenced by the plat. As it stands, he thinks we need to honor the reason for the process and go with the plat as it stands.

Cory Ritz said he is in agreement with the other Councilmembers. He does not find fault with the Planning Commission. He thinks it is disingenuous to say that large lots won't sell in a neighborhood like Cornerstone. He is inclined to go with the sentiments that have been expressed.

Jim Young suggested letting the Evans come back with another proposal. **Cory Ritz** said he thinks the Council needs to act on this agenda item and then the Evans can come back with another proposal at a future point. **Dave Petersen** said the Council does need to act on the item before them tonight. He said plat amendments are a different administrative process. He said the people within the boundaries of the plat have more say than the general public. The ordinance says the City must find good cause in order to amend the plat. The one property owner technically in the plat, the Lusk's, did send a letter of protest.

Motion:

Doug Anderson made a motion that the City Council follow the recommendation of the Planning Commission and deny the item based on the following reasons:

Findings:

1. The purpose of the planning process that applicants go through is to let future buyers know what is intended in the subdivision;
2. Existing property owners bought their property because the subdivision is low density;
3. Comparisons to surrounding lot sizes was appropriate when the development was initially approved, but after most of the lots have been sold, it is not an appropriate consideration any longer;
4. Questions were also had about how the applicant may accommodate the borders of the lots to meet the requirements of 20,000 sq. ft. for the zone, and how the lots would then compare to the surrounding area.

Cory Ritz seconded the motion which was unanimously approved.

Meadows at City Park Preliminary (PUD) Master Plan and Schematic Plan

Eric Anderson said the applicant came in to do Phase I, with 9 units. The applicant originally proposed a cul-de-sac. The applicant at that time was Nicholls Nook, and eventually that application lapsed. The new applicant wanted to punch the road through to 200 West, which is a better solution for utilities, etc. However, in order to make the road work, he wants to do Phase II at the same time. It has similar elevation and landscape plans as Phase I. He is proposing to add in two units where the detention basin was. It is important to note that it is in the R-4 zone, where you can have up to 9 units per acre. He said a lot of the neighbors have been in favor of it because they realize the density could be higher, and there are high standards for the product. He said staff is supportive of this proposal.

Jim Young opened the public hearing at 7:58 p.m.

Sheridan Prince, 86 South 100 West Farmington, Utah. He said he purchased property and plans to build at the end of that road and will need to connect to the sewer line with this new development. He wonders when they will begin construction on it. **Eric Anderson** said he guesses they may start construction this fall. He asked about the total number of units, and **Eric Anderson** said there would be 23 units.

Jim Young closed the public hearing at 8:02 p.m.

Cory Ritz asked if there are 2 houses being demolished on 200 West. **Eric Anderson** said yes. **Doug Anderson** asked if the homes are historic. **Dave Petersen** said no, the Historic Commission is ok with the homes coming down.

Motion:

John Bilton made a motion that the City Council approve the enclosed Schematic Plan and Preliminary PUD Master Plan for the Meadows at City Park Phase II PUD subdivision subject to all applicable Farmington City ordinances and development standards and the following conditions:

1. The Nicholls Nook development agreement shall be amended prior to consideration of final plat and/or final PUD master plan;
2. A more detailed landscape plan shall be provided at preliminary plat or final PUD master plan, whichever comes first.

Doug Anderson seconded the motion which was unanimously approved.

Findings for Approval:

1. The subdivision and PUD master plan are extensions of Phase I and will mirror what was approved as part of that project.
2. The densities requested are much smaller than those that could be achieved in the R-4 zone if the applicant was to seek for maximum density using 4-plexes.
3. Going through the PUD process also ensures that a certain quality of development and higher design standard is achieved because it is a legislative act. Under a conventional subdivision and/or development, no oversight is given on the overall quality of design.

Cory Ritz said he voted for this reluctantly. He said he worries about the precedent being set and fears what could happen to other old blocks in Farmington.

Arlene Mason 91 South 200 West, Farmington, Utah. She said her understanding is that there are three homes being affected by this development, including hers, and asked if that is indeed the case. **Eric Anderson** said there are three homes involved, including hers, but that the City doesn't have plans for a Phase III yet.

Park Lane Commons Phase III Schematic Subdivision

Eric Anderson said Phase III of this development is owned by the Haws Company. The applicant has started site plan approvals for lot 303 for an assisted living facility. Uses for the other lots have not been determined yet. The plan shows a road shared by the Evans family and the Haws Company. The Evans family doesn't know if they want to have the road alignment to be there. So the Haws Company has had to plan for another road alignment to meet fire code requirements. Right now they have to plan for the full road on their property knowing they will have to move it if the Evans decide to develop their land. So the Haws Company needs an amended right of way as well as an access point from Station Parkway. Staff is recommending approval.

John Bilton asked for a summary on the flag lot. **Eric Anderson** said they are using HUD financing and part of that includes points of access which all have to come from the lot. They found a way for the odd shaped lot to work within the ordinance.

Jim Young opened the public hearing at 8:13 p.m.

Scott Harwood, 33 Shadow Breeze Road, Kaysville, Utah. There have been many challenges with the putting in the road. He has met with the Evans family several times but has not been able to get anywhere with them in terms of cooperation. Once someone develops the Evans property, they can adjust the landscaping, sidewalk, and road, at future expense. He said that is what needs to happen to get the project moving forward. The key thing for them is item 4, the dedication of the right of way once the Evans family develops, to contractually obligate them to put in that road. He said they will be ready and willing to put in that road when the time comes.

Brad Miles, 1126 North Dutch Fields Parkway, Midway Utah. They have several projects throughout Utah. This is a need here in Utah so that seniors don't have to move away to other communities. The agreement will allow them to work out the financing for the project. He said it will be a nice facility, and would like to see the plat approved. **Cory Ritz** asked what direction the building will face. **Brad** said it faces east, but the memory care area has a west entrance.

Jim Young closed the public hearing at 8:19 p.m.

John Bilton asked who the agreement is with in item 5. **Eric Anderson** said it is with the City. **John Bilton** said he would like it to specify "with the City". **Cory Ritz** said there is a mechanism in place to make sure there is shared responsibility for putting in the road. **Dave Millheim** said the dedication presupposes that there is a public right of way. He said items 4 and 5 are distinctly different matters. **Cory Ritz** said according to the development plan for that area, the plan doesn't want the entire road to be one side of the property. **Dave Millheim** said the only way to get that agreement for a shared road is with the cooperation of the other property owner through a future development plan. He said the issue for the City is whether there is access for the fire department around the building. The issue for the City is the dedication of the right of way. The City attorney doesn't want to see the dedication later, it needs to be on the plat. **Cory Ritz** said he is looking to make sure the City is being fair to the City, to The Haws Company, and possibly to the future property owner to the south. **Dave Millheim** said the City has attempted to counsel between THC and the Evans family, which has not resulted in cooperation. He said there needs to be a full road in place due to the nature of the use. **John Bilton** wanted to clarify that even though the conditions state "the Evans Family", they would travel with the property, which **Dave Millheim** confirmed. **John Bilton** asked what would trigger the building of the shared road. **Dave Millheim** said if the Evans develop near the road, they would have to share the cost since they would be benefitting from the road. He said that a development agreement would be appropriate in this case.

Motion:

John Bilton made a motion that the City Council approve the enclosed schematic plan for the Park Lane Commons Phase III, subject to all applicable Farmington City ordinances and development standards, and the following conditions:

1. The applicant shall provide an approved wetland delineation prior to or concurrent with Preliminary Plat approval;
2. The applicant shall rename “Remainder Parcel” to “Parcel A” on Preliminary Plat;
3. The applicant shall obtain all necessary secondary water shares from Weber Basin prior to recordation;
4. The applicant shall show a 16.5’ of public right-of-way on the south boundary of their property on the Preliminary Plat and the dedication shall take place when the Evans Family develops;
5. The applicant shall enter into an agreement with the City to dedicate said right-of-way and to ensure that future improvements and the future street will be built at that time that the Evans family develops, and that agreement shall consider: the sale of the property to a third party, assignment and assumption, and recordable interest;
6. The City Traffic Engineer shall review and provide a traffic study for the proposed development at Preliminary Plat;
7. The applicant shall provide a trail easement along those portions of his property that abut Shepard Creek;
8. Along the west side of the property, the applicant shall provide a no-build easement to delineate the block face; and an easement shall be provided for public safety and pedestrian access, as well as maintenance vehicles.

Brigham Mellor 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 the Farmington City Subdivision and Zoning Ordinances.
2. The proposed Schematic Plan creates a needed east-west connection from Station Parkway to points west, and conforms to the Regulating Plan and that plan’s stated purpose of creating connectivity throughout the Mixed Use District.
3. Parcel A will preserve wetlands, and the portions of those properties that abut Shepard Creek will be preserved as open space, and a trail easement will be provided.
4. The applicant has performed a geotech report to address soil issues.
5. The subdivision of this property will allow for Western States Assisted Living to develop, which is a good use in this location, and fills a need the City has to care for those citizens needing assistance.
6. Lots 301 and 302 will be developed as part of the Park Lane Commons project master plan, and although we do not know what uses will be proposed there yet, when those applications do come, staff will review and approve them as part of the review process set forth in the development agreement with The Haws Company.

NEW BUSINESS:

Proposed Street Cross Section Modification for Park Lane, 1100 West and Clark Lane

Dave Petersen said the staff report outlines the existing standards for mixed use areas. They are recommending modifications to the park strip and sidewalk widths. The developer is okay with these thus far.

Motion:

Doug Anderson made a motion that the City Council follow the recommendation of the Planning Commission and approve the following street cross section changes related to side treatments for Park Lane, 1100 West, and Clark Lane:

Street	Recommended Modifications	
	Park Strip	Sidewalk
Park Lane	6' to 8'	6'
Clark Lane	6' to 8'	6'
1100 West	10'	6'
Round-about Area	Sidewalk may be constructed to back of curb and widened to 8'	

Brigham Mellor seconded the motion which was unanimously approved.

SUMMARY ACTION

Minute Motion Approving Summary Action List

1. Approval of Minutes from City Council held on June 16, 2015.
2. Approval of Minutes from City Council held on June 30, 2015.
3. Interlocal Agreement with Davis County regarding the “Tour of Utah”.
4. McGreens & Sons Agreement for Construction of the 1470 South Waterline Replacement Project.
5. Kilgore Agreement to Construct the FY2016 Road Maintenance Project.

Motion:

Cory Ritz made a motion that the City Council approve the items on the Summary Action List 1-5 with the minutes from June 16 and June 30 to reflect the changes as noted in the work session.

Doug Anderson seconded the motion which was unanimously approved.

GOVERNING BODY REPORTS:

City Manager – Dave Millheim

- The Executive Summary for the Planning Commission meeting held on July 2, 2015
- Police and Fire Monthly Activity Report for May and June
- Pool Stats for May and June
- Justice Court Update
- Update to City Website and City Logo
- There is a special meeting on July 21st at 6 pm. It will be a work session format to discuss the development proposal for the Evans property. He said changes to the regulating plan made to accommodate Cabela's impact the surrounding properties, including the Evans property, and these impacts will be discussed at the meeting. **Eric Anderson** said the regulating plan was designed to have some flexibility to it. **Dave Millheim** said the groundbreaking for the gym and park will be at 4:30 pm on July 21st before the work session. He handed out the materials for the meeting on the 21st.
- He passed out a draft reimbursement agreement with the School Superintendent for the shared road costs to complete 1100 West. It will be economical for the City to have its portion of the road completed while the School District is completing their portion of the road. This agreement calls for the school to be responsible for 43% of the cost and the City 47% (about \$190k via impact fees). The School doesn't have access without this road. The School has agreed to front the cost, and the City will pay its portion in 3 installments over the next 3 years. It is a standard reimbursement agreement and in concept it has already been agreed to by the parties. This only covers 1100 West from the school to Glovers Lane, and not the portion across the County culvert. The County has not shown a willingness to pay for their portion of the road across the culvert. There will need to be a separate agreement for the County portion. **Brigham Mellor** asked who we have been talking to at the County. **Dave Millheim** said the City has been in contact with all 3 County commissioners, who haven't been supportive. **Cory Ritz** asked why the County won't follow their obligation. **Dave Millheim** said the City stopped the County from moving forward with a project, which would have decimated the tree canopy along Farmington Creek, because they didn't go through the proper permit process. He said the County is reminding the City that they stopped them from completing that project, and that they no longer have the money for it. **Dave Millheim** said this item will be on the agenda in a few weeks.

Brigham Mellor

- He toured Jerry Preston's development. He will send an email with his ideas. He said it will be about 6 weeks before it comes before the Council again.

Doug Anderson

- He will be touring Jerry Preston's property with Jim Young tomorrow as well. He never saw information from Dave Millheim regarding cancer clusters on the west side. He said the resident who initially contacted him followed up. **Dave Millheim** said he would send him the County Health Department information for the resident.

Cory Ritz

- He thought Festival Days went very well, and was flawless as far as he could tell. He said someone complained about not having coffee at the breakfast. **Dave Millheim** said they would do that next year. **Cory Ritz** commented that all the Councilmembers took some flak for not responding to an anonymous email.

John Bilton

- He said the City has received 2 emails regarding the City’s “Faith Family Freedom” banners. He said the City does not typically respond to anonymous emails. He said it is something the City can take into consideration, as well as serving coffee at the Festival Days breakfast next year.

Councilmember **Jim Young** did not have anything to report at this time.

ADJOURNMENT

Motion:

At 8:53 p.m., **John Bilton** made a motion to adjourn the meeting. **Cory Ritz** seconded the motion which was unanimously approved.


Holly Gadd, City Recorder
Farmington City Corporation