

FARMINGTON CITY COUNCIL MEETING

November 17, 2015

WORK SESSION

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

Financial Update with FY2015 unaudited balances

Keith Johnson said the purpose of his presentation was to show the Council where the City is at in terms of the City's budget. He said the City has not been audited yet, but his presentation is based on where the City is currently at. He said the City came in under budget for expenditures. **Cory Ritz** said when he saw the under budget figures, he wondered if the departments are running well or if they are trying too hard to save money. **Keith Johnson** said he thinks the departments are running well. **Dave Millheim** said he thinks the City has developed a culture of making their departments work within the budget. The General Fund balance increased by \$337,000. This was due to revenues increasing and expenditures coming in under budget. Each department came in under budget. **Mayor Talbot** asked how the opening of Cabela's will impact the City's budget. **Keith Johnson** said he anticipates about \$300,000-350,000 in revenue to the City from Cabela's. He said franchise fees and building permits were higher than expected. Sales taxes have experienced significant growth (13-14%), and direct sales growing at around 21%. He said in the future the City will discuss using some of the General Fund balance to finish the new park. He said about 1/3 of the budget goes to Fire and Safety. He cautioned staff to watch expenditures and budget increases so that the City can sustain its budget over time. He said in particular the fixed costs from employees (salary + benefits) need to be kept in check. **Doug Anderson** said he appreciates the cautionary warnings from Keith regarding the budget and expenditures.

Well Siting Study

Chad Boshell said Lance Nielson is here representing the firm the City hired to do the well siting study. **Lance** said they surveyed the entire City boundaries in order to maximize production and mitigate risk for potential future well sites. He referenced a map in the packet. They ranked each site based on production potential, water quality and whether or not it could interfere with other sources. The top recommended sites were numbers 6 and 7. The best producing well is by the Lagoon site. **Dave Millheim** said the City did not target these sites simply because there was an available empty lot, but there were numerous factors taken into consideration. **Lance** said the main issue between sites 6 and 7 is the protests. More protests will come closer to Weber Basin wells, for potentially affecting their production. The key is to minimize the potential for interference with other water rights holders. They calculated how much water could be withdrawn before it interferes with other water rights holders. Site 6 scored the best, but site 7 was still good. The City is responsible to study it up front to

maximize the potential for a successful well with minimal risk. The estimate is between \$300-450k for drilling the well sites, with additional costs for developing the sites. **Dave Millheim** said the City will spend through its water impact fee quickly. Staff will bring a bid document back to the Council soon.

Park Impact Fee

Matt Millis said we are holding the public hearing tonight- it was noticed starting on November 6th. The impact fees have been open for review to the residents and the building community. An impact fee is a one-time charge to new development used to expand or build new public facilities in order to maintain the level of service the City provides. The Impact Fee Analysis is developed in order to support the proposed impact fees. New development is not being asked to pay any more proportionately than previous development.

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, Parks and Recreation Director Neil Miller, City Recorder Holly Gadd and Recording Secretary Melanie Monson.

CALL TO ORDER:

Michael Harris and Amber Stratford were in attendance from the Youth City Council. **Mayor Talbot** expressed thanks for their contributions to the City.

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

The invocation was offered by City Manager **Dave Millheim** and the Pledge of Allegiance was led by **Carson Stewart** from Boy Scout Troop 4116.

PUBLIC HEARINGS:

Resolution Adopting the Parks and Recreation Impact Fee Facilities Plan

Chad Boshell said the facilities plan identifies the City's needs for Parks infrastructure and where the City wants to go with its programs. The City hired Matt Millis from Zion's Bank to craft a Park Impact Fee Analysis.

Matt Millis said the notice of intent to amend the impact fee was published in June. The City also noticed on November 6th regarding the public hearing for the proposed impact fees. On November 10th, the City held a Developer Informational Meeting to go above and beyond in an effort to inform the development community and receive feedback from them. He reviewed the purpose of and need for impact fees and the park impact analysis. While water impact fees can be calculated based on future needs, park impact fees are calculated

based on the current level of service that has been provided/invested by the City and current residents. Only City funded improvements were included in their careful inventory. In 2007, the recommended impact fee was \$3997, but the Council chose to adopt an impact fee of \$3000. The proposed fee calculated in 2015 is \$4049 per single family home. The analysis predicts that the City will spend \$23.6 million on future parks by the time the City reaches its maximum population, which is estimated to be by 2040 and will include 11,610 more residents. The gap between the desired future improvements and the current level of service has to be paid for with non-impact fee revenues (RAP tax revenues and General Fund revenues). Some of the improvements will be funded with General Obligation bonds. Residents who purchase newly constructed homes will pay impact fees and contribute to the RAP tax revenues. The City does not want a facility paid for with both impact fee dollars and GO Bond dollars. So tax credits will be issued to account for any overlap. Impact fees will cover about 56% of future park costs. Impact fee calculations are not an arbitrary number, but based on a very careful inventory of what it would cost to perpetuate current services. There is no inflation included in the calculation. **Dave Millheim** said that when the former Council reduced the impact fee, the City did not lower the level of services, but had to transfer money from the General Fund in order to cover the deficit. **Matt Millis** said the recommended impact fee before the Council is \$4049 for a single family home and \$3828 for a multi-family residential unit.

Mayor Jim Talbot opened the public hearing at 7:23 p.m.

Paul Ray, 5728 South 1475 East, South Ogden, Utah. He is the CEO of the Wasatch Homebuilders Association. He requested that the Council postpone their vote until their Counsel can review it. He mentioned that the City Council reduced the impact fee last time an impact fee analysis was completed and wanted time to review this calculation and recommendation.

Jerry Preston, 177 North Main Street Farmington, Utah. He sent an email to the Council. He attended the meeting on November 10th and appreciated it. He had some questions about what was included in the inventory and how the final figures were calculated. He recommended postponing the vote until they could get a better handle on the inventory and what was included and how it was calculated.

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

John Bilton said he was around in 2007 when the impact fees were reduced from the recommended fee. He said as he looked through the inventory and analysis, he felt it was thorough. He said they telegraphed to the development community that this was forthcoming for the past 5 months. He said he is surprised to hear the feedback from developers because he feels they have given it due process. He said there is a 90 day window to change the fee in the event that any new information arises that drastically changes things. He said he is comfortable with the analysis that has been completed by Zion's Bank. He said some parks have been in the works for over a decade. He said we are seeing the fulfillment of providing things that are important to residents: open space, green parks, and public facilities. He proposed moving forward to approve this item.

Brigham Mellor asked why the City decreased impact fees in the past. **Cory Ritz** said he was also involved in the decision to decrease the impact fees in 2007. He said that as a Council they felt that \$4000 was a large fee to charge compared to what had previously been charged, and they arbitrarily decided to reduce it to \$3000. **Doug Anderson** said the expectation for improvements did not change despite reducing the fee in 2007.

Motion:

John Bilton made a motion that the City Council approve the attached resolution which adopts the Parks and Recreation Impact Fee Facilities Plan.

Brigham Mellor seconded the motion which was unanimously approved.

Parks Impact Fee Analysis Ordinance

Chad Boshell said this is to review and adopt the ordinance for the fees and the analysis. Staff and Zion's Bank recommends adopting the fee of \$4049 for a single family unit, and \$3828 for a multi-family unit.

Mayor Jim Talbot opened the public hearing at 7:35 p.m.

Paul Ray, 5728 South 1475 East, South Ogden, Utah. He said an impact fee is a tax increase. He said that although the City has been discussing this for months, the developers did not have a chance to review it until the analysis was completed. He asked the Council to be careful in reviewing it because it is difficult to go back and reduce it later.

Jerry Preston, 177 North Main Street, Farmington, Utah. He asked the Council to consider that the City collects the impact fees when the developers record the subdivision. He said it is a big hit for developers to prepay it, since they have to carry the interest during the building process. He said most Cities wait to collect the impact fees at building permit.

Mayor Jim Talbot closed the public hearing at 7:38 p.m.

Mayor Talbot said he is surprised that there were only two members of the building community at the meeting they held on November 10th.

Brigham Mellor asked why the City front ends the impact fees on subdivision instead of building permit. **Dave Millheim** said the City took a conservative position and did not want to approve a subdivision and have the developers pay impact fees later; they wanted to make sure the City has collected the funds on the front end in the event a developer goes under. This matters because the property will have an impact regardless of who pays it. The developer passes the fees along to the home buyer. **Brigham Mellor** said he would be interested in changing that because it is not the building, but the subsequent occupancy that causes the impact. **Dave Millheim** said the intent behind the 90 days to change the ordinance, is to allow developers to determine if they want to apply before or after the new fees go into place. He said the Council could certainly look at considering when the fees are collected. **Cory Ritz**

said this Council and previous Councils have not been opposed to reversing decisions. He said the development community has time during that 90 days to review the analysis and if anything comes forward, the Council would consider changing their decision. He would not be opposed to a pro and con study of collecting the fees from the developer at subdivision or at building permit.

Motion:

Cory Ritz made a motion that the City Council approve the ordinance adopting the Parks and Recreation Impact Fee Analysis and the Parks and Recreation Impact Fees as described in the Analysis on development activities within Farmington City, Utah, and also directing staff to come back before the Council within 30 days with an evaluation for the timing question of, should the city change when it collects the park impact fees.

John Bilton seconded the motion which was unanimously approved.

Dave Millheim said he would appreciate written comments from the development community documenting any concerns they have about the impact fee analysis.

Russell PUD Overlay

Dave Petersen said the Planning Commission held two public hearings on this item. Both received lots of public comment. He reviewed the questions that the Planning Commission considered. He said the subject property has been vacant for about 400 days. It is not desirable as a residence. The property is unique compared to others in the vicinity. This lot is the only one that does not have a backyard, and is very shallow compared to other lots on Main Street. The property is not wide enough to put in a replacement structure. The applicant wants to preserve the house. The intent of the PUD chapter is to promote flexibility in site design for mixtures of housing types and multiple use centers, etc. The PUD overlay will travel with the property owner, and not with the property. The PUD overlay allowed more requirements than a home occupation. They plan to configure the parking such that the customers can back into a cement pad area and then pull out onto Shepard Lane without having to back into traffic. Staff recommends approval.

Tami and Taylor Russell, 846 Oakridge Drive, Farmington, Utah. They want to maintain the historic nature of the house, and are making tremendous improvements to the house and structure. Traffic will be minimal.

Mayor Jim Talbot opened the public hearing at 8:06 p.m.

Les Roberts, 1199 North Main Street. He said he lives directly south of the subject property. He said he owns both properties to the south. His house was built in 1879. As a residential property owner, he sees this zoning change as directly affecting his residence. He disagrees that it will be of benefit to the City. He said it will impact the value of his property. He is asking to be left whole. He said if the Council decides to pursue the commercialization of this property, he wants a significant privacy barrier that is agreed upon by both properties. He asked the Council to reconsider what the Planning Commission had recommended.

Mayor Jim Talbot closed the public hearing at 8:09 p.m.

John Bilton said Dave Petersen had mentioned a privacy screen to address Mr. Roberts' concerns. **Dave Petersen** said the screen would only be by the parking area. He said it would be a 6 foot hedge. The planning commission left that up to staff. **John Bilton** said he was initially concerned about the proximity of the parking area to the road. He said he became more comfortable with it after spending time there. His concern is that the privacy barrier is adequate, particularly for evening hour headlights flooding onto Mr. Roberts' property. Otherwise he said he is comfortable with this proposal. He appreciates the Planning Commission's thorough consideration of this item. **Brigham Mellor** said he understands the concerns about commercialization of that area, and said he does not particularly want to have this come up again. He initially wondered if they needed something more permanent. However he said after reviewing the Planning Commission's report, a PUD overlay is probably the better option. **Dave Petersen** said the Planning Commission was looking into protecting the corner, and a PUD is a legislative act and the regulations are much higher. **Cory Ritz** said he too was concerned about commercial creep. He appreciates the Planning Commission's work. He likes the fact that the designation runs with the property owner and not with the property. He likes that the PUD gives more impetus to the community for keeping the property as it is. He said he is comfortable with it as long as Mr. Robert's concerns about screening are met. **Mayor Talbot** asked for clarification on item 1. He asked about what would happen if the applicant wants to add another aspect to the business. He said this item is to specifically approve the outlined usage. **Dave Petersen** said they would have to come back before the Council. **Jim Young** asked if Mr. Roberts was engaged with the Planning Commission and if they addressed his concerns. **Dave Petersen** said the Planning Commission felt it was a personal decision for the applicants as to whether the put in a fence or shrubs. **Jim Young** asked Mr. Roberts what would satisfy his concerns for screening. **Mr. Roberts** said on the western side of his property, he has planted some thick evergreens, and he said a continuation of those trees through the applicant's property would provide a significant screen. **Mayor Talbot** asked if staff would consider what Mr. Roberts has recommended as a screen. **Dave Petersen** said Eric has a landscape architect background and will make sure that it looks nice.

Motion:

John Bilton made a motion that the City Council approve the PUD overlay request, and enclosed ordinance enabling only the proposed salon business as proposed by the applicant, subject to all applicable codes, development standards and ordinances as per the enclosed site plan and the following conditions 1-7, with emphasis on condition 4:

1. The PUD overlay designation shall run with the property owner and not the property, and shall terminate upon the transfer of ownership;
2. In the event the property owner demolishes the historic home or alters the home in such a way that it is no longer eligible for the national register the PUD overlay shall be terminated;
3. The street trees along Main Street and Shepard Lane, and the two large pine trees on the west side of the property, shall be preserved.
4. The applicant shall provide an opaque screen (either a fence or a vegetative buffer) the full length of the southern edge of the proposed parking lot and the walkway.

5. The property owner shall provide at least 4 parking stalls on site.
6. The applicant may provide signs on site, but shall not exceed signage as per her request, including one sign in the east gable of the home, and one sign not to exceed 4 feet in height and 3' x 6' in area in the yard. The signs may be lit, but lights must be turned off by 10:00 pm.
7. A “right turn only” sign, as approved by City staff, including the placement thereof (so as not to block site distance), shall be provided to caution vehicles leaving the parking area entering traffic.

Jim Young seconded the motion which was unanimously approved.

Findings for Approval:

- a) The home is historic and is eligible for the National Register; the applicant will be preserving and rehabilitating the home where appropriate.
- b) Open space, or common area, not less than 10% of the total area of a site is required for all PUDs. Nevertheless, in lieu of this requirement one may preserve an existing on-site historic structure as approved by the City. The applicant has agreed to do so.
- c) The proposed PUD overlay and accompanying commercial use is compatible with and will have minimal impact on the surrounding neighborhood.
- d) This location is a good place for low-impact neighborhood businesses, as it is at an intersection of two major roads (Main and Shepard).
- e) A portion of the property is designated as OPB on the General Plan, which is a commercial zone, and the proposal is consistent with the text of the General Plan.
- f) Section 11-32-104 of the Zoning Ordinance dictates that a business such as this (a “less intensive commercial business”) provide at least 1.5 parking stall per 1,000 s.f. of total area; this home is 2,000 s.f. and therefore the minimum requirement for parking is 3 stalls. The applicant is meeting this requirement.

NEW BUSINESS:

Mayor Talbot said a special meeting was held to go over the canvassing results last week. One of the questions that came up was whether a candidate could request a recount if the canvass vote was accepted. It was determined that a candidate can indeed still request a recount, but only after the canvass is approved.

Convene as the Board of Canvassers

Canvass for General Election Results

Motion:

John Bilton made a motion that the City Council approve the Farmington General Election results and sign the Board of Canvassers letter.

Brigham Mellor seconded the motion which was unanimously approved. **Jim Young** abstained.

Jim Young said he plans to file a recount request. **Dave Millheim** said the City can accept that request now that the letter has been approved. He said the recount will take place tomorrow. The recount must be certified immediately after it takes place. Staff is recommending a special meeting tomorrow at 5 pm in order to make the results public. **Cory Ritz, Jim Young,** and **John Bilton** said they can attend.

Reconvene as City Council

Street Cross Section Request for Glovers Lane and 650 West

Dave Petersen said the proposal for 650 West includes a middle turn lane and a generous shoulder for parking. Normally they require a 7' dedication on both sides. However, there are some manholes in the sidewalk as well as some water pipes. The School District is proposing that they move the sidewalk to the north, and have a very wide park strip. They are proposing to dedicate 19'. He said this could be a wise move given that there are lots of properties. They could get the whole road improved at once. If anything, the City will only have to negotiate with 2 property owners. It gives some options by shifting the whole road to the north. **Dave Millheim** said there will be major impacts on the City with the high school, and he wants to think those through and inform the School District of what needs to happen from the City's standpoint. He said staff plans to come back to discuss the matter in a work session format in about a month. He said the City does not have a cross section in its code to accommodate this. **Mayor Talbot** said getting the road improved all at once will be in the best interests of the residents and the school. **Dave Petersen** said the School District will pay for the extra 12'. The City will not pay for more than 14' either way. He mentioned the survey error in Miller Meadows Phase I, which actually helps the road to line up better. He said in the park strip, they cannot put nice canopy trees, but want to put some sizeable landscaping to make it an enjoyable venue in front of the high school.

Cory Ritz said he hopes a signal is at the top of the list for the 650 West and Glovers Lane intersection. **Dave Millheim** said he does not know if a signal is warranted at this point. He said they will be coming back before the Council with a list of items to consider. **Cory Ritz** said being a resident of that area, he thinks it is warranted. **Doug Anderson** agreed with Cory that a signal is warranted. **Doug Cromar**, 1895 Hill Street, Kaysville, Utah. He is from CRS engineers, and said the School District is not aware of the condition of paying for more of the road. He cannot say if the School District will be on board with that. **Dave Petersen** said the choice of configuration is up to the School District, but the City is only paying for 14' either way. **Dave Millheim** said this item will come back before the Council to be discussed in detail.

650 West

Brigham Mellor made a motion that the City Council approve the street cross section recommended by the Planning Commission subject to all applicable Farmington City ordinances and development standards and the following conditions:

1. The City shall not pay for the additional 3 feet of right-of-way and asphalt as a system improvement, or otherwise, resulting from the new street cross section.
2. The transition from the standard to the modified cross section shall be approved by the City Engineer.
3. The DSD shall meet all other City site plan standards on-site related to the project.

Doug Anderson seconded the motion which was unanimously approved.

Glovers Lane

Brigham Mellor made a motion that the City Council approve the Planning Commission recommendation that the DSD dedicate and widen Glover's Lane from 66 feet to 85 feet whereby the additional 19 feet of r.o.w. will occur on the north side of the street thus shifting all improvements to the north, thereby placing the sanitary sewer and storm drain manholes in the park strip on the north side. This motion is subject to all applicable Farmington City ordinances and development standards and the following conditions:

1. The City shall not pay for any additional right-of-way in excess of 14 feet as a system improvement, or otherwise, which results from the new street cross section, *including future right-of-way which may be necessary to create a park strip on the south side of the road. The area for such will be determined and subtracted from the overall system improvement area on the north side of the street [note: staff added the italicized portion of this condition].*
2. Sidewalk and street (i.e. asphalt, curb and gutter, etc.) transition from the standard to the modified cross section shall be approved by the City Engineer.
3. The DSD shall meet all other City site plan standards on-site related to the project.
4. The DSD must work with staff to provide landscaping north and south of the new north side sidewalk location that will meet the needs of the City and CDS and enhance the aesthetic appearance of the site.

Doug Anderson seconded the motion which was unanimously approved.

Findings for Approval:

1. A realignment of the side treatments on 650 West further to the east will make room for the sewer manholes to be located in the asphalt instead of the curb and gutter. Such an improvement if located in the curb and gutter results in problematic access to manholes, and impedes the drainage function thereof.
2. A slightly wider pavement cross section on 650 West adjacent to the high school site may help better accommodate turning movements and possible on-street parking.
3. Due to a survey error, the southwest corner of Miller Meadows Phase 1 is located further east than it should be, which resulted in a wider street at this location. The DSD proposal to widen the street south of this point is consistent with this error;
4. The proposal to relocate the sidewalk on the north side of Glover's Lane further to the north will make room for sanitary sewer and storm drain facilities in a much larger

park strip instead of locating these improvements in the sidewalk. Such improvements in the sidewalk result in problematic maintenance (i.e. snow removal, etc.);

5. Presently, Glover’s Lane is a 66 foot wide minor collector and must be widened as per the MTP to an 80’ major collector to handle the increased capacity necessary for the high school and other uses. A recommendation to shift the entire 80’ street cross section to the north will minimize the need to obtain more right-of-way (7’) along the south side of the existing street. This will help better make way for the possibility of providing a fully improved major collector adjacent to the High School rather than taking a long time, possibly years, to obtain said 7’.
6. The proposed widenings will not compromise the future high school site;
7. The DSD proposal will save money because sewer and storm drain may remain in place at existing locations.
8. Attempts will be made to enhance the aesthetics of the street scape.

RFP for Prosecutor (Court Update)

Dave Millheim said the City has gotten verbal agreement with Davis County that we will provide Prosecution and indigent services and will get 50% of the revenue. We were the only city not paying for prosecution services under the old agreement. He handed out the RFP for prosecution services.

Motion:

Jim Young made a motion to approve the RFP for prosecution services for Farmington City.

Doug Anderson seconded the motion which was unanimously approved.

SUMMARY ACTION

Minute Motion Approving Summary Action List

1. Surplus Police Motorcycles
2. Local Consent for Crescent Hotels & Resorts, LLC dba Hyatt Place for a Full-Service Restaurant Liquor License and On-Premise Banquet Liquor License
3. Resolution Honoring a Local Teacher
4. Approval of Minutes from City Council Meeting held November 3, 2015

Brigham Mellor said he would like to have local consent handled at the administrative level and not before the City Council. **Dave Millheim** clarified that the vote has to take place during a public meeting, but it does not have to be a public hearing.

Motion:

Doug Anderson made a motion to move item 3 to its own agenda item, and to approve items 1, 2 and 4 on the Summary Action List.

John Bilton seconded the motion which was unanimously approved.

Resolution Honoring a Local Teacher

Doug Anderson expressed appreciation for those who came to support the celebration honoring Coach Downs.

Motion:

Doug Anderson made a motion that the City Council approve the attached resolution making November 17, 2015 Coach Vance Downs Day.

Cory Ritz seconded the motion which was unanimously approved.

GOVERNING BODY REPORTS:

City Manager – Dave Millheim

1. There has been a significant amount of theft and vandalism at the new elementary school site. It may be a disgruntled former employee. The Police Department is investigating it, and the School District will be increasing security.
2. Legacy Parkway 2020 Issues: Dave Petersen suggested that the City work with neighboring cities to get the future extension of Legacy Parkway declared a scenic byway. This declaration will require higher design standards and will avoid billboards. If all the local cities along the route agree, it will go a long way toward the approval. Federal Highways give a lot of deference to the local cities. Everyone was ok with Dave Petersen working with neighboring cities on this. Part of the request will be to leave the restrictions in place.

Mayor Jim Talbot

- He reminded the Council of the Christmas party he is hosting will be on December 12th at 6:30.
- The employee Christmas party will December 17th from 1-3, and he asked all the Council members to be there.
- He contacted Dave Dixon and told him the City wants the final rendering for the roundabout in order to review it, etc.
- He expressed appreciation to the Council for all their efforts.

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

ADJOURNMENT

Motion:

At 9:05 p.m., **Michael Harris** made a motion to adjourn the meeting. **Doug Anderson** seconded the motion which was unanimously approved.



Holly Gadd, City Recorder
Farmington City Corporation